

Fifty-ninth  
Legislative Assembly  
of North Dakota

## HOUSE BILL NO. 1511

Introduced by

Representatives Weiler, Headland, Thoreson

Senators Brown, Dever, Kilzer

1 A BILL for an Act to amend and reenact sections 32-09.1-05, 32-09.1-10, and 32-09.1-14 of the  
2 North Dakota Century Code, relating to garnishment disclosure fees and default judgments.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 32-09.1-05 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **32-09.1-05. Service on office of management and budget - Fees.** Service upon the  
7 state of North Dakota, or any state institution, department, or agency ~~thereof~~, as garnishee,  
8 may be made upon the director of the office of management and budget in the manner provided  
9 by law for service in garnishment proceedings, including the fee to be tendered and paid the  
10 office of management and budget for making and filing an affidavit of disclosure in the amount  
11 of ~~ten~~ twenty-five dollars. The fee ~~shall~~ must be ~~paid into~~ deposited in the state treasury.

12 **SECTION 2. AMENDMENT.** Section 32-09.1-10 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14 **32-09.1-10. Disclosure fees.** In all garnishment proceedings, the plaintiff, when the  
15 garnishee summons is served upon the garnishee, shall tender to the garnishee the sum of ~~ten~~  
16 twenty-five dollars as the fee for making an affidavit of disclosure.

17 **SECTION 3. AMENDMENT.** Section 32-09.1-14 of the North Dakota Century Code is  
18 amended and reenacted as follows:

19 **32-09.1-14. Default.** If any garnishee who is duly summoned willfully fails to serve  
20 disclosure as required in this chapter, the court, upon proof by affidavit of the creditor, may  
21 render judgment against the garnishee for an amount not exceeding the plaintiff's judgment  
22 against the defendant or one hundred ten percent of the amount which remains unpaid,  
23 ~~whichever is the smaller, but the.~~ The creditor shall serve the garnishee with a copy of the

- 1 affidavit and a notice of intent to take default judgment. The court upon good cause shown may
- 2 remove the default and permit the garnishee to disclose on terms as may be just.