

Fifty-ninth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2273

Introduced by

Senators Nething, Espegard, Traynor

Representatives DeKrey, Delmore, Kretschmar

1 A BILL for an Act to create and enact a new section to chapter 28-21 of the North Dakota
2 Century Code, relating to limitations on bond requirements in litigation; to provide an effective
3 date; to provide for application; and to declare an emergency.

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

5 **SECTION 1.** A new section to chapter 28-21 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Limitation on bond requirements in litigation.**

- 8 1. In civil litigation under any legal theory, the supersedeas bond to be furnished to
9 stay the execution of the judgment during the entire course of appellate review
10 must be set in accordance with applicable laws or court rules, except that the total
11 supersedeas bond that is required of all appellants collectively may not exceed
12 twenty-five million dollars, regardless of the amount of the judgment.
- 13 2. Notwithstanding subsection 1, if an appellee proves by a preponderance of the
14 evidence that an appellant is dissipating assets outside the ordinary course of
15 business to avoid payment of a judgment, a court may require the appellant to post
16 a supersedeas bond in an amount up to the total amount of the judgment.

17 **SECTION 2. EFFECTIVE DATE.** This Act becomes effective immediately upon its
18 filing with the secretary of state.

19 **SECTION 3. APPLICATION OF ACT.** This Act applies to all actions pending or filed
20 on or after its effective date.

21 **SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure.