

HOUSE BILL NO. 1427

Introduced by

Representatives Weisz, DeKrey, Pollert

Senator Espegard

1 A BILL for an Act to amend and reenact section 41-09-99 of the North Dakota Century Code,
2 relating to limitations on waiver of state law protections for agricultural liens.

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

4 **SECTION 1. AMENDMENT.** Section 41-09-99 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **41-09-99. (9-602) Waiver and variance of rights and duties.** Except as otherwise
7 provided in section 41-09-119, to the extent that they give rights to a debtor or obligor and
8 impose duties on a secured party, the debtor or obligor may not waive or vary the rules stated
9 in the following listed sections:

- 10 1. Paragraph 3 of subdivision d of subsection 2 of section 41-09-17, which deals with
11 use and operation of the collateral by the secured party;
- 12 2. Section 41-09-20, which deals with requests for an accounting and requests
13 concerning a list of collateral and statement of account;
- 14 3. Section 41-09-22, which deals with perfection and priority of agricultural liens.
- 15 ~~4.~~ 4. Subsection 3 of section 41-09-104, which deals with collection and enforcement of
16 collateral;
- 17 ~~4.~~ ~~5.~~ 5. Subsection 1 of section 41-09-105 and subsection 3 of section 41-09-111 to the
18 extent that they deal with application or payment of noncash proceeds of collection,
19 enforcement, or disposition;
- 20 ~~5.~~ ~~6.~~ 6. Subsection 1 of section 41-09-105 and subsection 4 of section 41-09-111 to the
21 extent that they require accounting for or payment of surplus proceeds of collateral;
- 22 ~~6.~~ ~~7.~~ 7. Section 41-09-106 to the extent that it imposes upon a secured party that takes
23 possession of collateral without judicial process the duty to do so without breach of
24 the peace;

Fifty-ninth
Legislative Assembly

- 1 ~~7.~~ 8. Subsection 2 of section 41-09-107, section 41-09-108, and section 41-09-110,
2 which deal with disposition of collateral;
- 3 ~~8.~~ 9. Subsection 6 of section 41-09-111, which deals with calculation of a deficiency or
4 surplus when a disposition is made to the secured party, a person related to the
5 secured party, or a secondary obligor;
- 6 ~~9.~~ 10. Sections 41-09-115 through 41-09-117, which deal with acceptance of collateral in
7 satisfaction of obligation;
- 8 ~~10.~~ 11. Section 41-09-118, which deals with redemption of collateral;
- 9 ~~11.~~ 12. Section 41-09-119, which deals with permissible waivers; and
- 10 ~~12.~~ 13. Sections 41-09-120 and 41-09-121, which deal with the secured party's liability for
11 failure to comply with this chapter.