FIRST ENGROSSMENT

Fifty-ninth Legislative Assembly of North Dakota

ENGROSSED SENATE BILL NO. 2355

Introduced by

Senators Klein, Taylor

Representative Kreidt

- 1 A BILL for an Act to amend and reenact section 4-35-11 of the North Dakota Century Code,
- 2 relating to designation of the agent for service of process for a nonresident pesticide applicator
- 3 or dealer; and to provide for application.

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

- 5 **SECTION 1. AMENDMENT.** Section 4-35-11 of the North Dakota Century Code is 6 amended and reenacted as follows:
- 7 4-35-11. Nonresident application Designation of agent for service of process.
- 8 Any nonresident applying for certification as an applicator or dealer under this chapter to
- 9 operate in this state shall file a written power of attorney designating the secretary of state
- 10 North Dakota state university extension service or its designee as the agent of such
- 11 nonresident upon whom service of process may be had in the event of any suit against said
- 12 nonresident person, and the power of attorney must be so prepared and in such form as to
- 13 render effective the jurisdiction of the courts of this state over the nonresident applicant;
- 14 provided, however, that any nonresident who has a duly appointed resident agent upon whom
- 15 process may be served as provided by law is not required to designate the secretary of state
- 16 extension service as such agent. The secretary of state extension service is allowed such fees
- 17 therefor as provided by law for designating resident agents. The nonresident must be furnished
- 18 with a copy of the designation of the secretary of state extension service or of a resident agent.
- 19 The copy will be duly certified by the secretary of state extension service.
- 20 **SECTION 2. APPLICATION.** Any document filed before the effective date of this Act
- 21 designating the secretary of state as agent for service of process, including any written powers
- 22 of attorney, must be transferred to the extension service on the effective date of this Act.