

Sixtieth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2119

Introduced by

Political Subdivisions Committee

(At the request of the Abstracters' Board of Examiners)

1 A BILL for an Act to amend and reenact sections 43-01-09, 43-01-14, and 43-01-23 of the North
2 Dakota Century Code, relating to licensed abstracter records.

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

4 **SECTION 1. AMENDMENT.** Section 43-01-09 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **43-01-09. Requirements of abstracter of title - Records - Certificate of registration**
7 **bond or liability policy.** Before any person, firm, corporation, or limited liability company may
8 engage in the business of making and compiling abstracts of title to real estate within this state,
9 the person or it shall:

- 10 1. Have ~~for use and maintain~~ in such business a complete ~~set of abstract books or~~
11 ~~records of tract index and~~ all instruments of record in the office of the recorder in
12 and for the county in which the person or it is engaged in business, or shall have
13 been engaged in good faith in the preparation of such ~~books or~~ records for not less
14 than six months;
- 15 2. Obtain a certificate of authority as is required by this chapter;
- 16 3. File the bond or abstracter's liability policy required under section 43-01-11; and
- 17 4. Have in charge of such business a registered abstracter, as defined by this
18 chapter.

19 **SECTION 2. AMENDMENT.** Section 43-01-14 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **43-01-14. Certification of authority - Fee - Renewal.** A certificate of authority must
22 be issued to an applicant who successfully passes the examination of the board and complies
23 with the other provisions of this chapter, upon the payment of the registration fee fixed by the
24 board not exceeding one hundred dollars, which must be in addition to the examination fee. A

1 certificate is valid for five years after the date thereof. A certificate must be renewed by the
2 board upon application, made within thirty days prior to the expiration date, accompanied by
3 payment of a fee fixed by the board not exceeding one hundred dollars and an affidavit that the
4 applicant has ~~for use~~ and maintains in the applicant's business a complete ~~set of abstract~~
5 ~~books or records of~~ tract index and all instruments of record in the office of the recorder in and
6 for the county in which the applicant has the applicant's place of business or has been engaged
7 in good faith in the preparation of such ~~books or~~ records for not less than six months.

8 **SECTION 3. AMENDMENT.** Section 43-01-23 of the North Dakota Century Code is
9 amended and reenacted as follows:

10 **43-01-23. Temporary authority of an abstractor to act in an additional county.**

11 1. If it appears to the board that there is no abstractor authorized to engage in and
12 carry on the business of an abstractor of real estate titles in a county or that there
13 is an authorized abstractor in a county who is unable to perform the duties of an
14 abstractor due to death, disability, a disaster or emergency, or disciplinary action,
15 the board may authorize an individual or organization having a certificate of
16 authority and certificate of registration to operate in another county to operate in
17 the county having no abstractor through the issuance of a temporary certificate of
18 authority. The board may not charge an abstractor for the temporary certificate of
19 authority. The board may require additional security than provided under section
20 43-01-11. The abstractor operating under the temporary certificate of authority is
21 not required to have a complete ~~set of abstract books or records of~~ tract index and
22 all instruments of record in the office of the recorder in and for the county in which
23 the abstractor is temporarily engaged in business, nor need the abstractor have
24 been engaged in the preparation of such ~~books or~~ records. The temporary
25 certificate of authority may not exceed such time as the board has determined an
26 abstractor having a regular certificate of authority and certificate of registration is
27 able to engage in and carry on the business of an abstractor of real estate titles in
28 the county, but the abstractor holding the temporary certificate of authority may
29 complete any work already engaged. The abstractor having a temporary certificate
30 of authority may seek to operate in the county on a regular basis through
31 compliance with all statutory requirements.

- 1 2. The board may establish a fund to provide for additional expenses of an abstracter
- 2 operating under a temporary certificate of authority. The fund may be paid for by
- 3 an additional fee fixed by the board of no more than fifty dollars per year for each
- 4 certificate of registration. The fund may not exceed five thousand dollars. The
- 5 board may pay the expenses, including mileage, meals, and lodging, of an
- 6 abstracter operating under a temporary certificate of authority at the rates
- 7 established for state employees on official business.