

June 2009

TITLE 35

Liens

Summary of Bills Enacted by 2009 Legislative Assembly

This memorandum summarizes 2009 legislation primarily affecting North Dakota Century Code Title 35. Bills primarily affecting other titles may also affect this title, but those bills are not summarized in this memorandum.

House Bill No. 1175, as part of a bill that makes several changes relating to child support enforcement, modifies the child support lien law relating to a child support lien on personal property that does not consist of a vehicle, a vessel, or an account maintained in a financial institution allowing the child support agency to file the notice of lien with the third party that is in possession of the personal property.

House Bill No. 1229 creates a lien for rent, labor, and other charges and expenses reasonably incurred in the disposition of personal property that is stored under a rental agreement in a portable storage unit.

House Bill No. 1301, as part of a bill that addresses the conversion of a manufactured home from personal property to real estate, amends the law addressing security interests in manufactured homes, including distinguishing between manufactured homes that are permanently affixed to real property and those that are not.

Senate Bill No. 2250 changes the name of a "mechanic's lien" to a "construction lien" and revises provisions relating to these construction liens, including providing for a three-year statute of limitation within which the lien must be filed and allowing an owner that contests the validity of the lien to bring suit in district court.

Senate Bill No. 2404 provides a lien for oil and gas owners to secure payment for the sale of oil and gas.