

**Sixty-ninth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 7, 2025**

SENATE BILL NO. 2382
(Senators Sickler, Hogue)
(Representative Lefor)

AN ACT to create and enact a new chapter to title 28 of the North Dakota Century Code, relating to vexatious litigation; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new chapter to title 28 of the North Dakota Century Code is created and enacted as follows:

Definitions.

As used in this chapter:

1. "Litigation" means any civil or disciplinary action or proceeding, small claims action, appeal from an administrative agency, review of a referee order by the district court, or appeal to the supreme court. The term does not include criminal actions.
2. "Vexatious conduct" means conduct that:
 - a. Serves primarily to harass or maliciously injure another party in litigation;
 - b. Is not warranted under existing law and cannot be supported by a good faith argument for an extension, modification, or reversal of existing law;
 - c. Is imposed solely for delay;
 - d. Hinders the effective administration of justice;
 - e. Imposes an unacceptable burden on judicial personnel and resources; or
 - f. Impedes the normal and essential functioning of the judicial process.
3. "Vexatious litigant" means a litigant, either self-represented or represented by an attorney, who:
 - a. Has commenced, prosecuted, or maintained at least two litigations involving vexatious conduct, which were finally determined adversely to the litigant in the past seven years;
 - b. After litigation has been finally determined, relitigates or attempts to relitigate:
 - (1) The validity of the determination against the same party as to whom the litigation was finally determined; or
 - (2) The cause of action, claim, controversy, or any of the issues of fact or law, determined or concluded by the final determination against the same party as to whom the litigation was finally determined;
 - c. Repeatedly files unmeritorious motions, pleadings, or other papers, conducts unnecessary discovery, or engages in any other tactics frivolous or intended to cause unnecessary burden, expense, or delay; or

- d. Has previously been declared a vexatious litigant by any state or federal court of record in any action or proceeding.

Burden of proof - Entry of order restricting vexatious litigation.

1. If the court finds by a preponderance of the evidence an individual is a vexatious litigant, the court shall enter a prefiling order restricting the vexatious litigant from filing new litigation or filing documents within existing litigation without prior approval of the court.
2. A prefiling order must:
 - a. Impose all costs of the vexatious litigation against the filing party; and
 - b. Award the opposing party reasonable attorney fees and costs associated with responding to the vexatious litigant, including the cost of seeking the prefiling order.

Roster.

The clerk of court shall provide a copy of any prefiling orders issued under this chapter to the state court administrator and each United States district court in the state. The state court administrator shall maintain a list of vexatious litigants subject to prefiling orders. Prefiling orders in effect under supreme court rule before August 1, 2025, remain in effect.

Rules - Authority.

The supreme court shall adopt rules to implement this chapter.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-ninth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2382 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 42 Nays 2 Absent 3

President of the Senate

Secretary of the Senate

This certifies that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 72 Nays 21 Absent 1

Speaker of the House

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2025.

Approved at _____ M. on _____, 2025.

Governor

Filed in this office this _____ day of _____, 2025,
at _____ o'clock _____ M.

Secretary of State