

# CONTRACTS AND OBLIGATIONS

## CHAPTER 77

HOUSE BILL NO. 1105  
(Jacob)

### INTERPRETATION OF CONTRACTS

AN ACT to repeal section 9-07-11 of the North Dakota Century Code,  
relating to the law which governs the interpretation of  
contracts.

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

SECTION 1. REPEAL.) Section 9-07-11 of the North Dakota  
Century Code is hereby repealed.

Approved February 25, 1973

## CHAPTER 78

HOUSE BILL NO. 1509  
(Kretschmar)

## COMPARATIVE NEGLIGENCE

AN ACT to provide for the use of the doctrine of comparative negligence in civil actions; to amend and reenact section 1-01-16 of the North Dakota Century Code, relating to kinds of negligence; and to amend and reenact section 9-10-06 of the North Dakota Century Code, relating to rescinding the doctrine of contributory negligence.

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

SECTION 1. COMPARATIVE NEGLIGENCE.) Contributory negligence shall not bar recovery in an action by any person or his legal representative to recover damages for negligence resulting in death or in injury to person or property, if such negligence was not as great as the negligence of the person against whom recovery is sought, but any damages allowed shall be diminished in proportion to the amount of negligence attributable to the person recovering. The court may, and when requested by either party shall, direct the jury to find separate special verdicts determining the amount of damages and the percentage of negligence attributable to each party; and the court shall then reduce the amount of such damages in proportion to the amount of negligence attributable to the person recovering. When there are two or more persons who are jointly liable, contributions to awards shall be in proportion to the percentage of negligence attributable to each; provided, however, that each shall remain jointly and severally liable for the whole award. Upon the request of any party, this section shall be read by the court to the jury and the attorneys representing the parties may comment to the jury regarding this section.

SECTION 2. AMENDMENT.) Section 1-01-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1-01-16. DEGREES OF NEGLIGENCE.) There are three degrees of negligence mentioned in this code, namely, slight, ordinary, and gross. Each of the last two includes any lesser degree or degrees.

SECTION 3. AMENDMENT.) Section 9-10-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

## 9-10-06. WILLFUL ACTS AND NEGLIGENCE - LIABILITY.)

Everyone is responsible not only for the result of his willful acts but also for an injury occasioned to another by his want of ordinary care or skill in the management of his property or person. The extent of the liability in such cases is defined by sections 32-03-01 to 32-03-19, inclusive.

Approved March 13, 1973

## CHAPTER 79

HOUSE BILL NO. 1371  
(Jenkins, Lodoen)

## ASSIGNMENT OF ACCOUNTS RECEIVABLE

AN ACT to repeal section 9-11-09 of the North Dakota Century Code,  
relating to assignment of accounts receivable.

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

SECTION 1. REPEAL.) Section 9-11-09 of the North Dakota  
Century Code is hereby repealed.

Approved March 8, 1973