

UNIFORM COMMERCIAL CODE

CHAPTER 391

HOUSE BILL NO. 1122
(Committee on State and Federal Government)
(At the request of the Secretary of State)

LIABILITY OF FILING OFFICERS

AN ACT to amend and reenact section 41-09-46.1 of the North Dakota Century Code, relating to the liability of the filing officer in performing his responsibilities under the Uniform Commercial Code.

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

SECTION 1. AMENDMENT.) Section 41-09-46.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

41-09-46.1. FILING OFFICERS EXEMPT FROM LIABILITY.) All filing officers and their employees or agents, are hereby exempted from all personal liability as a result of any errors or omissions in the performance of any duty required by the Uniform Commercial Code, Title 41 of the North Dakota Century Code, except in cases of willful misconduct.

Approved April 8, 1975

HOUSE BILL NO. 1174
(Committee on State and Federal Government)
(At the request of the Secretary of State)

UNIFORM COMMERCIAL CODE FEES

AN ACT to amend and reenact subsection 5 of section 41-09-42, subsections 1 and 2 of section 41-09-44, section 41-09-45, and subsection 2 of section 41-09-46 of the North Dakota Century Code, relating to fees charged by the filing officer under the Uniform Commercial Code.

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

SECTION 1. AMENDMENT.) Subsection 5 of section 41-09-42 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

5. The uniform fee for filing and indexing and for stamping a copy furnished by the secured party to show the date and place of filing for an original financing statement or for a continuation statement shall be three dollars if the statement is in the standard form prescribed by the filing officer, and otherwise shall be four dollars, plus, in each case, if the financing statement is subject to subsection 5 of section 41-09-41, four dollars.

SECTION 2. AMENDMENT.) Subsections 1 and 2 of section 41-09-44 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. A financing statement may disclose an assignment of a security interest in the collateral described in the financing statement by indication in the financing statement of the name and address of the assignee or by an assignment itself of a copy thereof on the face or back of the statement. On presentation to the filing officer of such a financing statement, the filing officer shall mark the same as provided in subsection 4 of section 41-09-42. The uniform fee for filing, indexing, and furnishing filing data for a financing statement so indicating an assignment shall be three dollars, if the statement is in the standard form prescribed by the filing officer, and otherwise shall be four dollars.

2. A secured party may assign of record all or part of his rights under a financing statement by the filing in the place where the original financing statement was filed of a separate written statement of assignment signed by the secured party of record and setting forth the name of the secured party of record and the debtor, the file number and the date of filing of the financing statement and the name and address of the assignee and containing a description of the collateral assigned. A copy of the assignment is sufficient as a separate statement if it complies with the preceding sentence. On presentation to the filing officer of such a separate statement, the filing officer shall mark such separate statement with the date and hour of the filing. He shall note the assignment on the index of the financing statement, or in the case of a fixture filing, a filing covering timber to be cut, minerals, or the like (including oil and gas), or accounts subject to subsection 5 of section 41-09-03, he shall index the assignment under the name of the assignor as grantor and, to the extent that the law of this state provides for indexing the assignment of a mortgage under the name of the assignee, he shall index the assignment of the financing statement under the name of the assignee. The uniform fee for filing, indexing, and furnishing filing data about such a separate statement of assignment shall be three dollars, if the statement is in the standard form prescribed by the filing officer, and otherwise shall be four dollars. Notwithstanding the provisions of this subsection, an assignment of record of a security interest in a fixture contained in a mortgage effective as a fixture filing (subsection 7 of section 41-09-41) may be made only by an assignment of the mortgage in the manner provided by the law of this state other than this title.

SECTION 3. AMENDMENT.) Section 41-09-45 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

41-09-45. (9-406) RELEASE OF COLLATERAL - DUTIES OF FILING OFFICER - FEES.) A secured party of record may by his signed statement release all or a part of any collateral described in a filed financing statement. The statement of release is sufficient if it contains a description of the collateral being released, the name and address of the debtor, the name and address of the secured party, and the file number of the financing statement. A statement of release signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with subsection 2 of section 41-09-44, including payment of the required fee. Upon presentation of such a statement of release to the filing officer, he shall mark the statement with the hour and date of filing and shall note the same upon the margin of the index of the filing of the financing statement. The uniform fee for filing and noting

such a statement of release shall be three dollars, if the statement is in the standard form prescribed by the filing officer, and otherwise shall be four dollars.

SECTION 4. AMENDMENT.) Subsection 2 of section 41-09-46 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. Upon request of any person, the filing officer shall issue his certificate showing whether there is on file on the date and hour stated therein, any presently effective financing statement naming a particular debtor and any statement of assignment thereof and if there is, giving the date and hour of filing of each such statement and the names and addresses of each secured party therein. The uniform fee for such a certificate and the first five financing statements or statements of assignment reported therein, shall be one dollar plus one dollar for every five additional statements, or fraction thereof, reported in such certificate. Upon request the filing officer shall furnish a copy of any filed financing statement or statement of assignment for a uniform fee of one dollar for each page.

Approved March 6, 1975