

Fifty-fifth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2164**

Introduced by

Senators Wanzek, Heitkamp

Representatives Fairfield, Jacobs, Murphy

1 A BILL for an Act to amend and reenact section 24-05-04 of the North Dakota Century Code,  
2 relating to purchases and agreements for the use of road machinery.

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

4 **SECTION 1. AMENDMENT.** Section 24-05-04 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **24-05-04. Contracts to be advertised - Requirements for rental contracts.** All  
7 ~~purchases~~ Any purchase of county road machinery and ~~all any rental contracts~~ contract or  
8 ~~agreements~~ agreement for the use of road machinery and other articles or ~~contracts~~ any  
9 contract for the improvement of the highways highway improvement, except necessary repairs  
10 for ~~such~~ road machinery, which ~~exceed~~ exceeds the sum of ~~fifteen~~ fifty thousand dollars; must  
11 be advertised ~~in the manner~~ as provided by law for the purchase of county supplies. The board  
12 of county commissioners may not enter into a rental contract or agreement for the use of road  
13 machinery and other articles for a longer period than twelve months from the date of ~~such~~ the  
14 rental contract or agree to pay rental for the use of road machinery and other articles which  
15 would result in the lessor receiving rental at a rate in excess of twenty ~~per centum~~ percent per  
16 ~~annum~~ year of the cash sale price ~~thereof~~ of the road machinery or other articles, which cash  
17 sale price of ~~such~~ the road machinery and other articles must be clearly set forth in ~~all such~~ any  
18 rental ~~contracts~~ contract for road machinery and other articles, and failure to include ~~such~~ this  
19 data in any rental contract for the use of road machinery and other articles renders ~~any such~~  
20 the rental contract ~~null and~~ void, and any payments made ~~thereunder~~ under the rental contract  
21 are recoverable from the county commissioners making ~~such~~ the contract, jointly and severally.  
22 Notwithstanding the provisions of this section relating to the duration of rental contracts, the  
23 board of county commissioners may enter into lease-purchase agreements for the road  
24 machinery and articles covered by this section, if those agreements provide for the complete

- 1 performance and full payment of the purchase price of the machinery or articles within five
- 2 years from the date of the execution of the lease-purchase agreement according to the
- 3 provisions of section 44-08-01.1.