

Fifty-fifth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2259

Introduced by

Senators Traynor, Krebsbach

1 A BILL for an Act to amend and reenact section 28-26-04 of the North Dakota Century Code,
2 relating to attorney's fees in actions to collect debts or enforce obligations.

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

4 **SECTION 1. AMENDMENT.** Section 28-26-04 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **28-26-04. Attorney's fee in instrument void.** ~~Any provision contained in any note,~~
7 ~~bond, mortgage, security agreement, or other evidence of debt~~ Except for agreements between
8 credit card issuers and credit card holders governing use of credit cards, a contractual provision
9 that provides for the payment of an attorney's fee in case of default in payment or in
10 proceedings ~~had~~ to collect ~~such a~~ note, bond, or evidence of debt, or to foreclose ~~such a~~
11 mortgage or security agreement, ~~is against public policy and void~~ may allow only the payment
12 of reasonable attorney's fees. An agreement between credit card issuers and credit card
13 holders governing use of credit cards may not allow payment of attorney's fees in case of
14 default in payment of any credit card debt.