

**HOUSE BILL NO. 1379**

Introduced by

Representative Klemin

1 A BILL for an Act to amend and reenact subsection 2 of section 41-09-09, subsection 2 of  
2 section 41-09-11, and subsection 7 of section 41-09-13 of the North Dakota Century Code,  
3 relating to priority of state real estate statutes over related provisions of the Uniform  
4 Commercial Code.

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

6 **SECTION 1. AMENDMENT.** Subsection 2 of section 41-09-09 of the North Dakota  
7 Century Code is amended and reenacted as follows:

8 2. ~~The~~ Except as provided in section 47-19-41, the application of this chapter to a  
9 security interest in a secured obligation is not affected by the fact that the  
10 obligation is itself secured by a transaction or interest to which this chapter does  
11 not apply.

12 **SECTION 2. AMENDMENT.** Subsection 2 of section 41-09-11 of the North Dakota  
13 Century Code is amended and reenacted as follows:

14 2. A transaction, although subject to this chapter, is also subject to section 47-19-41  
15 and chapters 13-03.1, 35-05, 49-09, and 51-13. In the case of conflict between  
16 this chapter and any of those statutes, the provisions of those statutes control.  
17 Failure to comply with any applicable statute has only the effect that is specified  
18 therein.

19 **SECTION 3. AMENDMENT.** Subsection 7 of section 41-09-13 of the North Dakota  
20 Century Code is amended and reenacted as follows:

21 7. ~~The~~ Except as provided in section 47-19-41, the attachment of a security interest in  
22 a right to payment or performance secured by a security interest or other lien on  
23 personal or real property is also attachment of a security interest in the security  
24 interest, mortgage, or other lien.