

HOUSE BILL NO. 1213

Introduced by

Representative DeKrey

1 A BILL for an Act to amend and reenact section 28-22-03.1 of the North Dakota Century Code,
2 relating to bankruptcy exemptions.

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

4 **SECTION 1. AMENDMENT.** Section 28-22-03.1 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **28-22-03.1. Additional exemptions for residents.** In addition to the exemptions from
7 all attachment or process, levy and sale upon execution, and any other final process issued
8 from any court, otherwise provided by law, a resident of the state may select:

- 9 1. In lieu of the homestead exemption, up to seven thousand five hundred dollars.
- 10 2. A motor vehicle exemption not to exceed one thousand two hundred dollars, or a
11 motor vehicle exemption not to exceed thirty-two thousand dollars for a motor
12 vehicle that has been modified at a cost of not less than one thousand five hundred
13 dollars to accommodate an individual with a permanent physical disability who is
14 the owner of that motor vehicle.
- 15 3. Pensions; and annuity policies or plans; ~~and~~ life insurance policies that, upon the
16 death of the insured, would be payable to the spouse, children, or any relative of
17 the insured dependent, or likely to be dependent, upon the insured for support and
18 which have been in effect for a period of at least one year; individual retirement
19 accounts; Keogh plans, Roth individual retirement accounts under section 408A of
20 the Internal Revenue Code [Pub. L. 105-34; 111 Stat. 825; 26 U.S.C. 408A], and
21 simplified employee pension plans; and all other plans qualified under section 401
22 of the Internal Revenue Code [Pub. L. 83-591; 68A Stat. 134; 26 U.S.C. 401], and
23 section 408 of the Internal Revenue Code [Pub. L. 93-406; 88 Stat. 959; 26 U.S.C.
24 408], and pension or retirement plans sponsored by nonprofit corporations or

1 associations organized and operated exclusively for one or more of the purposes
2 specified in 26 U.S.C. 501(c)(3), and proceeds, surrender values, payments, and
3 withdrawals from such pensions, policies, plans, and accounts, up to one hundred
4 thousand dollars for each pension, policy, plan, and account with an aggregate
5 limitation of two hundred thousand dollars for all pensions, policies, plans, and
6 accounts. The dollar limit does not apply to the extent this property is reasonably
7 necessary for the support of the resident and that resident's dependents, except
8 that the pensions, policies, plans, and accounts or proceeds, surrender values,
9 payments, and withdrawals are not exempt from enforcement of any order to pay
10 spousal support or child support, or a qualified domestic relations order under
11 sections 15-39.1-12.2, 39-03.1-14.2, and 54-52-17.6. As used in this subsection,
12 "reasonably necessary for the support" means required to meet present and future
13 needs, as determined by the court after consideration of the resident's
14 responsibilities and all the present and anticipated property and income of the
15 resident, including that which is exempt.

- 16 4. The debtor's right to receive, or property that is traceable to:
- 17 a. A payment, not to exceed seven thousand five hundred dollars, on account of
18 the wrongful death of an individual of whom the debtor was a dependent, to
19 the extent reasonably necessary for the support of the debtor and any
20 dependent of the debtor.
 - 21 b. A payment, not to exceed seven thousand five hundred dollars, on account of
22 personal bodily injury, not including pain and suffering or compensation for
23 actual pecuniary loss, of the debtor or an individual of whom the debtor is a
24 dependent.
 - 25 c. A social security benefit, except that the benefit is not exempt for enforcement
26 of any order for the support of a dependent child.
 - 27 d. Veteran's disability pension benefits, not including military retirement pay,
28 except that the benefits are not exempt from process levy or sale for
29 enforcement of any order for the support of a dependent child.