

**HOUSE BILL NO. 1365**

Introduced by

Representatives DeKrey, Streyle, Thoreson

Senators Klein, Oehlke, Olafson

1 A BILL for an Act to amend and reenact sections 28-01-16 and 28-01-17 of the North Dakota  
2 Century Code, relating to statutes of limitations for civil actions.

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

4 **SECTION 1. AMENDMENT.** Section 28-01-16 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **28-01-16. Actions having six-year limitations.**

7 The following actions must be commenced within six years after the claim for relief has  
8 accrued:

- 9 1. An action upon a contract, obligation, or liability, express or implied, subject to the  
10 provisions of sections 28-01-15 and 41-02-104.
- 11 2. An action upon a liability created by statute, other than a penalty or forfeiture, when  
12 not otherwise expressly provided.
- 13 3. An action for trespass upon real property.
- 14 4. An action for taking, detaining, or injuring any goods or chattels, including actions for  
15 the specific recovery of personal property.
- 16 5. An action for criminal conversation ~~or for any other injury to the person or rights of~~  
17 ~~another not arising upon contract~~, when not otherwise expressly provided.
- 18 6. An action for relief on the ground of fraud in all cases both at law and in equity, the  
19 claim for relief in such case not to be deemed to have accrued until the discovery by  
20 the aggrieved party of the facts constituting the fraud.

21 **SECTION 2. AMENDMENT.** Section 28-01-17 of the North Dakota Century Code is  
22 amended and reenacted as follows:

1       **28-01-17. Actions having three-year limitations - Exceptions.**

2       The following actions must be commenced within three years after the claim for relief has  
3 accrued:

- 4       1.    An action against a sheriff or coroner upon a liability incurred by the doing of an act in  
5           the sheriff's or coroner's official capacity and by virtue of that office, or by the omission  
6           of an official duty, including the nonpayment of money collected upon an execution.  
7           However, this subsection does not apply to an action for an escape.
- 8       2.    An action upon a statute for a penalty or forfeiture, if the action is given to the party  
9           aggrieved, or to such party and the state, unless the statute imposing it prescribes a  
10          different limitation.
- 11       3.    An action for the foreclosure of a construction lien.
- 12       4.    An action for any other injury to the person or rights of another not arising upon  
13          contract, when not otherwise expressly provided.