

HOUSE BILL NO. 1130

Introduced by

Representatives Lefor, Steiner

Senator Wardner

1 A BILL ~~for an Act to create and enact section 40-18-14.1 of the North Dakota Century Code,~~
2 ~~relating to the authority of the municipal court to execute judgments; and to amend and reenact~~
3 ~~section 29-27-02 of the North Dakota Century Code, relating to judgments imposing fines or~~
4 ~~assessing costs.~~ for an Act to create and enact sections 40-18-14.1, 40-18-14.2, 40-18-14.3,
5 40-18-14.4, and 40-18-14.5 of the North Dakota Century Code, relating to the authority of the
6 municipal court to execute judgments.

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

8 ~~— **SECTION 1. AMENDMENT.** Section 29-27-02 of the North Dakota Century Code is~~
9 ~~amended and reenacted as follows:~~

10 ~~— **29-27-02. Judgment for fine or costs.**~~

11 ~~— 1. If the judgment mentioned in section 29-27-01 imposes a fine or assesses costs, and~~
12 ~~the judgment has been docketed in the judgment docket by order of the court, the~~
13 ~~judgment is enforceable by execution in the same manner as provided for a judgment~~
14 ~~for money in a civil action.~~

15 ~~— 2. If the judgment mentioned in section 29-27-01 imposes a fine or assesses costs, and~~
16 ~~the judgment is by order of the municipal court, the judgment is enforceable by~~
17 ~~execution in the same manner as provided for a judgment for money in a civil action.~~

18 ~~— **SECTION 2.** Section 40-18-14.1 of the North Dakota Century Code is created and enacted~~
19 ~~as follows:~~

20 ~~— **40-18-14.1. Judgment for fine or costs.**~~

21 ~~— Pursuant to section 29-27-02, a municipal judge may execute a judgment imposing a fine or~~
22 ~~assessing costs in the same manner as provided for a judgment for money in a civil action.~~

23 **SECTION 1.** Section 40-18-14.1 of the North Dakota Century Code is created and enacted
24 as follows:

1 **40-18-14.1. Judgment for fine or costs.**

2 If the judgment provided for in section 40-18-14 imposes a fine or assesses a cost, the
3 municipal judge may order an authenticated copy of the judgment be filed in the office of the
4 clerk of any district court of any county in the state. The clerk of district court shall treat the
5 municipal court judgment in the same manner as a civil judgment of any district court of any
6 county of the state.

7 **SECTION 2.** Section 40-18-14.2 of the North Dakota Century Code is created and enacted
8 as follows:

9 **40-18-14.2. Notice of filing.**

- 10 1. At the time of filing a judgment under section 40-18-14, the municipal court judge shall
11 order an affidavit providing the name and last known mailing address of the defendant
12 and otherwise complying with section 28-20-15 be filed.
- 13 2. Upon the filing of the judgment and affidavit as provided in section 40-18-14, the clerk
14 of district court shall mail notice of the filing of the municipal judgment to the defendant
15 at the address provided and make a note of the mailing in the docket. The notice must
16 include the name and mailing address of the municipal court. In addition, the municipal
17 judge may order notice of the filing of the judgment be mailed to the defendant and
18 proof of the filing may be filed with the clerk of district court. If proof of mailing by the
19 municipal court has been filed, a failure of the clerk of district court to mail a notice
20 may not effect the enforcement of the proceedings.
- 21 3. An execution of other process for enforcement of a municipal court judgment filed
22 under this section may not be issued until ten days after the date the judgment is filed.

23 **SECTION 3.** Section 40-18-14.3 of the North Dakota Century Code is created and enacted
24 as follows:

25 **40-18-14.3. Stay.**

26 If the defendant shows the district court of any county that an appeal from the judgment
27 provided in section 40-18-14 is pending or will be taken, the court shall stay enforcement of the
28 municipal court judgment until the appeal is concluded or the time of appeal expires.

29 **SECTION 4.** Section 40-18-14.4 of the North Dakota Century Code is created and enacted
30 as follows:

1 **40-18-14.4. Fees.**

2 The municipal judge shall order a filing fee of ten dollars to be paid to the clerk of the district
3 court.

4 **SECTION 5.** Section 40-18-14.5 of the North Dakota Century Code is created and enacted
5 as follows:

6 **40-18-14.5. Effect of filing.**

7 Upon filing of a judgment under section 40-18-14 with the district court in accordance with
8 this chapter, the judgment is enforceable only in the same manner as provided for a judgment
9 for money in a civil action.