

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1130

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact sections 40-18-14.1, 40-18-14.2, 40-18-14.3, 40-18-14.4, and 40-18-14.5 of the North Dakota Century Code, relating to the authority of the municipal court to execute judgments.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

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

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

40-18-14.2. Notice of filing.

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

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

40-18-14.3. Stay.

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

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

40-18-14.4. Fees.

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

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

40-18-14.5. Effect of filing.

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

Renumber accordingly