

January 27, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2144

Introduced by

Senators Klein, Barta, Roers

Representatives Schauer, Warrey

1 A BILL for an Act to amend and reenact subsection 2 of section 43-55-03, section 43-55-09,
2 subsection 8 of section 44-06.1-20, and sections 44-06.1-28, 47-25-04, 47-25-07, and 54-09-04
3 of the North Dakota Century Code, relating to information required in applications for
4 professional employer services licensure, confidential records maintained by the secretary of
5 state, notification provided to and fees charged by a notary public, notification provided to the
6 registrant of a trade name, and fees charged by the secretary of state; ~~to repeal sections~~
7 ~~45-11-10 and 47-25-08 of the North Dakota Century Code, relating to exempt records~~
8 ~~maintained by the secretary of state;~~ and to provide a penalty.

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

10 **SECTION 1. AMENDMENT.** Subsection 2 of section 43-55-03 of the North Dakota Century
11 Code is amended and reenacted as follows:

12 2. Each applicant for licensure shall provide the secretary of state with the following
13 information:

- 14 a. The name of the professional employer organization and any name under which
15 the professional employer organization intends to conduct business in this state.
16 b. The designation of organization of the applicant whether domestic or foreign; a
17 corporation, limited liability company, general partnership, limited partnership,
18 limited liability partnership, limited liability limited partnership, sole proprietor, or
19 any other person subject to a governing statute; and the jurisdiction of origin of
20 the organization.

- 1 c. The address of the principal place of business of the professional employer
2 organization and the address of each office it maintains in this state.
- 3 d. ~~The professional employer organization's taxpayer or employer identification-~~
4 ~~number.~~
- 5 e. The date of the end of the applicant's fiscal year.
- 6 f.e. A list of jurisdictions in which the professional employer organization has
7 operated in the preceding five years, including any alternative names, names of
8 predecessors, and, if known, successor business entities.
- 9 g-f. A statement of ownership, which must include the name and address of any
10 person that owns or controls twenty-five percent or more of the equity interests of
11 the professional employer organization.
- 12 h-g. A statement of management, which must include the name and address of any
13 individual who serves as president, chief executive officer, or otherwise has the
14 authority to act as a senior executive officer of the professional employer
15 organization.
- 16 i-h. A bond as provided under section 43-55-05.
- 17 j-i. A copy of the employer's quarterly contribution and wage report to job service
18 North Dakota for the quarter ending immediately before the date submitted to the
19 secretary of state. A professional employer organization that has not filed an
20 employer's quarterly contribution and wage report with job service North Dakota
21 shall submit a bond in the amount as provided under section 43-55-05.

22 **SECTION 2. AMENDMENT.** Section 43-55-09 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **43-55-09. Confidential records.**

- 25 1. ~~The social security number or federal tax identification number disclosed or contained~~
26 ~~in an application filed with the secretary of state under this chapter is confidential. The~~
27 ~~secretary of state shall delete or obscure any social security number or federal tax~~
28 ~~identification number before a copy of an application is released to the public.~~
- 29 2. All audited financial reports and the employers' quarterly contribution and wage report to
30 job service North Dakota are confidential except to the extent necessary for the proper
31 administration of this chapter by the secretary of state or the attorney general.

1 **SECTION 3. AMENDMENT.** Subsection 8 of section 44-06.1-20 of the North Dakota
2 Century Code is amended and reenacted as follows:

3 8. The secretary of state shall notify each notary public, in a manner as prescribed by the
4 secretary of state, at least thirty days before the expiration of the notary public's term
5 of the date ~~upon~~ which the notary public's commission will expire. ~~The notice must~~
6 ~~be addressed to the notary public at the last known place of residence.~~

7 **SECTION 4. AMENDMENT.** Section 44-06.1-28 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **44-06.1-28. Fees to be charged for notarial acts - Penalty.**

10 1. A notary public is entitled to charge and receive not more than five dollars per notarial
11 act. A notary who charges a fee exceeding that amount is guilty of an infraction. It is an
12 infraction for any person other than the notary public to impose or collect any
13 monetary fee, charge, or commission in connection with the notarization of any
14 document.

15 2. A notary may charge a travel fee when traveling to perform a notarial act if:

16 4. a. The notary and the person requesting the notarial act agree upon the travel fee in
17 advance of the travel; and

18 2. b. The notary explains to the person requesting the notarial act that the travel fee is
19 both separate from the notarial fee and neither specified nor mandated by law.

20 3. A notary may charge a technology fee when performing ~~remote notarizations~~ a notarial
21 act under section 44-06.1-13.1 or 44-06.1-18 if:

22 a. The notary ~~has~~ incurred fees for ~~use of the communication~~ using technology to
23 perform the notarial act;

24 b. The ~~fee charged to notary and~~ the person requesting the notarial act ~~does not~~
25 exceed the actual cost to the notary for use of the communication
26 technology agree upon the technology fee in advance; and

27 c. The notary explains to the person requesting the notarial act the technology fee
28 is separate from the notarial act fee.

29 **SECTION 5. AMENDMENT.** Section 47-25-04 of the North Dakota Century Code is
30 amended and reenacted as follows:

1 **47-25-04. Trade names - Registration - Fees - Renewal - Notice.**

2 1. For the registration of a trade name under this chapter, the registrant shall pay to the
3 secretary of state a fee of twenty-five dollars for an original registration, a fee of
4 twenty-five dollars for an assignment, and a fee of ten dollars for a consent to use of a
5 similar name or any other change in the original registration under this chapter. A
6 registration remains in force for a period of five years from the date of the original
7 registration and may be renewed within ninety days before its expiration date by
8 reregistering in the same manner as an original registration. The secretary of state
9 shall notify the registrant ~~by mail~~ in a manner as prescribed by the secretary of state at
10 least ninety days before the expiration of the registration.

11 2. The secretary of state may destroy all registrations or renewals one year after
12 expiration.

13 **SECTION 6. AMENDMENT.** Section 47-25-07 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **47-25-07. Cancellation.**

16 The secretary of state shall cancel from the register:

- 17 1. ~~Any~~A registration ~~concerning~~for which the secretary of state receives a voluntary
18 request for cancellation from the registrant or the assignee of record on forms
19 prescribed by the secretary of state. In the case of a registrant who is a deceased
20 individual, the request for cancellation may be made by the personal representative of
21 the registrant's estate.
- 22 2. ~~Any~~A registration ~~concerning~~for which a state district court finds any of the following:
23 a. That the registered trade name has been abandoned.
24 b. That the registrant is not the owner of the trade name.
25 c. That the registration was granted improperly.
26 d. That the registration was obtained fraudulently.
27 e. That the trade name registered is so similar to a trade name registered by
28 another person as to be likely to cause confusion or mistake or to deceive.
- 29 3. ~~Any~~A registration a district court orders canceled on any grounds.

1 4. ~~Any~~A trade name when the registrant is a corporation, limited liability company, limited
2 partnership, limited liability partnership, or limited liability limited partnership that has
3 ceased to exist for six months.

4 5. A trade name in which a misrepresentation has been made of any material matter. The
5 secretary of state may not cancel a trade name under this subsection unless the
6 secretary of state has given notice of not less than thirty days to the registrant and any
7 parties that may be misrepresented at the address or electronic address on file with
8 the secretary of state.

9 **SECTION 7. AMENDMENT.** Section 54-09-04 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **54-09-04. Fees.**

12 1. The secretary of state shall charge and collect the following fees:

13 ~~1. For a copy of any law, resolution, record, or other document or paper on file in the~~
14 ~~secretary of state's office, fifty cents per page.~~

15 ~~2. a.~~ Unless otherwise provided by law, for affixing the signature of the secretary of
16 state, certificate, or seal, or combination thereof to any document, ten dollars.

17 ~~3. For filing a certificate of appointment of attorney, five dollars.~~

18 ~~4. b.~~ For searching records and archives of the state, five dollars. For the purposes
19 of this section, a search of records conducted by the secretary of state for which a fee
20 must be collected includes the following:

21 ~~a. (1)~~ A search of a filed document that is active or archived, an archived index, or
22 an index of business name changes to identify specific information to satisfy
23 a request;

24 ~~b. (2)~~ A search of any record for which written verification of the facts of the
25 search is required; and

26 ~~e. (3)~~ For every search of records when the request for the search is contained in
27 a list compiled by the requester.

28 The secretary of state may provide, at no charge, information from
29 publications or reference materials published or maintained by the secretary
30 of state and verbal confirmation of any element of information maintained in
31 a computer database.

- 1 5. c. For filing any papertransaction not otherwise provided for, ten dollars.
- 2 6. d. For filing any process, notice, or demand for service, the fee provided in section
3 10-01.1-03.
- 4 7. e. For preparing any listing or compilation of any information recorded or filed in the
5 office of the secretary of state, forty dollars for each record type requested.
6 Unless otherwise agreed to by the secretary of state, the information must be
7 provided in an electronic format. If provided in a paper format, an additional fee of
8 fifty cents per page may be charged.
- 9 2. An individual required to file an oath of office with the secretary of state may not be
10 charged for filing the oath of office, nor may a state or county officer be charged for
11 filing any document with the secretary of state when acting in the officer's official
12 capacity. All fees when collected must be paid by the secretary of state into the state
13 treasury at the end of each month and placed to the credit of the state. Unless
14 otherwise provided by law, the secretary of state shall retain a handling charge from
15 filing fees tendered when a document submitted to the secretary of state under any
16 law is rejected and not perfected. The handling charge is five dollars or fifty percent of
17 the filing fee, whichever is greater, but may not exceed one hundred dollars.
- 18 3. If, upon due presentment, any check, draft, money order, or other form of lawful
19 payment provisionally accepted in payment of any filing fee authorized to be charged
20 and collected by the secretary of state, is not honored or paid, or if no lawful form of
21 payment accompanies the filing, any record of credit or payment must be canceled or
22 reversed as though no credit had been given or payment attempted and the filing or
23 action is void. The secretary of state may return to the last-known address of the filer
24 any record or document that was attempted to be filed or may retain as unfiled the
25 record or document for a reasonable time to permit proper payment and filing.
- 26 4. This section does not apply to fees submitted for filing in, or information obtained from,
27 the computerized central notice system, to the computerized Uniform Commercial
28 Code central filing database, or to the computerized statutory liens database.

29 ~~SECTION 8. REPEAL. Sections 45-11-10 and 47-25-08 of the North Dakota Century Code~~
30 ~~are repealed.~~