

JUDICIAL PROCEDURE, CIVIL

CHAPTER 308

HOUSE BILL NO. 1318

(Representatives Hagert, Lefor, Beltz, Headland, Klemin, Koppelman, Weisz)
(Senators Hogue, Kessel, Thomas, Weber)

AN ACT to create and enact a new section to chapter 28-01.3 of the North Dakota Century Code, relating to pesticide labeling.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 28-01.3 of the North Dakota Century Code is created and enacted as follows:

Pesticide labeling - Duty to warn - Defenses.

Notwithstanding any other provision in this title, any pesticide registered with the agriculture commissioner under chapter 4.1-33 or the United States environmental protection agency under the Federal Insecticide, Fungicide, and Rodenticide Act [61 Stat. 163; 7 U.S.C. 136 et seq.] which displays a label approved by the United States environmental protection agency in registering the pesticide, displays a label consistent with the most recent human health assessment performed under the Federal Insecticide, Fungicide, and Rodenticide Act [61 Stat. 163; 7 U.S.C. 136 et seq.], or displays a label consistent with the United States environmental protection agency carcinogenicity classification for the pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act [61 Stat. 163; 7 U.S.C. 136 et seq.] is sufficient to satisfy any requirement for warning or labeling regarding health or safety under this chapter and any other provision or doctrine of state law concerning the duty to warn or label, or any other common law duty to warn.

Approved April 23, 2025

Filed April 23, 2025

CHAPTER 309

HOUSE BILL NO. 1355

(Representatives Steiner, Bahl, McLeod, Pyle, Schauer, Toman, Kasper)
(Senators Cleary, Sickler, Weston)

AN ACT to amend and reenact subdivision b of subsection 1 of section 28-32-10 of the North Dakota Century Code, relating to the required abbreviated notice for administrative rulemaking.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subdivision b of subsection 1 of section 28-32-10 of the North Dakota Century Code is amended and reenacted as follows:

- b. The agency or commission shall request publication of an abbreviated newspaper publication notice at least once in each official county newspaper published in this state. ~~The abbreviated newspaper publication of notice, which must be:~~
 - (1) Be in a display-type format with a minimum width of one column of approximately two inches [5.08 centimeters] and a minimum depth of approximately three inches [7.62 centimeters] and with a headline describing the general topic of the proposed rules. ~~The notice must also include~~
 - (2) Include the telephone number or address to use to obtain a copy of the proposed rules, identification of the emergency status and declared effective date of any emergency rules, the address to use and the deadline to submit written comments, ~~and~~ the location, date, and time of the public hearing on the rules, and a short description of the general subject matter of the proposed rules submission. The notice also may include a quick response code providing access to the full notice or additional information related to the proposed rules at the discretion of the agency or commission.

Approved April 16, 2025

Filed April 16, 2025

CHAPTER 310

SENATE BILL NO. 2258

(Senators Beard, Klein, Paulson)
(Representative Koppelman)

AN ACT to create and enact a new section to chapter 28-32 of the North Dakota Century Code, relating to the enforcement of agency rules.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 28-32 of the North Dakota Century Code is created and enacted as follows:

Agency enforcement of rules - Disclosure of authority.

When enforcing a rule adopted under this chapter, including through an official notice, determination, order, or similar action, an agency shall specifically reference the statute or rule providing the authority upon which the agency's action is based within ten days of receiving a request for the information from the person against which the rule is being enforced.

Approved March 24, 2025

Filed March 25, 2025

CHAPTER 311

SENATE BILL NO. 2382

(Senators Sickler, Hogue)
(Representative Lefor)

AN ACT to create and enact a new chapter to title 28 of the North Dakota Century Code, relating to vexatious litigation; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new chapter to title 28 of the North Dakota Century Code is created and enacted as follows:

Definitions.

As used in this chapter:

1. "Litigation" means any civil or disciplinary action or proceeding, small claims action, appeal from an administrative agency, review of a referee order by the district court, or appeal to the supreme court. The term does not include criminal actions.
2. "Vexatious conduct" means conduct that:
 - a. Serves primarily to harass or maliciously injure another party in litigation;
 - b. Is not warranted under existing law and cannot be supported by a good faith argument for an extension, modification, or reversal of existing law;
 - c. Is imposed solely for delay;
 - d. Hinders the effective administration of justice;
 - e. Imposes an unacceptable burden on judicial personnel and resources; or
 - f. Impedes the normal and essential functioning of the judicial process.
3. "Vexatious litigant" means a litigant, either self-represented or represented by an attorney, who:
 - a. Has commenced, prosecuted, or maintained at least two litigations involving vexatious conduct, which were finally determined adversely to the litigant in the past seven years;
 - b. After litigation has been finally determined, relitigates or attempts to relitigate:
 - (1) The validity of the determination against the same party as to whom the litigation was finally determined; or

- (2) The cause of action, claim, controversy, or any of the issues of fact or law, determined or concluded by the final determination against the same party as to whom the litigation was finally determined;
- c. Repeatedly files unmeritorious motions, pleadings, or other papers, conducts unnecessary discovery, or engages in any other tactics frivolous or intended to cause unnecessary burden, expense, or delay; or
- d. Has previously been declared a vexatious litigant by any state or federal court of record in any action or proceeding.

Burden of proof - Entry of order restricting vexatious litigation.

1. If the court finds by a preponderance of the evidence an individual is a vexatious litigant, the court shall enter a prefiling order restricting the vexatious litigant from filing new litigation or filing documents within existing litigation without prior approval of the court.
2. A prefiling order must:
 - a. Impose all costs of the vexatious litigation against the filing party; and
 - b. Award the opposing party reasonable attorney fees and costs associated with responding to the vexatious litigant, including the cost of seeking the prefiling order.

Roster.

The clerk of court shall provide a copy of any prefiling orders issued under this chapter to the state court administrator and each United States district court in the state. The state court administrator shall maintain a list of vexatious litigants subject to prefiling orders. Prefiling orders in effect under supreme court rule before August 1, 2025, remain in effect.

Rules - Authority.

The supreme court shall adopt rules to implement this chapter.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure.

Approved March 28, 2025

Filed March 31, 2025