

PROPERTY

CHAPTER 421

SENATE BILL NO. 2204

(Senators Barta, Boschee, Dever)
(Representatives Conmy, Schauer)

AN ACT to create and enact a new section to chapter 47-10 of the North Dakota Century Code, relating to the required disclosure of radon hazards by a seller.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 47-10 of the North Dakota Century Code is created and enacted as follows:

Disclosure of prior radon test - Immunity from liability - Definitions.

1. As used in this section:

- a. "Buyer" means a person negotiating or offering to acquire real property for value or legal or equitable title, or the right to acquire legal or equitable title to residential real property.
- b. "Mitigation" means measures designed to permanently reduce indoor radon concentrations.
- c. "Seller" means a person that owns legal or equitable title to residential real property.
- d. "Test" or "testing" means a measurement of indoor radon concentrations according to the "National Radon Action Plan 2021-2025", published by the environmental protection agency.

2. Before executing an agreement to sell or transfer residential real property, except as otherwise provided in an offer to execute a purchase agreement, a seller shall disclose in writing to the buyer any knowledge the seller has of radon concentrations in the property. The seller or seller's agent shall provide the following disclosure statement to the buyer, and the buyer shall acknowledge its receipt by signing a copy of the disclosure statement:

RADON GAS IS A NATURALLY OCCURRING RADIOACTIVE GAS THAT, WHEN IT HAS ACCUMULATED IN A BUILDING IN SUFFICIENT QUANTITIES, MAY PRESENT HEALTH RISKS TO PERSONS WHO ARE EXPOSED TO IT OVER TIME. LEVELS OF RADON THAT EXCEED FEDERAL GUIDELINES HAVE BEEN FOUND IN BUILDINGS ON RESIDENTIAL REAL PROPERTY IN NORTH DAKOTA. ADDITIONAL INFORMATION REGARDING RADON AND RADON TESTING MAY BE OBTAINED FROM YOUR LOCAL PUBLIC HEALTH UNIT OR THE STATE DEPARTMENT OF ENVIRONMENTAL QUALITY.

3. If the seller has knowledge the property previously has undergone testing for radon gas and radon progeny, the seller shall provide a copy of test results reasonably available to or in the seller's possession and evidence of mitigation to the buyer before executing an agreement to sell or transfer the property. Any test result or evidence of mitigation furnished under this section does not constitute a promise, warranty, or representation by the seller or the seller's agent that the test results are accurate or the mitigation is effective.
4. This section does not create a contingency on the purchase of the property or any right to rescind a contract for purchase unless the contingency or right to rescind is an express term of the contract.
5. A seller or seller's agent complying with this section is not liable for any claim or action based on the presence of radon gas or radon progeny found in the residential real property subject to disclosure under this section.

Approved April 15, 2025

Filed April 17, 2025

CHAPTER 422

SENATE BILL NO. 2229

(Senators Boschee, Larson, Cory)
(Representatives Ostlie, Vetter)

AN ACT to create and enact a new section to chapter 47-10 of the North Dakota Century Code, relating to required disclosures before the sale of a condominium unit or a property subject to a homeowners' association or a condominium project.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 47-10 of the North Dakota Century Code is created and enacted as follows:

Required disclosures - Seller to provide.

1. As used in this section:
 - a. "Condominium" has the same meaning as provided under section 47-04.1-01.
 - b. "Condominium project" means a real property development or plan consisting of a condominium.
 - c. "Homeowners' association" means an organization making and enforcing rules and guidelines for a residential subdivision or planned community.
2. By a mutually agreed upon date or within ten days of executing an agreement to sell or transfer a property subject to the rules and regulations of a homeowners' association or condominium project, the seller shall disclose in writing to a prospective buyer:
 - a. A statement describing the amount of the periodic common expense assessment, maintenance fees, or other charges and any unpaid common expenses or special assessments currently due and payable from the seller;
 - b. The amount of approved special assessments;
 - c. A copy of the bylaws, amendments, supplemental declarations, rules, or regulations of the homeowners' association or condominium project, official minutes from the last two meetings of the association or condominium project, and the declaration other than the plats and plans;
 - d. The amount of reserve and capital funds available and committed to current or pending projects of the homeowners' association or condominium project;
 - e. Whether the homeowners' association or condominium project uses a reserve study;

- f. The current operating and reserve budgets and year-to-date financial statement of the homeowners' association or condominium project and of any portions of those reserves designated by the association or condominium project for any specified projects;
 - g. Any insurance documents indicating coverage provided by a homeowners' association or condominium project;
 - h. A statement of any unsatisfied judgments against the homeowners' association or the condominium project and the status of any pending lawsuits in which the association or project is a defendant, excluding routine assessment collections;
 - i. Notice of any homeowners' association or condominium project alleged and uncured violations pertaining to the home or unit;
 - j. Any fees relating to the transfer of ownership or other transactions;
 - k. A statement of the remedies available to the homeowners' association or condominium project as a result of nonpayment;
 - l. The assessment collection policy;
 - m. Notice of any homeowners' association or condominium project restrictions related to the leasing of a unit;
 - n. A list of homeowners' association or condominium project amenities; and
 - o. The contact information for the homeowners' association or condominium project or community association manager.
- 3. The documents provided under subsection 2 must include information from at least the ninety days immediately preceding the effective date of the agreement to sell or transfer a property.
- 4. A seller or seller's agent complying with this section is not liable for any claim or action based on the disclosed information under subsection 1.
- 5. The homeowners' association or condominium project, within ten days after a request by a seller, or the seller's authorized representative, shall furnish the documents required under subsection 2. The homeowners' association or condominium project may charge a reasonable fee, which must be disclosed before the final acceptance of a purchase agreement, for furnishing any homeowners' association or condominium project documents under subsection 2. If the requested documents under subsection 2 are not available, the homeowners' association or condominium project shall notify the seller of the unavailability of the documents, provided the documents are not the information requested under subdivisions a, b, d, and f of subsection 2.
- 6. A buyer is not liable for any unpaid assessment or fee greater than the amount provided in the documents prepared by the homeowners' association or condominium project. A seller is not liable to a buyer for the failure or delay of the homeowners' association or condominium project to provide the documents in a timely manner, but the purchase contract is voidable by the buyer until the documents have been provided and for five days after receipt of the documents or until conveyance, whichever occurs first.

7. If, after delivering the homeowners' association or condominium project information to the buyer or the buyer's agent and before the date of closing for the property or the date of possession of the property, whichever comes first, the seller becomes aware of any change of material fact that would affect the information, the seller must furnish a written amendment disclosing the change of material fact.

Approved March 18, 2025

Filed March 18, 2025

CHAPTER 423

HOUSE BILL NO. 1610

(Representatives Warrey, J. Johnson, Lefor, McLeod, Novak, Richter)
(Senator Lemm)

AN ACT to create and enact a new section to chapter 47-16 of the North Dakota Century Code, relating to prohibited lease provisions in a contract to lease real property.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 47-16 of the North Dakota Century Code is created and enacted as follows:

Fee for accepting check or other instrument of payment prohibited.

A landlord may not charge a tenant a fee to accept cash, a check, or a money order for the payment of rent or any other payment required by the landlord under a lease for real property.

Approved March 27, 2025

Filed March 31, 2025

CHAPTER 424

SENATE BILL NO. 2356

(Senators Meyer, Lee)
(Representatives Louser, Meier)

AN ACT to amend and reenact section 47-19-03.1 of the North Dakota Century Code, relating to the contents of a legal description for a deed and a contract for deed.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 47-19-03.1 of the North Dakota Century Code is amended and reenacted as follows:

47-19-03.1. Deeds and contracts for deeds to include name and address of drafter of legal description.

1. The recorder may not record a deed or contract for deed containing a metes and bounds legal description which affects the title to or possession of real property that otherwise may be recorded under this chapter unless the name and address of the individual who drafted the legal description contained in the deed or contract for deed appears on the instrument in a legible manner.
2. A deed or contract for deed complies with this section if it contains a statement substantially in the following form: "The legal description was prepared by _____ (name) _____ (address) or obtained from a previously recorded instrument." The recording of an instrument containing a metes and bounds legal description obtained from a previously recorded instrument of conveyance under this section may not be rejected based on section 57-02-39.
3. This section does not apply to any instrument executed before January 1, 2000, or any instrument executed or acknowledged outside the state. The validity and effect of the record of any instrument in a recorder's office may not be lessened or impaired by the fact the instrument does not contain the statement required by this section.

Approved March 19, 2025

Filed March 20, 2025

CHAPTER 425

SENATE BILL NO. 2260

(Senators Burckhard, Barta, Roers)
(Representatives Berg, Satrom)

AN ACT to amend and reenact sections 47-20.2-01, 47-20.2-02, 47-20.2-03, 47-20.2-05, and 47-20.2-06 of the North Dakota Century Code, relating to the North Dakota coordinate system zones.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 47-20.2-01 of the North Dakota Century Code is amended and reenacted as follows:

47-20.2-01. North Dakota coordinate system zones defined.

1. The systems of plane coordinates which have been established by the national oceanic and atmospheric administration national ocean survey/national geodetic survey or its successors for defining and stating the geographic positions or locations of points on the surface of the earth within this state are, ~~as of July 1, 1989,~~ to be known and designated as the North Dakota coordinate system of 1927 ~~and~~ the North Dakota coordinate system of 1983, ~~the North Dakota statewide coordinate system of 2022, and the North Dakota low-distortion coordinate system of 2022.~~ For the purpose of the use of ~~these~~ the North Dakota coordinate systems of 1927 and 1983, the state is divided into a north zone and a south zone:
4.
 - a. The area now included in the following counties constitutes the north zone: Divide, Williams, McKenzie, Mountrail, Burke, Renville, Ward, McLean, Bottineau, McHenry, Sheridan, Pierce, Rolette, Towner, Benson, Wells, Foster, Eddy, Ramsey, Cavalier, Pembina, Walsh, Nelson, Grand Forks, Griggs, Steele, Traill.
 - b. The area now included in the following counties constitutes the south zone: Dunn, Golden Valley, Slope, Bowman, Adams, Hettinger, Stark, Mercer, Oliver, Morton, Grant, Sioux, Emmons, Burleigh, Kidder, Logan, McIntosh, Stutsman, Barnes, LaMoure, Dickey, Cass, Ransom, Sargent, Richland.
2. For the purpose of the use of the North Dakota statewide coordinate system of 2022, the state is covered by one, statewide zone.
3. For the purpose of the use of the North Dakota low-distortion coordinate system of 2022, the state has been divided into sixteen, low-distortion projection zones:
 - a. Beulah zone, which includes Dunn, McLean, and Mercer counties.
 - b. Bismarck zone, which includes Burleigh, Kidder, Morton, and Oliver counties.

- c. Bottineau zone, which includes Bottineau, Cavalier, Rolette, and Towner counties.
- d. Bowman zone, which includes Adams, Bowman, Hettinger, and Slope counties.
- e. Cannon Ball zone, which includes Grant and Sioux counties.
- f. Carrington zone, which includes Eddy, Foster, Griggs, Sheridan, and Wells counties.
- g. Devils Lake zone, which includes Benson, McHenry, Nelson, Pierce, and Ramsey counties.
- h. Dickinson zone, which includes Billings, Golden Valley, and Stark counties.
- i. Fargo zone, which includes Cass, Ransom, Richland, and Sargent counties.
- j. Grand Forks zone, which includes Grand Forks, Pembina, Steele, Traill, and Walsh counties.
- k. Jamestown zone, which includes Barnes and Stutsman counties.
- l. Linton zone, which includes Emmons, Logan, and McIntosh counties.
- m. Minot zone, which includes Renville and Ward counties.
- n. New Town zone, which includes Burke and Mountrail counties.
- o. Oakes zone, which includes Dickey and LaMoure counties.
- p. Williston zone, which includes Divide, McKenzie, and Williams counties.

SECTION 2. AMENDMENT. Section 47-20.2-02 of the North Dakota Century Code is amended and reenacted as follows:

47-20.2-02. North Dakota coordinate system names defined.

1. As established for use in the north zone, the North Dakota coordinate system of 1927 or the North Dakota coordinate system of 1983 is named, and in any land description in which it is used it must be designated the North Dakota coordinate system of 1927, north zone, or the North Dakota coordinate system of 1983, north zone. As established for use in the south zone, the North Dakota coordinate system of 1927 or the North Dakota coordinate system of 1983 is named, and in any land description in which it is used it must be designated the North Dakota coordinate system of 1927, south zone, or the North Dakota coordinate system of 1983, south zone.
2. As established for use in the statewide zone, the North Dakota statewide coordinate system of 2022 is named, and in any land description in which it is used, it must be designated the North Dakota statewide coordinate system of 2022.
3. As established for use in the:

- a. Beulah zone, the North Dakota coordinate system of 2022 is named, and in any land description in which it is used, it must be designated the Beulah zone of the North Dakota coordinate system of 2022;
- b. Bismarck zone, the North Dakota coordinate system of 2022 is named, and in any land description in which it is used, it must be designated the Bismarck zone of the North Dakota coordinate system of 2022;
- c. Bottineau zone, the North Dakota coordinate system of 2022 is named, and in any land description in which it is used, it must be designated the Bottineau zone of the North Dakota coordinate system of 2022;
- d. Bowman zone, the North Dakota coordinate system of 2022 is named, and in any land description in which it is used, it must be designated the Bowman zone of the North Dakota coordinate system of 2022;
- e. Cannon Ball zone, the North Dakota coordinate system of 2022 is named, and in any land description in which it is used, it must be designated the Cannon Ball zone of the North Dakota coordinate system of 2022;
- f. Carrington zone, the North Dakota coordinate system of 2022 is named, and in any land description in which it is used it must be designated the Carrington zone of the North Dakota coordinate system of 2022;
- g. Devils Lake zone, the North Dakota coordinate system of 2022 is named, and in any land description in which it is used, it must be designated the Devils Lake zone of the North Dakota coordinate system of 2022;
- h. Dickinson zone, the North Dakota coordinate system of 2022 is named, and in any land description in which it is used, it must be designated the Dickinson zone of the North Dakota coordinate system of 2022;
- i. Fargo zone, the North Dakota coordinate system of 2022 is named, and in any land description in which it is used, it must be designated the Fargo zone of the North Dakota coordinate system of 2022;
- j. Grand Forks zone, the North Dakota coordinate system of 2022 is named, and in any land description in which it is used, it must be designated the Grand Forks zone of the North Dakota coordinate system of 2022;
- k. Jamestown zone, the North Dakota coordinate system of 2022 is named, and in any land description in which it is used, it must be designated the Jamestown zone of the North Dakota coordinate system of 2022;
- l. Linton zone, the North Dakota coordinate system of 2022 is named, and in any land description in which it is used, it must be designated the Linton zone of the North Dakota coordinate system of 2022;
- m. Minot zone, the North Dakota coordinate system of 2022 is named, and in any land description in which it is used, it must be designated the Minot zone of the North Dakota coordinate system of 2022;
- n. New Town zone, the North Dakota coordinate system of 2022 is named, and in any land description in which it is used, it must be designated the New Town zone of the North Dakota coordinate system of 2022;

- o. Oakes zone, the North Dakota coordinate system of 2022 is named, and in any land description in which it is used, it must be designated the Oakes zone of the North Dakota coordinate system of 2022; and
- p. Williston zone, the North Dakota coordinate system of 2022 is named, and in any land description in which it is used, it must be designated the Williston zone of the North Dakota coordinate system of 2022.

SECTION 3. AMENDMENT. Section 47-20.2-03 of the North Dakota Century Code is amended and reenacted as follows:

47-20.2-03. North Dakota coordinate system defined.

The plane coordinate values for a point on the earth's surface, used in expressing the geographic position or location of such point in the appropriate zone of this system, shall consist of two distances, expressed in United States survey feet [meters] and decimals of a foot [meter] when using the North Dakota coordinate system of 1927. One of these distances, to be known as the X-coordinate, shall give the position in an east-west direction; the other, to be known as the Y-coordinate, shall give the position in a north-south direction. These coordinates shall be made to depend upon and conform to plane rectangular coordinate values for the monumented points of the North American horizontal geodetic control network as published by the national ocean survey/national geodetic survey, or its successors, and the plane coordinates which have been computed on the systems defined in this chapter. Any such station may be used for establishing a survey connection to either North Dakota coordinate system. For the purposes of converting coordinates of the North Dakota coordinate systems of 1983 and 2022 from meters to feet, the international survey foot must be used. The conversion factor is: one foot equals 0.3048 meter exactly.

SECTION 4. AMENDMENT. Section 47-20.2-05 of the North Dakota Century Code is amended and reenacted as follows:

47-20.2-05. North Dakota coordinate system origins defined.

1. For the purposes of more precisely defining the North Dakota coordinate system of 1927, the following definitions by the United States coast and geodetic survey are adopted:
 - a. The North Dakota coordinate system of 1927, north zone, is a Lambert conformal conic projection of the Clarke spheroid of 1866, having standard parallels at north latitudes forty-seven degrees twenty-six minutes and forty-eight degrees forty-four minutes along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian one hundred degrees thirty minutes west of Greenwich and the parallel forty-seven degrees zero minutes north latitude. This origin is given the coordinates: $x = 2,000,000$ feet [609.6 kilometers], and $y = 0$ feet [0 kilometers].
 - b. The North Dakota coordinate system of 1927, south zone, is a Lambert conformal conic projection of the Clarke spheroid of 1866, having standard parallels at north latitudes forty-six degrees eleven minutes and forty-seven degrees twenty-nine minutes along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian one hundred degrees thirty minutes west of Greenwich and the parallel forty-five degrees forty minutes north latitude. This origin is given the coordinates: $x = 2,000,000$ feet [609.6 kilometers], and $y = 0$ feet [0 kilometers].

2. For the purposes of more precisely defining the North Dakota coordinate system of 1983, the following definition by the national ocean survey/national geodetic survey is adopted:
 - a. The North Dakota coordinate system of 1983, north zone, is a Lambert conformal conic projection of the North American datum of 1983, having standard parallels at north latitude of forty-seven degrees twenty-six minutes and forty-eight degrees forty-four minutes along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian one hundred degrees thirty minutes west of Greenwich and the parallel forty-seven degrees zero minutes north latitude. This origin is given the coordinates: $x = 600,000.0000$ meters, and $y = 00.0000$ meters.
 - b. The North Dakota coordinate system of 1983, south zone, is a Lambert conformal conic projection of the North American datum of 1983, having standard parallels at north latitude of forty-six degrees eleven minutes and forty-seven degrees twenty-nine minutes along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian one hundred degrees thirty minutes west of Greenwich and the parallel forty-five degrees forty minutes north latitude. This origin is given the coordinates: $x = 600,000.0000$ meters, and $y = 00.0000$ meters.
3. For the purposes of more precisely defining the statewide zone of the North Dakota coordinate system of 2022, the definition by the national ocean survey or national geodetic survey is the North Dakota coordinate system of 2022, statewide zone, a Lambert conformal conic projection of the North American Terrestrial Reference Frame of 2022. The origin of coordinates is at the intersection of the meridian one hundred degrees fifteen minutes west of Greenwich and the parallel forty-seven degrees thirty minutes north latitude. This origin is given the coordinates: $x = 838,200.0000$ meters, and $y = 342,900.0000$ meters.
4. For the purposes of more precisely defining the low-distortion projections as described under subsection 3 of section 47-20.2-01, the following definition by the national ocean survey or national geodetic survey is adopted:
 - a. The North Dakota coordinate system of 2022, Beulah zone, is a Lambert conformal conic projection of the North American Terrestrial Reference Frame of 2022, the origin of coordinates is at the intersection of the meridian one hundred one degrees fifty-one minutes west of Greenwich and the parallel forty-seven degrees twenty-seven minutes north latitude. This origin is given the coordinates: $x = 2,286,000.0000$ meters, and $y = 152,400.0000$ meters;
 - b. The North Dakota coordinate system of 2022, Bismarck zone, is a Lambert conformal conic projection of the North American Terrestrial Reference Frame of 2022, the origin of coordinates is at the intersection of the meridian one hundred degrees forty-five minutes west of Greenwich and the parallel forty-six degrees forty-eight minutes north latitude. This origin is given the coordinates: $x = 3,200,400.0000$ meters, and $y = 114,300.0000$ meters;
 - c. The North Dakota coordinate system of 2022, Bottineau zone, is a Lambert conformal conic projection of the North American Terrestrial Reference Frame of 2022, the origin of coordinates is at the intersection of

the meridian ninety-nine degrees forty-two minutes west of Greenwich and the parallel forty-eight degrees thirty-six minutes north latitude. This origin is given the coordinates: $x = 1,371,600.0000$ meters, and $y = 152,400.0000$ meters;

- d. The North Dakota coordinate system of 2022, Bowman zone, is a Lambert conformal conic projection of the North American Terrestrial Reference Frame of 2022, the origin of coordinates is at the intersection of the meridian one-hundred three degrees west of Greenwich and the parallel forty-six degrees eighteen minutes north latitude. This origin is given the coordinates: $x = 3,810,000.0000$ meters, and $y = 114,300.0000$ meters;
- e. The North Dakota coordinate system of 2022, Cannon Ball zone, is a Lambert conformal conic projection of the North American Terrestrial Reference Frame of 2022, the origin of coordinates is at the intersection of the meridian one-hundred one degrees eighteen minutes west of Greenwich and the parallel forty-six degrees eighteen minutes north latitude. This origin is given the coordinates: $x = 4,114,800.0000$ meters, and $y = 114,300.0000$ meters;
- f. The North Dakota coordinate system of 2022, Carrington zone, is a Lambert conformal conic projection of the North American Terrestrial Reference Frame of 2022, the origin of coordinates is at the intersection of the meridian ninety-nine degrees eighteen minutes west of Greenwich and the parallel forty-seven degrees thirty-three minutes north latitude. This origin is given the coordinates: $x = 2,590,800.0000$ meters, and $y = 152,400.0000$ meters;
- g. The North Dakota coordinate system of 2022, Devils Lake zone, is a Lambert conformal conic projection of the North American Terrestrial Reference Frame of 2022, the origin of coordinates is at the intersection of the meridian ninety-nine degrees twenty-seven minutes west of Greenwich and the parallel forty-eight degrees nine minutes north latitude. This origin is given the coordinates: $x = 1,676,400.0000$ meters, and $y = 152,400.0000$ meters;
- h. The North Dakota coordinate system of 2022, Dickinson zone, is a Lambert conformal conic projection of the North American Terrestrial Reference Frame of 2022, the origin of coordinates is at the intersection of the meridian one hundred three degrees three minutes west of Greenwich and the parallel forty-seven degrees north latitude. This origin is given the coordinates: $x = 2,895,600.0000$ meters, and $y = 114,300.0000$ meters;
- i. The North Dakota coordinate system of 2022, Fargo zone, is a transverse mercator projection of the North American Terrestrial Reference Frame of 2022, the origin of coordinates is at the intersection of the meridian ninety-seven degrees twelve minutes west of Greenwich and the parallel forty-five degrees forty-five minutes north latitude. This origin is given the coordinates: $x = 4,991,100.0000$ meters, and $y = 00.0000$ meters;
- j. The North Dakota coordinate system of 2022, Grand Forks zone, is a transverse mercator projection of the North American Terrestrial Reference Frame of 2022, the origin of coordinates is at the intersection of the meridian ninety-seven degrees twenty-four minutes west of Greenwich and the parallel forty-six degrees thirty minutes north latitude. This origin is given the coordinates: $x = 1,981,200.0000$ meters, and $y = 00.0000$ meters;

- k. The North Dakota coordinate system of 2022, Jamestown zone, is a Lambert conformal conic projection of the North American Terrestrial Reference Frame of 2022, the origin of coordinates is at the intersection of the meridian ninety-eight degrees thirty-six minutes west of Greenwich and the parallel forty-six degrees fifty-seven minutes north latitude. This origin is given the coordinates: $x = 3,505,200.0000$ meters, and $y = 114,300.0000$ meters;
- l. The North Dakota coordinate system of 2022, Linton zone, is a Lambert conformal conic projection of the North American Terrestrial Reference Frame of 2022, the origin of coordinates is at the intersection of the meridian ninety-nine degrees fifty-one minutes west of Greenwich and the parallel forty-six degrees eighteen minutes north latitude. This origin is given the coordinates: $x = 4,381,500.0000$ meters, and $y = 114,300.0000$ meters;
- m. The North Dakota coordinate system of 2022, Minot zone, is a transverse mercator projection of the North American Terrestrial Reference Frame of 2022, the origin of coordinates is at the intersection of the meridian one hundred one degrees twenty-seven minutes west of Greenwich and the parallel forty-six degrees thirty minutes north latitude. This origin is given the coordinates: $x = 1,104,900.0000$ meters, and $y = 00.0000$ meters;
- n. The North Dakota coordinate system of 2022, New Town zone, is a transverse mercator projection of the North American Terrestrial Reference Frame of 2022, the origin of coordinates is at the intersection of the meridian one hundred two degrees twenty-seven minutes west of Greenwich and the parallel forty-six degrees thirty minutes north latitude. This origin is given the coordinates: $x = 762,000.0000$ meters, and $y = 00.0000$ meters;
- o. The North Dakota coordinate system of 2022, Oakes zone, is a transverse mercator projection of the North American Terrestrial Reference Frame of 2022, the origin of coordinates is at the intersection of the meridian ninety-eight degrees eighteen minutes west of Greenwich and the parallel forty-five degrees forty-five minutes north latitude. This origin is given the coordinates: $x = 4,686,300.0000$ meters, and $y = 00.0000$ meters; and
- p. The North Dakota coordinate system of 2022, Williston zone, is a transverse mercator projection of the North American Terrestrial Reference Frame of 2022, the origin of coordinates is at the intersection of the meridian one hundred three degrees twenty-seven minutes west of Greenwich and the parallel forty-six degrees thirty minutes north latitude. This origin is given the coordinates: $x = 457,200.0000$ meters, and $y = 00.0000$ meters.

SECTION 5. AMENDMENT. Section 47-20.2-06 of the North Dakota Century Code is amended and reenacted as follows:

47-20.2-06. North Dakota coordinate system - Use of term.

The use of the North Dakota coordinate system of 1927 north zone or south zone, ~~or the North Dakota coordinate system of 1983 north zone or south zone, the North Dakota statewide coordinate system of 2022, or the North Dakota low-distortion coordinate system of 2022~~ on any map, report of survey, or other document must be limited to coordinates based on the North Dakota coordinate systems as defined in

this chapter. The map, report, or document must include a statement describing the standard of accuracy, as defined by the national ocean survey/national geodetic survey, maintained in developing the coordinates shown therein. The coordinates must be established in conformity with these standards:

1. No coordinates based on the North Dakota coordinate system, purporting to define the position of a point on a land boundary, may be presented to be recorded in any public records or deed records unless the point is connected to ~~a triangulation or traverse station~~the national spatial reference system and established in conformity with the standards prescribed in this chapter.
2. Coordinate values used in land descriptions under this section must be certified by a duly registered professional land surveyor under the laws of this state.

Approved March 24, 2025

Filed March 25, 2025

CHAPTER 426

HOUSE BILL NO. 1149

(Representative Klemin)
(Senator Hogue)

AN ACT to amend and reenact sections 47-30.2-04, 47-30.2-24, 47-30.2-32, 47-30.2-39, 47-30.2-50, 47-30.2-52, 47-30.2-55, and 47-30.2-63 of the North Dakota Century Code, relating to the revised uniform unclaimed property act; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 47-30.2-04 of the North Dakota Century Code is amended and reenacted as follows:

47-30.2-04. (201) When property presumed abandoned.

Subject to section 47-30.2-12, the following property is presumed abandoned if it is unclaimed by the apparent owner during the period specified below:

1. Except as provided in this section, checks held, issued, or owing in the ordinary course of the holder's business which remain uncashed by the owner two years after becoming payable;
2. A traveler's check, fifteen years after issuance;
3. A money order, seven years after issuance;
4. A state or municipal bond, bearer bond, or original-issue-discount bond, three years after the earliest of the date:
 - a. The bond matures;
 - b. The bond is called; or
 - c. The obligation to pay the principal of the bond arises;
5. A debt of a business association, three years after the obligation to pay arises;
6. A payroll card or a demand, savings, or time deposit, including a time deposit that is automatically renewable, five years after the date of maturity of the time deposit or the date of the last indication of interest in the property by the apparent owner, whichever is earlier, provided a time deposit that is automatically renewable is deemed matured on its initial date of maturity unless the apparent owner has consented in a record on file with the holder to renewal at or about the time of the renewal. If an apparent owner has another established account with the financial institution and has demonstrated interest in any account under section 47-30.2-12, then all accounts must be considered active;
7. A cashier's check or certified check, two years after issuance;

8. Money or a credit owed to a customer as a result of a retail business transaction, other than in-store credit for returned merchandise, three years after the obligation arose;
9. An amount owed by an insurance company on a life or endowment insurance policy or an annuity contract that has matured or terminated, three years after the obligation to pay arose under the terms of the policy or contract or, if a policy or contract for which an amount is owed on proof of death has not matured by proof of the death of the insured or annuitant, as follows:
 - a. With respect to an amount owed on a life or endowment insurance policy, three years after the earlier of the date:
 - (1) The insurance company has knowledge of the death of the insured; or
 - (2) The insured has attained, or would have attained if living, the limiting age under the mortality table on which the reserve for the policy is based; and
 - b. With respect to an amount owed on an annuity contract, three years after the date the insurance company has knowledge of the death of the annuitant.
10. Property distributable by a business association in the course of dissolution, one year after the property becomes distributable;
11. Property held by a court, including property received as proceeds of a class action, three years after the property becomes distributable;
12. Property held by a government or political subdivision, agency, or instrumentality, including municipal bond interest and unredeemed principal under the administration of a paying agent or indenture trustee, three years after the property becomes distributable;
13. Wages, commissions, bonuses, or reimbursements to which an employee is entitled, or other compensation for personal services, one year after the amount becomes payable;
14. A deposit or refund owed to a subscriber by a utility, one year after the deposit or refund becomes payable;
15. A security deposit, including interest on the security deposit, made in advance by a person to secure an agreement for rights of services, less any lawsuit deductions, which remains unclaimed by the owner for more than one year after termination of the agreement for which the deposit or advance payment was made;
16. A sum payable as mineral proceeds which has remained unclaimed by the owner for more than three years after it became payable or distributable and the owner's underlying right to receive those mineral proceeds are deemed abandoned. At the time an owner's underlying right to receive mineral proceeds is deemed abandoned, any mineral proceeds then owing to the owner and any proceeds accruing after that time are deemed abandoned; ~~and~~

17. Virtual currency, three years after the apparent owner's last indication of interest in the property;
18. Excess proceeds from the sale of abandoned vehicles under chapter 23.1-15, the time prescribed by section 23.1-15-07;
19. Excess proceeds from the sale of public or private property under chapter 57-28, the time prescribed by section 57-28-20; and
20. Property not specified in this section or sections 47-30.2-05 through 47-30.2-10, the earlier of three years after the owner first has a right to demand the property or the obligation to pay or distribute the property arises.

SECTION 2. AMENDMENT. Section 47-30.2-24 of the North Dakota Century Code is amended and reenacted as follows:

47-30.2-24. (404) Retention of records by holder.

1. A holder required to file a report under section 47-30.2-21 shall retain records for ten years after the later of the date the report was filed or the last date a timely report was due to be filed, unless a shorter period is provided by rule of the commissioner.
2. Upon receipt of a notice for an examination or notice of authorization to participate in the voluntary disclosure program under section 47-30.2-55, a holder shall retain, until the conclusion of the examination or any related appeal or litigation, or the conclusion of authorized voluntary disclosure in each instance, all relevant records dating back ten years from the commencement of the examination, plus the applicable dormancy period under section 47-30.2-04, before the date of the administrator's delivery of a notice of an examination to a holder under this chapter.
3. The holder may satisfy the requirement to retain records under this section through an agent.
4. The records must contain:
 - a. The verifiable information required to be included in the report;
 - b. The date, place, and nature of the circumstances that gave rise to the property right;
 - c. The amount or value of the property;
 - d. The last address of the apparent owner, if known to the holder;
 - e. If the holder sells, issues, or provides to others for sale or issue in this state traveler's checks, money orders, or similar instruments, other than third-party bank checks, on which the holder is directly liable, a record of the instruments while they remain outstanding indicating the state and date of issue; and
 - f. Records of items that were not reported as unclaimed sufficient to determine whether the holder has complied with this chapter.

SECTION 3. AMENDMENT. Section 47-30.2-32 of the North Dakota Century Code is amended and reenacted as follows:

47-30.2-32. (603) Payment or delivery of property to administrator.

1. Except as otherwise provided in this section, on filing a report under section 47-30.2-21, the holder shall pay or deliver to the administrator the property described in the report.
2. If property in a report under section 47-30.2-21 is an automatically renewable deposit and a penalty or forfeiture in the payment of interest would result from paying the deposit to the administrator at the time of the report, the date for payment of the property to the administrator is extended until a penalty or forfeiture no longer would result from payment, if the holder informs the administrator of the extended date.
3. If property reported to the administrator under section 47-30.2-21 is a security, the administrator may:
 - a. Make an endorsement, instruction, or entitlement order on behalf of the apparent owner to invoke the duty of the issuer, the transfer agent of the issuer, or the securities intermediary to transfer the security; or
 - b. Dispose of the security under section 47-30.2-41.
4. If the holder of property reported to the administrator under section 47-30.2-21 is the issuer of a certificated security, the administrator may obtain a replacement certificate in physical or book-entry form under section 41-08-38. An indemnity bond is not required.
5. The administrator shall establish procedures for the registration, issuance, method of delivery, transfer, and maintenance of securities delivered to the administrator by a holder.
6. An issuer, holder, or transfer agent acting under this section under instructions of and on behalf of the issuer or holder is not liable to the apparent owner for, and shall be indemnified by the state against, a claim arising with respect to property after the property has been delivered in good faith to the administrator.
7. A holder is not required to deliver to the administrator a security identified by the holder as a non-freely transferable security. If the administrator or holder determines that a security is no longer a non-freely transferable security, the holder shall deliver the security on the next regular date prescribed for delivery of securities under this chapter. The holder shall make a determination annually whether a security identified in a report filed under section 47-30.2-21 as a non-freely transferable security is no longer a non-freely transferable security.
8. If property reported to the administrator is virtual currency, the holder shall liquidate the virtual currency and remit the proceeds to the administrator. The liquidation must occur anytime within thirty days before the filing of the report under section 47-30.2-21. The owner may not have recourse against the holder or the administrator to recover any gain in value occurring after the liquidation of the virtual currency under this subsection.

SECTION 4. AMENDMENT. Section 47-30.2-39 of the North Dakota Century Code is amended and reenacted as follows:

47-30.2-39. (610) Periods of limitation and repose.

1. Expiration before, on, or after July 1, 2021, of a period of limitation on an owner's right to receive or recover property, whether specified by contract, statute, or court order, does not prevent the property from being presumed abandoned or affect the duty of a holder under this chapter to file a report or pay or deliver property to the administrator.
2. The administrator may not commence an action or proceeding to enforce this chapter with respect to the reporting, payment, or delivery of property more than seven years after the holder filed a nonfraudulent report under section 47-30.2-21 with the administrator. The parties may agree in a record to extend the limitation in this subsection.
3. The administrator may not commence an action, proceeding, or examination with respect to a duty of a holder under this chapter more than ten years after the duty arose.
4. The periods of limitation established by this section are tolled by the earlier of the administrator's delivery of a notice that a holder is subject to an examination or the delivery of notice of authorization to voluntarily disclose property subject to this chapter under section 47-30.2-55.

SECTION 5. AMENDMENT. Section 47-30.2-50 of the North Dakota Century Code is amended and reenacted as follows:

47-30.2-50. (903) Claim for property by person claiming to be owner.

1. A person claiming to be the owner of property held under this chapter by the administrator may file a claim for the property and the claim must be on a form prescribed by the administrator. The claimant shall verify the claim as to the claim's completeness and accuracy.
2. The administrator may waive the requirement in subsection 1 and may pay or deliver property directly to a person if:
 - a. The person receiving the property or payment is shown to be the apparent owner included on a report filed under section 47-30.2-21; and
 - b. The administrator reasonably believes the person is entitled to receive the property or payment; ~~and~~
 - c. ~~The property has a value as provided by rules adopted by the commissioner.~~

SECTION 6. AMENDMENT. Section 47-30.2-52 of the North Dakota Century Code is amended and reenacted as follows:

47-30.2-52. (905) Allowance of claim for property.

1. Not later than sixty days after a claim is allowed under subsection 2 of section 47-30.2-51, the administrator shall pay or deliver to the owner the property or pay to the owner the net proceeds of a sale of the property, together with

income or gain to which the owner is entitled under section 47-30.2-36. On request of the owner, the administrator may sell or liquidate a security and pay the net proceeds to the owner, even if the security had been held by the administrator for fewer than three years or the administrator has not complied with the notice requirements under section 47-30.2-41.

2. Property held under this chapter by the administrator is subject to a claim for the payment of an enforceable debt the owner owes in this state for:
 - a. Child support arrearages, including child support collection costs and child support arrearages that are combined with maintenance;
 - b. A civil or criminal fine or penalty, court costs, a surcharge, or restitution imposed by a final order of an administrative agency or a final court judgment; ~~or~~
 - c. State or local taxes, penalties, and interest that have been determined to be delinquent or as to which notice has been recorded with the state or local taxing authority; or
 - d. A civil monetary judgment for which an execution order has been issued by a state court of competent jurisdiction.
3. The state and local agencies may make periodic inquiries to the administrator to determine whether an apparent owner included in the unclaimed property records of this state has enforceable debts described in subsection 2. The administrator first shall apply the property or net proceeds of a sale of property held by the administrator to a debt under subsection 2 of an apparent owner which appears in the records of the administrator and deliver the amount to the appropriate state or local agency.

SECTION 7. AMENDMENT. Section 47-30.2-55 of the North Dakota Century Code is amended and reenacted as follows:

47-30.2-55. (1002) Examination of records to determine compliance.

The administrator, at reasonable times and on reasonable notice, may:

1. Examine the records of a person, including examination of appropriate records in the possession of an agent of the person under examination, if the records are reasonably necessary to determine whether the person has complied with this chapter;
2. Issue an administrative subpoena requiring the person or agent of the person to make records available for examination; ~~and~~
3. Bring an action seeking judicial enforcement of the subpoena; and
4. Authorize a holder to voluntarily disclose property subject to this chapter.

SECTION 8. AMENDMENT. Section 47-30.2-63 of the North Dakota Century Code is amended and reenacted as follows:

47-30.2-63. (1202) Interstate and international agreement - Cooperation.

1. ~~Subject to subsection 2, the~~The administrator may:

- a. Exchange information with another state or foreign country relating to property presumed abandoned or relating to the possible existence of property presumed abandoned; and
 - b. Authorize in a record another state or foreign country or a person acting on behalf of the other state or country to examine its records of a putative holder as provided in sections 47-30.2-54, 47-30.2-55, 47-30.2-56, 47-30.2-57, 47-30.2-58, 47-30.2-59, 47-30.2-60, 47-30.2-61, and 47-30.2-62.
2. An exchange or examination with a foreign country under subsection 1 may be done only if the ~~state or~~ foreign country has confidentiality and security requirements substantially equivalent to those in sections 47-30.2-71, 47-30.2-72, and 47-30.2-73 or agrees in a record to be bound by this state's confidentiality and security requirements.

SECTION 9. EMERGENCY. This Act is declared to be an emergency measure.

Approved March 27, 2025

Filed March 31, 2025

CHAPTER 427

SENATE BILL NO. 2238

(Senators Braunberger, Barta, Cory)
(Representatives Foss, Schneider)

AN ACT to create and enact a new section to chapter 47-32 of the North Dakota Century Code, relating to sealing of eviction records.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 47-32 of the North Dakota Century Code is created and enacted as follows:

Sealing of records - Nonpayment of rent - Damage to property - Victim of domestic violence.

1. A person subject to a court order for eviction for nonpayment of rent or damage to the leased premises, who has resolved all nonpayment of rent and damage claims, may move to have all court records relating to the eviction proceedings sealed seven years after the order for eviction has been satisfied, provided the person has not been evicted from another property during the seven years following the eviction.
2. An individual who was subjected to domestic violence as defined under section 14-07.1-01 at the time of the victim's tenancy and was evicted from that tenancy because of a domestic violence incident may move to have all court records relating to the eviction proceedings sealed upon the conviction of the assailant for domestic violence or the issuance of a disorderly conduct restraining order, sexual assault restraining order, or domestic violence protection order against the assailant.

Approved March 25, 2025

Filed March 26, 2025