

# LIENS

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## CHAPTER 331

SENATE BILL NO. 2117  
(Stroup)

### SECURITY INTEREST IN MOTOR VEHICLE

AN ACT to amend and reenact section 35-01-05.1 of the North Dakota Century Code, relating to security interests in motor vehicles and to define "motor vehicle" for purposes of security interests.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 35-01-05.1 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

35-01-05.1. WHEN SECURITY INTEREST IN MOTOR VEHICLE VALID.) No security interest in a motor vehicle which is not inventory held for sale shall be valid as against subsequent purchasers and encumbrances of the property in good faith and for value unless the security interest is clearly indicated upon the certificate of title to the motor vehicle or unless such certificate of title is in the possession of the secured party. The term "motor vehicle" as used in this section includes any vehicle as defined in Title 39 for which a certificate of title is required under the statutes of this state.

Approved March 11, 1971

## CHAPTER 332

HOUSE BILL NO. 1530  
(Fleming)

## SCOPE OF FARM LABORER'S LIEN

AN ACT to create and enact section 35-11-01.1 of the North Dakota Century Code, relating to farm laborers' liens.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1.) Section 35-11-01.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

35-11-01.1. SCOPE OF LIEN.) A farm laborer's lien shall be allowed when any person performs services for any person or corporation engaged in farming. The amount of the lien claimed may include: wages or salary due for labor performed; the value of any product expended in performing the labor or service; and the value of the use of any machinery, supplied by the prospective lienholder, and used in performing the labor or service.

Approved March 4, 1971

## CHAPTER 333

SENATE BILL NO. 2254  
(Strinden)

## PRIORITY OF REPAIRMAN'S LIEN

AN ACT to amend and reenact sections 35-13-02, 35-13-03, and 35-13-04 of the North Dakota Century Code, relating to the priority of a repairman's lien and the time in which it must be filed.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 35-13-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

35-13-02. LIEN STATEMENT - CONTENTS - WHEN REQUIRED - FILING.) When a person entitled to a lien under this chapter retains possession of the property made, altered, or repaired, he shall not be required to file any statement to perfect his lien, but when he shall relinquish the possession of the property so made, altered, or repaired, he, within one hundred twenty days after the materials are furnished or the labor is performed, shall file in the office of the register of deeds of the county in which the owner or legal possessor of the property resides, a verified statement in writing showing:

1. The labor performed.
2. The materials furnished.
3. The price agreed upon for the labor performed or materials furnished, or, if no price was agreed upon, the reasonable value thereof.
4. The name of the person for whom the labor was performed or to whom the materials were furnished.
5. A description of the property upon which the lien is claimed.

Unless the person entitled to the lien shall file such statement within the time limited in this section, he shall be deemed to have waived his right to a lien.

SECTION 2. AMENDMENT.) Section 35-13-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

35-13-03. SEPARATE ARTICLES OF PERSONAL PROPERTY MAY BE INCLUDED IN ONE LIEN STATEMENT.) If any person entitled to a lien under this chapter makes, alters, or repairs more than one article of personal property for the same owner or legal possessor thereof, he may include all the articles of personal property so made, altered, or repaired within one hundred twenty days preceding the filing of the lien statement in the same statement, and the statement shall have the same force and effect as to each article enumerated therein as though a separate statement had been filed for each such article.

SECTION 3. AMENDMENT.) Section 35-13-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

35-13-04. PRIORITY OF LIEN.) A lien obtained under this chapter shall have priority over all other liens, chattel mortgages, or encumbrances against the personal property upon which the lien is secured if the lien does not exceed one thousand dollars. Any amount of the lien in excess of one thousand dollars shall be a lien upon the property subject to any prior encumbrances thereon.

Approved March 17, 1971