

HOUSE BILL NO. 1329

Introduced by

Representatives DeKrey, Klemin, Porter

Senators Espegard, Krebsbach

1 A BILL for an Act to amend and reenact section 27-08.1-01 of the North Dakota Century Code,
2 relating to small claims court actions.

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

4 **SECTION 1. AMENDMENT.** Section 27-08.1-01 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **27-08.1-01. Small claims court - Jurisdictional limits - Venue.**

7 1. All judges of the district courts may exercise the jurisdiction conferred by this
8 chapter, and while sitting in the exercise of that jurisdiction must be known and
9 referred to as the "small claims court". The jurisdiction of this court is confined to
10 cases for recovery of money, or the cancellation of any agreement involving
11 material fraud, deception, misrepresentation, or false promise, where the value of
12 the agreement or the amount claimed by the plaintiff or the defendant does not
13 exceed five thousand dollars.

14 2. The proceedings in this court must be commenced:

15 a. If the defendant is a corporation, limited liability company, or a partnership, in
16 any county in which the defendant has a place of business or in any county in
17 which the subject matter of the claim occurred.

18 b. If the claim is for collection of a check written without sufficient funds or
19 without an account, in the county where the check was passed, or in the
20 county of the defendant's residence or place of business.

21 c. If the defendant is an individual and the claim is for collection of an open
22 account on which credit has been extended:

23 (1) In the county of the defendant's residence or place of business; or

- 1 (2) If the amount of the claim is less than one thousand dollars and is not
2 from a telephone or mail order transaction, in the county where the
3 transaction occurred or in the county of the defendant's residence or
4 place of business.
- 5 d. If the defendant is an individual and the claim is not made under subdivision b
6 or c, in the county of the defendant's residence.
- 7 e. If the defendant is an individual and the claim arose as the result of the
8 defendant's lease of real property, in the county where the defendant resides
9 or in the county where the real property is located.
- 10 f. If the plaintiff is a political subdivision and the claim is for a public utility debt,
11 in the county in which the political subdivision is located.
- 12 3. Except for an action under subdivision c, e, or f of subsection 2, the defendant may
13 elect to remove the action to a small claims court in the defendant's county of
14 residence. A claim may ~~not~~ be filed by an assignee of that claim. A business or
15 assignee of a business may bring an action on behalf of one or more businesses
16 against a defendant or defendants in the same action. A garnishment or
17 attachment may not issue from this court until after judgment is entered.