

**Sixtieth Legislative Assembly of North Dakota
In Regular Session Commencing Wednesday, January 3, 2007**

SENATE BILL NO. 2119
(Political Subdivisions Committee)
(At the request of the Abstracters' Board of Examiners)

AN ACT to amend and reenact sections 43-01-09, 43-01-14, and 43-01-23 of the North Dakota Century Code, relating to licensed abstracter records.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 43-01-09 of the North Dakota Century Code is amended and reenacted as follows:

43-01-09. Requirements of abstracter of title - Records - Certificate of registration bond or liability policy. Before any person, firm, corporation, or limited liability company may engage in the business of making and compiling abstracts of title to real estate within this state, the person or it shall:

1. Have ~~for use and maintain~~ in such business a complete ~~set of abstract books or records of tract index~~ and all instruments of record in the office of the recorder in and for the county in which the person or it is engaged in business, or shall have been engaged in good faith in the preparation of such ~~books or~~ records for not less than six months;
2. Obtain a certificate of authority as is required by this chapter;
3. File the bond or abstracter's liability policy required under section 43-01-11; and
4. Have in charge of such business a registered abstracter, as defined by this chapter.

SECTION 2. AMENDMENT. Section 43-01-14 of the North Dakota Century Code is amended and reenacted as follows:

43-01-14. Certification of authority - Fee - Renewal. A certificate of authority must be issued to an applicant who successfully passes the examination of the board and complies with the other provisions of this chapter, upon the payment of the registration fee fixed by the board not exceeding one hundred dollars, which must be in addition to the examination fee. A certificate is valid for five years after the date thereof. A certificate must be renewed by the board upon application, made within thirty days prior to the expiration date, accompanied by payment of a fee fixed by the board not exceeding one hundred dollars and an affidavit that the applicant has ~~for use and maintains~~ in the applicant's business a complete ~~set of abstract books or records of tract index~~ and all instruments of record in the office of the recorder in and for the county in which the applicant has the applicant's place of business or has been engaged in good faith in the preparation of such ~~books or~~ records for not less than six months.

SECTION 3. AMENDMENT. Section 43-01-23 of the North Dakota Century Code is amended and reenacted as follows:

43-01-23. Temporary authority of an abstracter to act in an additional county.

1. If it appears to the board that there is no abstracter authorized to engage in and carry on the business of an abstracter of real estate titles in a county or that there is an authorized abstracter in a county who is unable to perform the duties of an abstracter due to death, disability, a disaster or emergency, or disciplinary action, the board may authorize an individual or organization having a certificate of authority and certificate of registration to operate in another county to operate in the county having no abstracter through the

issuance of a temporary certificate of authority. The board may not charge an abstractor for the temporary certificate of authority. The board may require additional security than provided under section 43-01-11. The abstractor operating under the temporary certificate of authority is not required to have a complete ~~set of abstract books or records of tract index and~~ all instruments of record in the office of the recorder in and for the county in which the abstractor is temporarily engaged in business, nor need the abstractor have been engaged in the preparation of such ~~books or records~~. The temporary certificate of authority may not exceed such time as the board has determined an abstractor having a regular certificate of authority and certificate of registration is able to engage in and carry on the business of an abstractor of real estate titles in the county, but the abstractor holding the temporary certificate of authority may complete any work already engaged. The abstractor having a temporary certificate of authority may seek to operate in the county on a regular basis through compliance with all statutory requirements.

2. The board may establish a fund to provide for additional expenses of an abstractor operating under a temporary certificate of authority. The fund may be paid for by an additional fee fixed by the board of no more than fifty dollars per year for each certificate of registration. The fund may not exceed five thousand dollars. The board may pay the expenses, including mileage, meals, and lodging, of an abstractor operating under a temporary certificate of authority at the rates established for state employees on official business.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixtieth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2119.

Senate Vote: Yeas 47 Nays 0 Absent 0

House Vote: Yeas 90 Nays 0 Absent 4

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2007.

Approved at _____ M. on _____, 2007.

Governor

Filed in this office this _____ day of _____, 2007,
at _____ o'clock _____ M.

Secretary of State