

**Sixty-first Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2009**

HOUSE BILL NO. 1156
(Judiciary Committee)
(At the request of the Board of University and School Lands)

AN ACT to amend and reenact subsection 2 of section 47-16-07.1 and section 47-30.1-08 of the North Dakota Century Code, relating to reporting security deposits under the Uniform Unclaimed Property Act.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 2 of section 47-16-07.1 of the North Dakota Century Code is amended and reenacted as follows:

2. A lessor may apply security deposit money and accrued interest upon termination of a lease towards:
 - a. Any damages the lessor has suffered by reason of deteriorations or injuries to the real property or dwelling through the negligence of the lessee or the lessee's guest.
 - b. Any unpaid rent.
 - c. The costs of cleaning or other repairs which were the responsibility of the lessee, and which are necessary to return the dwelling unit to its original state when the lessee took possession, reasonable wear and tear excepted.

Application of any portion of a security deposit not paid to the lessee upon termination of the lease must be itemized by the lessor. Such itemization together with the amount due must be delivered or mailed to the lessee at the last address furnished lessor, along with a written notice within thirty days after termination of the lease and delivery of possession by the lessee. The notice must contain a statement of any amount still due the lessor or the refund due the lessee. A lessor is not required to pay interest on security deposits if the period of occupancy was less than nine months in duration. Any amounts not claimed from the lessor by the lessee within one year of the termination of the lease agreement are subject to the reporting requirements of section 47-30.1-08.

SECTION 2. AMENDMENT. Section 47-30.1-08 of the North Dakota Century Code is amended and reenacted as follows:

47-30.1-08. ~~Deposits held by utilities~~ Security deposits. A deposit, including any interest thereon, made in advance by a subscriber with a utility person to secure payment or any sum paid in advance for utility services to be furnished an agreement for rights or services, less any lawful deductions, that remains unclaimed by the owner for more than one year after termination of the services agreement for which the deposit or advance payment was made, is presumed abandoned.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-first Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1156.

House Vote: Yeas 89 Nays 1 Absent 4

Senate Vote: Yeas 43 Nays 0 Absent 4

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2009.

Approved at _____ M. on _____, 2009.

Governor

Filed in this office this _____ day of _____, 2009,
at _____ o'clock _____ M.

Secretary of State