

JUDICIAL PROCEDURE, CIVIL RULES OF COURT

CHAPTER 284

SENATE BILL NO. 2348
(H. Christensen)

MALPRACTICE LIMITATIONS

AN ACT to amend and reenact subsection 3 of section 28-01-18 of the North Dakota Century Code, relating to the limitation of malpractice actions.

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

SECTION 1. AMENDMENT.) Subsection 3 of section 28-01-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. An action for the recovery of damages resulting from malpractice, provided, however, that the limitation of an action against a physician or licensed hospital will not be extended beyond six years of the act or omission of alleged malpractice by a nondiscovery thereof unless discovery was prevented by the fraudulent conduct of the physician or licensed hospital.

This limitation shall be subject to the provisions of section 28-01-25.

Approved April 8, 1975

CHAPTER 285

SENATE BILL NO. 2061
(Sandness, Redlin, Rait, Smykowski)
(From Legislative Council Study)

REPORTS OF PESTICIDE LOSS

AN ACT to amend and reenact sections 28-01-40 and 28-01-41 of the North Dakota Century Code, relating to the requirement for reports of loss through spraying by aircraft, and to the contents of verified reports of damage by aircraft.

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

SECTION 1. AMENDMENT.) Section 28-01-40 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

28-01-40. REPORTS OF LOSS THROUGH PESTICIDE APPLICATION REQUIRED.) No civil action shall be commenced arising out of the use or application of any herbicide, insecticide, fungicide or agricultural chemical by any applicator or operator, unless the claimant has filed a verified report of the loss with the state of North Dakota agriculture commissioner, together with proof of service of such verified report of loss upon the operator or applicator allegedly responsible and, if the claimant is not the person for whom such work was done, then also the person for whom such work was done within a period of sixty days from the occurrence of such loss or within sixty days from the date the claimant knew such loss had occurred, provided, however, if the damage is alleged to have been occasioned by growing crops, the report shall be filed prior to the time when fifty percent of the crop was harvested.

SECTION 2. AMENDMENT.) Section 28-01-41 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

28-01-41. CONTENTS OF VERIFIED REPORTS OF DAMAGE.) The verified report of the loss as set forth in section 28-01-40 shall include, so far as known to the claimant, the following: name and address of claimant, type, kind, and location of property allegedly injured or damaged, date the alleged injury or damage occurred, name of operator or applicator allegedly responsible for such loss or damage, and if the claimant is not the same person for whom such work was done, the name of the owner or occupant of the property for whom such operator or applicator was rendering labor or services.

Approved March 19, 1975

CHAPTER 286

SENATE BILL NO. 2291
(Conlin)

EXEMPTION FROM PROCESS FOR MOBILE HOMES

AN ACT to amend and reenact subsection 10 of section 28-22-02 of the North Dakota Century Code, relating to property absolutely exempt from process, levy, or sale.

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

SECTION 1. AMENDMENT.) Subsection 10 of section 28-22-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

10. Any house trailer or mobile home occupied as a residence by the debtor or his family, except that it shall not be exempt from process, levy, or sale for taxes levied on it pursuant to chapter 57-55.

Approved March 19, 1975

CHAPTER 287

HOUSE BILL NO. 1361
(Wentz)

EXPERT WITNESS COURT FEES

AN ACT to amend and reenact subsection 5 of section 28-26-06 of the North Dakota Century Code, relating to expert witness court fees.

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

SECTION 1. AMENDMENT.) Subsection 5 of section 28-26-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

5. The fees of expert witnesses. Such fees shall be reasonable fees as determined by the court, plus his actual expense. The following shall nevertheless be in the sole discretion of the trial court:
 - a. The number of expert witnesses who shall be allowed fees or expenses;
 - b. The amount of fees to be paid such allowed expert witnesses, including an amount for time expended in preparation for trial; and
 - c. The amount of costs for actual expenses to be paid such allowed expert witnesses.

Approved March 12, 1975