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Sixty-second
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1365

Introduced by

Representatives DeKrey, Streyle, Thoreson

Senators Klein, Oehlke, Olafson

1 A BILL for an Act to amend and reenact sections 28-01-16 and 28-01-17 of the North Dakota
2 Century Code, relating to statutes of limitations for civil actions.

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

4 **SECTION 1. AMENDMENT.** Section 28-01-16 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **28-01-16. Actions having six-year limitations.**

7 The following actions must be commenced within six years after the claim for relief has
8 accrued:

- 9 1. An action upon a contract, obligation, or liability, express or implied, subject to the
- 10 provisions of sections 28-01-15 and 41-02-104.
- 11 2. An action upon a liability created by statute, other than a penalty or forfeiture, when
- 12 not otherwise expressly provided.
- 13 3. An action for trespass upon real property.
- 14 4. An action for taking, detaining, or injuring any goods or chattels, including actions for
- 15 the specific recovery of personal property.
- 16 5. An action for criminal conversation ~~or for any other injury to the person or rights of~~
- 17 ~~another not arising upon contract~~, when not otherwise expressly provided.
- 18 6. An action for relief on the ground of fraud in all cases both at law and in equity, the
- 19 claim for relief in such case not to be deemed to have accrued until the discovery by
- 20 the aggrieved party of the facts constituting the fraud.

21 **SECTION 2. AMENDMENT.** Section 28-01-17 of the North Dakota Century Code is
22 amended and reenacted as follows:

1 **28-01-17. Actions having three-year limitations - Exceptions.**

2 The following actions must be commenced within three years after the claim for relief has
3 accrued:

- 4 1. An action against a sheriff or coroner upon a liability incurred by the doing of an act in
5 the sheriff's or coroner's official capacity and by virtue of that office, or by the omission
6 of an official duty, including the nonpayment of money collected upon an execution.
7 However, this subsection does not apply to an action for an escape.
- 8 2. An action upon a statute for a penalty or forfeiture, if the action is given to the party
9 aggrieved, or to such party and the state, unless the statute imposing it prescribes a
10 different limitation.
- 11 3. An action for the foreclosure of a construction lien.
- 12 4. An action for any other injury to the person or rights of another not arising upon
13 contract, when not otherwise expressly provided.