Sixty-second
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1365

Introduced by

Representatives DeKrey, Streyle, Thoreson

Senators Klein, Oehlke, Olafson

A BILL ~~for an Act to amend and reenact sections 28-01-16 and 28-01-17 of the North Dakota Century Code, relating to statutes of limitations for civil actions.~~for an Act to provide for a legislative management study of statutes of limitation and venue requirements for civil actions in North Dakota.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

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

~~1. An action upon a contract, obligation, or liability, express or implied, subject to the provisions of sections 28-01-15 and 41-02-104.~~

~~2. An action upon a liability created by statute, other than a penalty or forfeiture, when not otherwise expressly provided.~~

~~3. An action for trespass upon real property.~~

~~4. An action for taking, detaining, or injuring any goods or chattels, including actions for the specific recovery of personal property.~~

~~5. An action for criminal conversation or for any other injury to the person or rights of another not arising upon contract, when not otherwise expressly provided.~~

~~6. An action for relief on the ground of fraud in all cases both at law and in equity, the claim for relief in such case not to be deemed to have accrued until the discovery by the aggrieved party of the facts constituting the fraud.~~

~~**SECTION 2. AMENDMENT.** Section 28-01-17 of the North Dakota Century Code is 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.~~

14 **SECTION 1. LEGISLATIVE MANAGEMENT STUDY - STATUTES OF LIMITATION AND**
15 **VENUE REQUIREMENTS FOR CIVIL ACTIONS.** During the 2011-12 interim, the legislative
16 management shall consider studying statutes of limitation and venue requirements for civil
17 actions in North Dakota. The study must include a review of the limitation on the length of time
18 that has passed since a cause of action arose and whether the time limitations in current law
19 remain appropriate or should be changed, and the extent to which claims are filed in North
20 Dakota courts for claims otherwise prohibited in other states due to the relevant statute of
21 limitation having expired. The study also must review the venue requirements for bringing a civil
22 action in North Dakota and whether the venue requirements should be amended to limit claims
23 being brought in this state by nonresidents who have no connection to this state. The legislative
24 management shall report its findings and recommendations, together with any legislation
25 required to implement the recommendations, to the sixty-third legislative assembly.