Sixty-third Legislative Assembly of North Dakota

SENATE BILL NO. 2140 with House Amendments **SENATE BILL NO. 2140**

Introduced by

Senators Hogue, Lyson, Wardner

Representatives Klemin, Steiner, Vigesaa

- 1 A BILL for an Act to amend and reenact section 32-09.1-08 of the North Dakota Century Code,
- 2 relating to the service of the summons and notice of garnishment of earnings; and to declare an
- 3 emergency.

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

5 SECTION 1. AMENDMENT. Section 32-09.1-08 of the North Dakota Century Code is

6 amended and reenacted as follows:

7 32-09.1-08. Service.

- 8 1. The garnishee summons and notice to defendant shall be served upon the garnishee 9 in the same manner as other summons in that court of record except that service must 10 be personal. The
- 11 Service of a garnishee summons and disclosure statement upon a bank or credit <u>2.</u>
- 12 union must be made by delivery of the summons and disclosure statement to a
- 13 specifically named president or vice president of the bank or credit union or to the
- 14 registered agent for service of process of the bank or credit union. Delivery of the
- 15 summons and disclosure statement to the specifically named individual may be in
- 16 hand as established by the sworn affidavit of the individual who delivered the
- 17 summons and disclosure statement or by any form of mail or third-party commercial
- 18 delivery service, if delivery is restricted to the named individual or registered agent and
- 19 the sender receives a receipt signed by that individual or registered agent.
- 20 3. <u>A</u> plaintiff shall serve with the garnishee summons a disclosure form, substantially as 21 set out in this chapter. The plaintiff may also serve interrogatories with the garnishee 22 summons. A copy of the garnishee summons and copies of all other papers served on 23 the garnishee must be served personally upon the defendant in accordance with the 24
 - North Dakota Rules of Civil Procedure for personal service or served by first-class mail.

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- 1 not later than ten days after service is made upon the garnishee. A single garnishee
- 2 summons may be addressed to two or more garnishees but must state whether each
- 3 is summoned separately or jointly.
- 4 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.