

Introduced by

Representatives Klemin, Delmore, Larson, Maragos

Senators Armstrong, Sitte, Nelson

1 A BILL for an Act to create and enact a new section to chapter 54-09 of the North Dakota
2 Century Code, relating to records filed with the secretary of state; and to amend and reenact
3 subsection 1 of section 35-13-02, subsection 6 of section 41-09-73, and subsection 7 of section
4 54-09-04 of the North Dakota Century Code, relating to confidential information in the
5 possession of the secretary of state and fees collected by the secretary of state.

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

7 **SECTION 1. AMENDMENT.** Subsection 1 of section 35-13-02 of the North Dakota Century
8 Code is amended and reenacted as follows:

- 9 1. The secretary of state shall prescribe one form that can be used to obtain a lien under
10 this section and also be entered in the central indexing system. A person entitled to a
11 lien under this chapter who retains possession of the property made, altered, or
12 repaired is not required to file any statement to perfect the lien. If the possession of the
13 property so made, altered, or repaired is relinquished, the person shall file, within
14 ninety days, or if the property is used for agricultural purposes within one hundred
15 twenty days, or in the exploration for or the production of oil or gas within six months,
16 after the materials are furnished or the labor is completed, in the office of the recorder
17 of the county in which the owner or legal possessor of the property resides, a verified
18 written statement showing:
- 19 a. The labor performed.
 - 20 b. The materials furnished.
 - 21 c. The price agreed upon for the labor performed or materials furnished, or, if no
22 price was agreed upon, the reasonable value thereof.
 - 23 d. The name of the person for whom the labor was performed or to whom the
24 materials were furnished.

- 1 e. ~~The social security number, if available, or, in the case of a debtor doing business~~
2 ~~other than as an individual, the internal revenue service taxpayer identification~~
3 ~~number, if available, of the person for whom the labor was performed or to whom~~
4 ~~the materials were furnished.~~
- 5 f. The name and address of the person claiming the lien.
- 6 g.f. A description of the property upon which the lien is claimed.

7 **SECTION 2. AMENDMENT.** Subsection 6 of section 41-09-73 of the North Dakota Century
8 Code is amended and reenacted as follows:

- 9 6. a. Any social security number or federal tax identification number submitted on a
10 financing statement filed pursuant to this chapter as a central indexing filing prior
11 to January 1, 2012, is an exempt record as defined by subsection 5 of section
12 44-04-17.1 and may not be disclosed as part of any search under
13 section 41-09-94 or 41-09-96 or as part of a copy of the record. A filing office or
14 an officer or employee of the filing office may not be held civilly or criminally liable
15 for the inadvertent disclosure of a social security or federal tax identification
16 number if the filer has placed the number in an improper field on the form
17 prescribed by the secretary of state or the filer submitted a filing other than on the
18 form prescribed by the secretary of state.
- 19 b. After December 31, 2011, a debtor's social security number or federal tax
20 identification number may not be filed pursuant to this chapter in the filing office
21 with the central indexing system and may not be recorded in the real property
22 records.

23 **SECTION 3. AMENDMENT.** Subsection 7 of section 54-09-04 of the North Dakota Century
24 Code is amended and reenacted as follows:

- 25 7. For preparing any listing or compilation of any information recorded or filed in the
26 office of the secretary of state, ~~thirty-five dollars plus~~ an amount established by the
27 secretary of state to recover the actual cost for assembling and providing the
28 information ~~on~~ in the ~~medium~~ format requested.

29 **SECTION 4.** A new section to chapter 54-09 of the North Dakota Century Code is created
30 and enacted as follows:

1 **Confidential information in filed records.**

2 A social security number or federal tax identification number disclosed or contained in any
3 record filed with the secretary of state is confidential. The secretary of state shall delete or
4 obscure a social security or federal tax identification number before a copy of any record is
5 released to the public. A filing office or an officer or employee of the filing office may not be held
6 civilly or criminally liable for the inadvertent disclosure of a social security or federal tax
7 identification number if the filer has placed the number in an improper field on the form
8 prescribed by the secretary of state or the filer submitted a filing other than on the form
9 prescribed by the secretary of state.