

HOUSE BILL NO. 1134

Introduced by

Judiciary Committee

(At the request of the Commission on Uniform State Laws)

1 A BILL for an Act to amend and reenact section 41-04.1-08 of the North Dakota Century Code,
2 relating to funds transfers under the Uniform Commercial Code; and to declare an emergency.

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

4 **SECTION 1. AMENDMENT.** Section 41-04.1-08 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **41-04.1-08. (4A-108) ~~Exclusion of consumer transactions governed by federal~~**
7 **Relationship to Electronic Fund Transfer Act.**

8 1. This~~Except as provided in subsection 2, this~~ chapter does not apply to a funds transfer
9 any part of which is governed by the Electronic Fund Transfer Act of 1978 [Title XX,
10 Pub. L. 95-630; 92 Stat. 3728; 15 U.S.C. 1693 et seq.] ~~as amended from time to time.~~

11 2. This chapter applies to a funds transfer that is a remittance transfer as defined in the
12 Electronic Fund Transfer Act [15 U.S.C. 1693o-1], unless the remittance transfer is an
13 electronic fund transfer as defined in the Electronic Fund Transfer Act [15 U.S.C.
14 1693a].

15 3. In a funds transfer to which this chapter applies, in the event of an inconsistency
16 between an applicable provision of this chapter and an applicable provision of the
17 Electronic Fund Transfer Act, the provision of the Electronic Fund Transfer Act governs
18 to the extent of the inconsistency.

19 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.