

**Sixty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 5, 2021**

HOUSE BILL NO. 1130
(Representatives Lefor, Steiner)
(Senator Wardner)

AN ACT to create and enact sections 40-18-14.1, 40-18-14.2, 40-18-14.3, 40-18-14.4, and 40-18-14.5 of the North Dakota Century Code, relating to the authority of the municipal court to execute judgments.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Section 40-18-14.1 of the North Dakota Century Code is created and enacted as follows:

40-18-14.1. Judgment for fine or costs.

If the judgment provided for in section 40-18-14 imposes a fine or assesses a cost, the municipal judge may order an authenticated copy of the judgment be filed in the office of the clerk of any district court of any county in the state. The clerk of district court shall treat the municipal court judgment in the same manner as a civil judgment of any district court of any county of the state.

SECTION 2. Section 40-18-14.2 of the North Dakota Century Code is created and enacted as follows:

40-18-14.2. Notice of filing.

1. At the time of filing a judgment under section 40-18-14, the municipal court judge shall order an affidavit providing the name and last known mailing address of the defendant and otherwise complying with section 28-20-15 be filed.
2. Upon the filing of the judgment and affidavit as provided in section 40-18-14, the clerk of municipal court shall mail notice of the filing of the municipal judgment to the defendant at the defendant's last known address and file proof of mailing with the district court. The notice must include the name and mailing address of the municipal court.
3. An execution of other process for enforcement of a municipal court judgment filed under this section may not be issued until ten days after the date the judgment is filed.

SECTION 3. Section 40-18-14.3 of the North Dakota Century Code is created and enacted as follows:

40-18-14.3. Stay.

If the defendant shows the district court of any county that an appeal from the judgment provided in section 40-18-14 is pending or will be taken, the court shall stay enforcement of the municipal court judgment until the appeal is concluded or the time of appeal expires.

SECTION 4. Section 40-18-14.4 of the North Dakota Century Code is created and enacted as follows:

40-18-14.4. Fees.

The municipal judge shall order a filing fee of ten dollars to be paid to the clerk of the district court.

SECTION 5. Section 40-18-14.5 of the North Dakota Century Code is created and enacted as follows:

40-18-14.5. Effect of filing.

Upon filing of a judgment under section 40-18-14 with the district court in accordance with this chapter, the judgment is enforceable only in the same manner as provided for a judgment for money in a civil action.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-seventh Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1130.

House Vote: Yeas 86 Nays 7 Absent 1

Senate Vote: Yeas 47 Nays 0 Absent 0

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2021.

Approved at _____ M. on _____, 2021.

Governor

Filed in this office this _____ day of _____, 2021,

at _____ o'clock _____ M.

Secretary of State