

**FIRST ENGROSSMENT
with Senate Amendments
ENGROSSED HOUSE BILL NO. 1130**

Introduced by

Representatives Lefor, Steiner

Senator Wardner

1 A BILL for an Act to create and enact sections 40-18-14.1, 40-18-14.2, 40-18-14.3, 40-18-14.4,
2 and 40-18-14.5 of the North Dakota Century Code, relating to the authority of the municipal
3 court to execute judgments.

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

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

7 **40-18-14.1. Judgment for fine or costs.**

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

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

15 **40-18-14.2. Notice of filing.**

16 1. At the time of filing a judgment under section 40-18-14, the municipal court judge shall
17 order an affidavit providing the name and last known mailing address of the defendant
18 and otherwise complying with section 28-20-15 be filed.

19 2. Upon the filing of the judgment and affidavit as provided in section 40-18-14, the clerk
20 of municipal court shall mail notice of the filing of the municipal judgment to the
21 defendant at the defendant's last known address and file proof of mailing with the
22 district court. The notice must include the name and mailing address of the municipal
23 court.

1 3. An execution of other process for enforcement of a municipal court judgment filed
2 under this section may not be issued until ten days after the date the judgment is filed.

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

5 **40-18-14.3. Stay.**

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

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

11 **40-18-14.4. Fees.**

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

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

16 **40-18-14.5. Effect of filing.**

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