

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2119

Introduced by

Industry, Business and Labor Committee

(At the request of the Secretary of State)

1 A BILL for an Act to amend and reenact sections 35-17-08, 35-29-05, 35-30-06, 35-31-06, and
2 subsections 5 and 11 of section 41-09-42 of the North Dakota Century Code, relating to filing
3 fees collected by the secretary of state and county register of deeds.

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

5 **SECTION 1. AMENDMENT.** Section 35-17-08 of the 1997 Supplement to the North
6 Dakota Century Code is amended and reenacted as follows:

7 **35-17-08. Fees - Penalty.** The fee for filing an agister's lien with the secretary of state
8 or the county register of deeds is ~~five~~ ten dollars. The fee for filing a termination statement is
9 five dollars. The termination fee must be paid at the time the fee for filing the lien is paid. The
10 fee for filing an amendment or assignment of an agister's lien is ~~five~~ ten dollars. If a lienholder
11 fails to file a termination statement within sixty days after the lien is satisfied, the lienholder is
12 liable to the debtor for one hundred dollars.

13 **SECTION 2. AMENDMENT.** Section 35-29-05 of the 1997 Supplement to the North
14 Dakota Century Code is amended and reenacted as follows:

15 **35-29-05. Fees.**

- 16 1. The fee for filing and indexing each notice of lien is:
- 17 a. For a lien on real estate, five dollars, plus two dollars for the second and each
18 succeeding page.
- 19 b. For a lien on tangible and intangible personal property, ~~five~~ ten dollars.
- 20 c. For a certificate of discharge or subordination, ~~five~~ ten dollars.
- 21 d. For a nonstandard statement when presented for filing, an additional fee of
22 five dollars plus one dollar per page.
- 23 e. For all other notices, including a certificate of release or nonattachment, five
24 dollars.

1 2. The officer may not file or record an instrument under this chapter unless the
2 person offering the instrument for filing or recording has first paid the requisite filing
3 or recording fee.

4 **SECTION 3. AMENDMENT.** Section 35-30-06 of the 1997 Supplement to the North
5 Dakota Century Code is amended and reenacted as follows:

6 **35-30-06. Fees - Penalty.** The fee for filing an agricultural processor's lien with the
7 secretary of state or the county register of deeds is ~~five~~ ten dollars. The fee for filing a
8 termination statement is five dollars. The termination fee must be paid at the time the fee for
9 filing the lien is paid. The fee for filing an amendment or assignment of an agricultural
10 processor's lien is ~~five~~ ten dollars. If a lienholder fails to file a termination statement within sixty
11 days after the lien has been satisfied, the lienholder is liable to the debtor for one hundred
12 dollars.

13 **SECTION 4. AMENDMENT.** Section 35-31-06 of the 1997 Supplement to the North
14 Dakota Century Code is amended and reenacted as follows:

15 **35-31-06. Fees - Penalty.** The fee for filing an agricultural supplier's lien with the
16 secretary of state or the county register of deeds is ~~five~~ ten dollars. The fee for filing a
17 termination statement is five dollars. The termination fee must be paid at the time the fee for
18 filing the lien is paid. The fee for filing an amendment or assignment of an agricultural
19 supplier's lien is ~~five~~ ten dollars. If a lienholder fails to file a termination statement within sixty
20 days after the lien has been satisfied, the lienholder is liable to the debtor for one hundred
21 dollars.

22 **SECTION 5. AMENDMENT.** Subsections 5 and 11 of section 41-09-42 of the 1997
23 Supplement to the North Dakota Century Code are amended and reenacted as follows:

24 5. The fee for filing and indexing and for stamping a copy furnished by the secured
25 party to show the date and place of filing for an original financing statement or for a
26 continuation statement or to obtain information from the system is as follows:

27 a. For filing and indexing any statement under the Uniform Commercial Code,
28 ~~five~~ ten dollars, and when a nonstandard statement is presented for filing, an
29 additional fee of five dollars plus one dollar per page must be made. No
30 additional fee may be charged if the form is filed also to gain protection under
31 the central notice system.

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- 1 b. For making certified copies of any recorded instrument, seven dollars.
- 2 c. For completing a certificate requesting information, seven dollars for the first
- 3 five entries and two dollars for each additional five entries or fraction thereof.
- 4 d. For completing a certificate requesting copies, seven dollars for the first three
- 5 copies or fraction thereof, and two dollars for each additional copy.
- 6 e. For furnishing copies only of any filed instrument, one dollar.
- 7 11. The fee for furnishing lists pursuant to subsection 4 of section 41-09-46 must be
- 8 established by the secretary of state, ~~but not to exceed twenty five dollars for a~~
- 9 ~~microfiche list and~~ based on actual cost for a printed list costs to produce the lists
- 10 for distribution.