

SENATE BILL NO. 2274

Introduced by

Senator Dever

Representatives Dosch, Meier

1 A BILL for an Act to amend and reenact section 27-08.1-02 of the North Dakota Century Code,
2 relating to filing a small claims action.

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

4 **SECTION 1. AMENDMENT.** Section 27-08.1-02 of the 1999 Supplement to the North
5 Dakota Century Code is amended and reenacted as follows:

6 **27-08.1-02. Commencement of action - Claim affidavit.** Actions in the small claims
7 court are commenced whenever any person executes and files with the court a claim affidavit,
8 and causes the affidavit to be served by a person of legal age, not a party to or interested in the
9 action, ~~the affidavit~~ on the defendant or mails it to the defendant by certified mail along with a
10 form upon which the defendant must indicate whether a hearing is requested and whether the
11 defendant elects to remove the action to district court. If, within twenty days of service of the
12 affidavit and form, the court has not received a request for a hearing or an election to remove to
13 district court, or if the defendant indicates that a hearing is not requested, a hearing will not be
14 scheduled and judgment may be entered against the defendant by default. If the defendant
15 requests a hearing in small claims court, the hearing must be not less than ten days and not
16 more than thirty days after receipt of the request. Except for an action under subdivision e of
17 subsection 2 of section 27-08.1-01, the mailing, or personal service, may be made anywhere
18 within the state. Forms used in small claims court actions must be approved by the state court
19 administrator and obtained from, or at the direction of, the clerk of district court or in electronic
20 form from the supreme court.