

Fifty-ninth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2355

Introduced by

Senators Klein, Taylor

Representative Kreidt

1 A BILL for an Act to amend and reenact section 4-35-11 of the North Dakota Century Code,
2 relating to designation of the agent for service of process for a nonresident pesticide applicator
3 or dealer; and to provide for application.

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

5 **SECTION 1. AMENDMENT.** Section 4-35-11 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **4-35-11. Nonresident application - Designation of agent for service of process.**

8 Any nonresident applying for certification as an applicator or dealer under this chapter to
9 operate in this state shall file a written power of attorney designating the ~~secretary of state~~
10 North Dakota state university extension service or its designee as the agent of such
11 nonresident upon whom service of process may be had in the event of any suit against said
12 nonresident person, and the power of attorney must be so prepared and in such form as to
13 render effective the jurisdiction of the courts of this state over the nonresident applicant;
14 provided, however, that any nonresident who has a duly appointed resident agent upon whom
15 process may be served as provided by law is not required to designate the ~~secretary of state~~
16 extension service as such agent. The ~~secretary of state~~ extension service is allowed such fees
17 therefor as provided by law for designating resident agents. The nonresident must be furnished
18 with a copy of the designation of the ~~secretary of state~~ extension service or of a resident agent.
19 The copy will be duly certified by the ~~secretary of state~~ extension service.

20 **SECTION 2. APPLICATION.** Any document filed before the effective date of this Act
21 designating the secretary of state as agent for service of process, including any written powers
22 of attorney, must be transferred to the extension service on the effective date of this Act.