

**SENATE BILL NO. 2140
with House Amendments
SENATE BILL NO. 2140**

Sixty-third
Legislative Assembly
of North Dakota

Introduced by

Senators Hogue, Lyson, Wardner

Representatives Klemin, Steiner, Vigesaa

1 A BILL for an Act to amend and reenact section 32-09.1-08 of the North Dakota Century Code,
2 relating to the service of the summons and notice of garnishment of earnings; and to declare an
3 emergency.

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

5 **SECTION 1. AMENDMENT.** Section 32-09.1-08 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **32-09.1-08. Service.**

8 1. The garnishee summons and notice to defendant shall be served upon the garnishee
9 in the same manner as other summons in that court of record except that service must
10 be personal. ~~The~~

11 2. Service of a garnishee summons and disclosure statement upon a bank or credit
12 union must be made by delivery of the summons and disclosure statement to a
13 specifically named president or vice president of the bank or credit union or to the
14 registered agent for service of process of the bank or credit union. Delivery of the
15 summons and disclosure statement to the specifically named individual may be in
16 hand as established by the sworn affidavit of the individual who delivered the
17 summons and disclosure statement or by any form of mail or third-party commercial
18 delivery service, if delivery is restricted to the named individual or registered agent and
19 the sender receives a receipt signed by that individual or registered agent.

20 3. A plaintiff shall serve with the garnishee summons a disclosure form, substantially as
21 set out in this chapter. The plaintiff may also serve interrogatories with the garnishee
22 summons. A copy of the garnishee summons and copies of all other papers served on
23 the garnishee must be served personally upon the defendant in accordance with the
24 North Dakota Rules of Civil Procedure for personal service or served by first-class mail

1 not later than ten days after service is made upon the garnishee. A single garnishee
2 summons may be addressed to two or more garnishees but must state whether each
3 is summoned separately or jointly.

4 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.