

**Sixty-third Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 8, 2013**

SENATE BILL NO. 2136
(Senators Krebsbach, Klein)
(Representatives Keiser, Porter)

AN ACT to amend and reenact sections 47-14-05 and 47-14-07 of the North Dakota Century Code, relating to interest rates and late fees.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 47-14-05 of the North Dakota Century Code is amended and reenacted as follows:

47-14-05. Legal rate of interest - Interest after maturity.

Interest for any legal indebtedness must be at the rate of six percent per annum unless a different rate not to exceed the rate specified in section 47-14-09 is contracted for in writing. ~~All~~Unless otherwise agreed by the parties in writing, all contracts must bear the same rate of interest after maturity as they bear before maturity, ~~and any contract attempting to make the rate of interest higher after maturity is void as to the increase of interest, except for a charge for late payment penalty charged in addition to interest which may not exceed fifteen dollars or fifteen percent of the late payment, whichever is less, unless otherwise agreed to in any commercial, agricultural, or real estate note or mortgage. A charge for a late payment penalty may be imposed only if the amount of the late charge or the method of calculation of the late charge has been agreed to by the parties in the loan documents that are signed by the borrower.~~

SECTION 2. AMENDMENT. Section 47-14-07 of the North Dakota Century Code is amended and reenacted as follows:

47-14-07. Interest rate - Before and after breach.

Any legal rate of interest stipulated by a contract remains chargeable after a breach thereof, ~~as before,~~ until the contract is superseded by a verdict or other new obligation.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-third Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2136.

Senate Vote: Yeas 44 Nays 1 Absent 2

House Vote: Yeas 93 Nays 1 Absent 0

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2013.

Approved at _____ M. on _____, 2013.

Governor

Filed in this office this _____ day of _____, 2013,

at _____ o'clock _____ M.

Secretary of State