

SENATE BILL NO. 2175

Introduced by

Senators Wardner, Lyson

Representatives K. Koppelman, Larson, Delmore

1 A BILL for an Act to amend and reenact sections 14-07-07 and 14-07-08 of the North Dakota
2 Century Code, relating to the liabilities of husband and wife.

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

4 **SECTION 1. AMENDMENT.** Section 14-07-07 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **14-07-07. Contracts to alter marital relations.**

7 A husband and wife cannot by any contract with each other alter their marital relations,
8 except that they may agree in writing to an immediate separation and may make provision for
9 the support of either of them and of their children during such separation. ~~The mutual consent of~~
10 ~~the parties is a sufficient consideration for such a separation agreement.~~ A legal separation is
11 required to effect third-party liability.

12 **SECTION 2. AMENDMENT.** Section 14-07-08 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **14-07-08. Separate and mutual rights and liabilities of husband and wife.**

15 The separate and mutual rights and liabilities of a husband and a wife are as follows:

- 16 1. Neither the husband nor the wife as such is answerable for the acts of the other.
- 17 2. The earnings of one spouse are not liable for the debts of the other spouse, and the
18 earnings and accumulations of either spouse and of any minor children living with
19 either spouse or in one spouse's custody, while the husband and wife are ~~living~~
20 ~~separate~~ legally separated from each other, are the separate property of each spouse,
21 except as to third parties as provided in section 14-07-07.
- 22 3. The husband and wife are liable jointly and severally for any debts contracted by
23 either, ~~while living together~~ unless legally separated, for necessary household supplies

- 1 of food, clothing, and fuel, medical care, and for shelter for themselves and family, and
2 for the education of their minor children, except as provided in section 14-07-07.
3 4. The separate property of the husband or wife is not liable for the debts of the other
4 spouse but each is liable for their own debts contracted before or after marriage.