

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

HOUSE BILL NO. 1340
(Representatives Klemin, Delmore, Larson, Maragos)
(Senators Armstrong, Sitte, Nelson)

AN ACT to create and enact a new section to chapter 54-09 of the North Dakota Century Code, relating to records filed with the secretary of state; and to amend and reenact subsection 1 of section 35-13-02, subsection 6 of section 41-09-73, and subsection 7 of section 54-09-04 of the North Dakota Century Code, relating to confidential information in the possession of the secretary of state and fees collected by the secretary of state.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 35-13-02 of the North Dakota Century Code is amended and reenacted as follows:

1. The secretary of state shall prescribe one form that can be used to obtain a lien under this section and also be entered in the central indexing system. A person entitled to a lien under this chapter who retains possession of the property made, altered, or repaired is not required to file any statement to perfect the lien. If the possession of the property so made, altered, or repaired is relinquished, the person shall file, within ninety days, or if the property is used for agricultural purposes within one hundred twenty days, or in the exploration for or the production of oil or gas within six months, after the materials are furnished or the labor is completed, in the office of the recorder of the county in which the owner or legal possessor of the property resides, a verified written statement showing:
 - a. The labor performed.
 - b. The materials furnished.
 - c. The price agreed upon for the labor performed or materials furnished, or, if no price was agreed upon, the reasonable value thereof.
 - d. The name of the person for whom the labor was performed or to whom the materials were furnished.
 - e. ~~The social security number, if available, or, in the case of a debtor doing business other than as an individual, the internal revenue service taxpayer identification number, if available, of the person for whom the labor was performed or to whom the materials were furnished.~~
 - f. The name and address of the person claiming the lien.
 - ~~g-f.~~ A description of the property upon which the lien is claimed.

SECTION 2. AMENDMENT. Subsection 6 of section 41-09-73 of the North Dakota Century Code is amended and reenacted as follows:

6. a. Any social security number or federal tax identification number submitted on a financing statement filed pursuant to this chapter as a central indexing filing prior to January 1, 2012, is an exempt record as defined by subsection 5 of section 44-04-17.1 and may not be disclosed as part of any search under section 41-09-94 or 41-09-96 or as part of a copy of the record. A filing office or an officer or employee of the filing office may not be held civilly or criminally liable for the inadvertent disclosure of a social security or federal tax identification number if the filer has placed the number in an improper field on the

form prescribed by the secretary of state or the filer submitted a filing other than on the form prescribed by the secretary of state.

- b. After December 31, 2011, a debtor's social security number or federal tax identification number may not be filed pursuant to this chapter in the filing office with the central indexing system and may not be recorded in the real property records.

SECTION 3. AMENDMENT. Subsection 7 of section 54-09-04 of the North Dakota Century Code is amended and reenacted as follows:

7. For preparing any listing or compilation of any information recorded or filed in the office of the secretary of state, ~~thirty-five dollars plus~~ an amount established by the secretary of state to recover the actual cost for assembling and providing the information on the medium format requested.

SECTION 4. A new section to chapter 54-09 of the North Dakota Century Code is created and enacted as follows:

Confidential information in filed records.

A social security number or federal tax identification number disclosed or contained in any record filed with the secretary of state is confidential. The secretary of state shall delete or obscure a social security or federal tax identification number before a copy of any record is released to the public. A filing office or an officer or employee of the filing office may not be held civilly or criminally liable for the inadvertent disclosure of a social security or federal tax identification number if the filer has placed the number in an improper field on the form prescribed by the secretary of state or the filer submitted a filing other than on the form prescribed by the secretary of state.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-third Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1340.

House Vote: Yeas 92 Nays 0 Absent 2

Senate Vote: Yeas 45 Nays 0 Absent 2

Chief Clerk of the House

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