

HOUSE BILL NO. 1468

Introduced by

Representatives Hunskor, D. Anderson, D. Johnson

Senators O'Connell, Wanzek

1 A BILL for an Act to amend and reenact section 32-03-09.1 of the North Dakota Century Code,
2 relating to injury to property not from contract.

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

4 **SECTION 1. AMENDMENT.** Section 32-03-09.1 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **32-03-09.1. Measure of damages for injury to property not arising from contract.**

7 The measure of damages for injury to property caused by the breach of an obligation not
8 arising from contract, except when otherwise expressly provided by law, is presumed to be the
9 reasonable cost of repairs necessary to restore the property to the condition it was in
10 immediately before the injury was inflicted and the reasonable value of the loss of use pending
11 restoration of the property, unless restoration of the property within a reasonable period of time
12 is impossible or impracticable, in which case the measure of damages is presumed to be the
13 difference between the market value of the property immediately before and immediately after
14 the injury and the reasonable value of the loss of use pending replacement of the property.
15 ~~Restoration of the property shall be deemed impracticable when the reasonable cost of~~
16 ~~necessary repairs and the reasonable value of the loss of use pending restoration is greater~~
17 ~~than the amount by which the market value of the property has been diminished because of the~~
18 ~~injury and the reasonable value of the loss of use pending replacement.~~