

Introduced by

Senators Vedaa, Klein, Kreun

Representatives Louser, Thomas

1 A BILL for an Act to amend and reenact section 51-05.1-05 of the North Dakota Century Code,
2 relating to handling of funds by a clerk of an auction sale.

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

4 **SECTION 1. AMENDMENT.** Section 51-05.1-05 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **51-05.1-05. Handling of funds by clerk of auction sale.**

7 Every clerk of an auction sale ~~shall~~, at all times, shall maintain in the clerk's name or firm
8 name, a separate trust account designated as such in a federally insured bank or other federally
9 insured depository in this state in which the clerk immediately shall ~~immediately~~ deposit all
10 funds not the clerk's own, including funds in which the clerk may have some future interest or
11 claim. A federally insured depository located outside the state but licensed as a clerk in this
12 state is not required to deposit funds in a depository in this state if auction sale funds are
13 deposited in a separate trust account designated as such in the licensee's depository. ~~No~~A clerk
14 may not commingle the clerk's personal funds or other funds in a trust account except that a
15 clerk may deposit and keep a sum of one ~~hundredthousand~~ hundred thousand dollars in such account from the
16 clerk's personal funds, which sum must be specifically identified and deposited to cover service
17 charges related to the trust account. In conjunction with such account, the clerk shall maintain
18 at the clerk's usual place of business books, records, and other documents so that the
19 adequacy of such account may be determined at any time. Trust accounts and other records
20 must be open to inspection by the public service commission and its duly authorized agents at
21 all times during regular business hours at the clerk's usual place of business.