

Introduced by

Judiciary Committee

(At the request of the Supreme Court)

1 A BILL for an Act to amend and reenact section 27-08.1-02 of the North Dakota Century Code,
2 relating to commencement of a small claims action.

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

4 **SECTION 1. AMENDMENT.** Section 27-08.1-02 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **27-08.1-02. Commencement of action - Claim affidavit.**

7 Actions in the small claims court are commenced whenever any person executes and files
8 with the court a claim affidavit, and causes the affidavit to be served by a person of legal age,
9 not a party to or interested in the action, on the defendant or mails it to the defendant by
10 certified mail with restricted delivery along with a form upon which the defendant must indicate
11 whether a hearing is requested and whether the defendant elects to remove the action to district
12 court. If, within twenty days of service of the affidavit and form, the court has not received a
13 request for a hearing or an election to remove to district court, or if the defendant indicates that
14 a hearing is not requested, a hearing will not be scheduled and judgment may be entered
15 against the defendant by default. If the defendant requests a hearing in small claims court, the
16 hearing must be not less than ten days and not more than thirty days after receipt of the
17 request. Except for an action under subdivision e of subsection 2 of section 27-08.1-01, the
18 mailing or personal service may be made anywhere within the state. Forms used in small claims
19 court actions must be approved by the state court administrator and obtained from, or at the
20 direction of, the clerk of district court or in electronic form from the supreme court.