## Sixty-seventh Legislative Assembly of North Dakota In Regular Session Commencing Tuesday, January 5, 2021

SENATE BILL NO. 2055 (Judiciary Committee) (At the request of the Supreme Court)

AN ACT to amend and reenact section 27-08.1-02 of the North Dakota Century Code, relating to commencement of a small claims action.

## BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

## 27-08.1-02. Commencement of action - Claim affidavit.

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

## S. B. NO. 2055 - PAGE 2

	Preside	ent of the Senate	Spe	Speaker of the House  Chief Clerk of the House	
	Secreta	ary of the Senate	Chie		
			e Senate of the Sixty- it body as Senate Bill N	-seventh Legislative Assembly o No. 2055.	
Senate Vote:	Yeas 47	Nays 0	Absent 0		
House Vote:	Yeas 91	Nays 0	Absent 2		
			Sec	cretary of the Senate	
Received by the Governor atM. on				, 2021.	
Approved at	M. on _			, 2021.	
			Gov	vernor	
Filed in this offi	ice this	day of		, 2021,	
	clock	-			
			Sec	cretary of State	