

HOUSE BILL NO. 1141

Introduced by

Representatives Larson, Beadle, Boschee, Hanson, Louser

1 A BILL for an Act to amend and reenact section 27-08.1-01 of the North Dakota Century Code,
2 relating to inclusion of a dispute over disposition of earnest money or other money deposit
3 arising from a contract to purchase real property within the jurisdiction and venue of small
4 claims court proceedings.

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

6 **SECTION 1. AMENDMENT.** Section 27-08.1-01 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **27-08.1-01. Small claims court - Jurisdictional limits - Venue.**

- 9 1. All judges of the district courts may exercise the jurisdiction conferred by this chapter,
10 and while sitting in the exercise of that jurisdiction must be known and referred to as
11 the "small claims court". The jurisdiction of this court is confined to cases for recovery
12 of money, or the cancellation of any agreement involving material fraud, deception,
13 misrepresentation, or false promise, when the value of the agreement or the amount
14 claimed by the plaintiff or the defendant does not exceed fifteen thousand dollars.
- 15 2. The proceedings in this court must be commenced:
- 16 a. If the defendant is a corporation, limited liability company, or a partnership, in any
17 county in which the defendant has a place of business or in any county in which
18 the subject matter of the claim occurred.
- 19 b. If the claim is for collection of a check written without sufficient funds or without
20 an account, in the county where the check was passed, or in the county of the
21 defendant's residence or place of business.
- 22 c. If the defendant is an individual and the claim is for collection of an open account
23 on which credit has been extended:
- 24 (1) In the county of the defendant's residence or place of business; or

- 1 (2) If the amount of the claim is less than one thousand dollars and is not from
2 a telephone or mail order transaction, in the county where the transaction
3 occurred or in the county of the defendant's residence or place of business.
- 4 d. If the defendant is an individual and the claim is not made under subdivision b
5 or c, in the county of the defendant's residence.
- 6 e. If the defendant is an individual and the claim arose as the result of the
7 defendant's lease of real property or as the result of a dispute over disposition of
8 earnest money or other money deposit arising from a contract to purchase real
9 property, in the county where the defendant resides or in the county where the
10 real property is located unless the plaintiff and the defendant consent in writing to
11 a proceeding in a different county.
- 12 f. If the plaintiff is a political subdivision and the claim is for a public utility debt, in
13 the county in which the political subdivision is located.
- 14 3. Except for an action under subdivision c, e, or f of subsection 2, the defendant may
15 elect to remove the action to a small claims court in the defendant's county of
16 residence. A claim may not be filed by an assignee of that claim. A garnishment or
17 attachment may not issue from this court until after judgment is entered.