

JUDICIAL PROCEDURE, CIVIL

CHAPTER 243

S. B. No. 75
(Longmire, Reichert)

VENUE IN VEHICLE ACCIDENT CASES

AN ACT

To create and enact section 28-04-03.1 and to amend and reenact section 28-04-05 of the North Dakota Century Code, providing for the venue in court actions arising out of the negligent operation of a motor vehicle.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.) Section 28-04-03.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

28-04-03.1. Venue in Motor Vehicle Cases.) An action against the owner or driver of any motor vehicle arising out of and by reason of the negligent driving, operation, management, or control of such motor vehicle may be brought either in the county where such action arose, in the county of the residence of the defendant, or in the county of the residence of the majority of the defendants. In any event the venue of the action shall not be changed unless by order of the court pursuant to section 28-04-07.

§ 2. **Amendment.)** Section 28-04-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

28-04-05. Actions Having Venue Where Defendant Resides.) In all other cases, except as provided in section 28-04-03.1, and subject to the power of the court to change the place of trial as provided by statute, the action shall be tried in the county in which the defendant or one of the defendants resides at the time of the commencement of the action. If such county is attached to another county for judicial purposes, the action shall be tried in the latter county. If none of the defendants shall reside in the state, the action shall be tried in the county which the plaintiff shall designate in the summons.

Approved March 18, 1963.