

HOUSE BILL NO. 1151

Introduced by

Representatives Froseth, Beadle, Boehning, Hunskor

Senator Larsen

1 A BILL for an Act to amend and reenact sections 35-13-02 and 35-13-03 of the North Dakota
2 Century Code, relating to filing deadlines for a repairman's lien.

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

4 **SECTION 1. AMENDMENT.** Section 35-13-02 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **35-13-02. Lien statement - Contents - When required - Filing.**

- 7 1. The secretary of state shall prescribe one form that can be used to obtain a lien under
8 this section and also be entered in the central indexing system. A person entitled to a
9 lien under this chapter who retains possession of the property made, altered, or
10 repaired is not required to file any statement to perfect the lien. If the possession of the
11 property so made, altered, or repaired is relinquished, the person shall file, within
12 ~~ninety days, or if the property is used for agricultural purposes within one hundred-~~
13 ~~twenty days, or in the exploration for or the production of oil or gas within six months,-~~
14 after the materials are furnished or the labor is completed, in the office of the recorder
15 of the county in which the owner or legal possessor of the property resides, a verified
16 written statement showing:
- 17 a. The labor performed.
 - 18 b. The materials furnished.
 - 19 c. The price agreed upon for the labor performed or materials furnished, or, if no
20 price was agreed upon, the reasonable value thereof.
 - 21 d. The name of the person for whom the labor was performed or to whom the
22 materials were furnished.
 - 23 e. The social security number, if available, or, in the case of a debtor doing business
24 other than as an individual, the internal revenue service taxpayer identification

1 number, if available, of the person for whom the labor was performed or to whom
2 the materials were furnished.

3 f. The name and address of the person claiming the lien.

4 g. A description of the property upon which the lien is claimed.

5 2. A person filing a verified statement shall within thirty days serve notice of the filing, by
6 registered mail, upon the owner or legal possessor of the property. A person entitled to
7 the lien who fails to file a verified statement within the time limited in this section is
8 deemed to have waived the right to a lien.

9 3. A lienholder may file an amendment to add or correct the social security number or
10 internal revenue service taxpayer identification number of the debtor, to correct the
11 spelling of the debtor's or lienholder's name, or to correct or change the address of the
12 lienholder. The secretary of state shall prescribe a form that may be used to amend
13 the repairman's lien that has been filed pursuant to this section. The amendment of
14 the lien does not affect the priority of the lien.

15 **SECTION 2. AMENDMENT.** Section 35-13-03 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **35-13-03. Separate articles of personal property may be included in one lien**
18 **statement.**

19 Any person entitled to a lien under this chapter who makes, alters, or repairs more than one
20 article of personal property for the same owner or legal possessor may include all the articles of
21 personal property so made, altered, or repaired within ~~ninety days, or if the property is used for~~
22 ~~agricultural purposes within one hundred twenty days, or in the exploration for or the production~~
23 ~~of oil or gas within six months;~~ preceding the filing of the lien statement in the same statement,
24 and the statement has the same force and effect as though a separate statement had been filed
25 for each article.