

N.D.A.G. Letter to Meier (Jan. 29, 1987)

January 29, 1987

Honorable Ben Meier
Secretary of State
State Capitol
Bismarck, ND 58505

Dear Secretary Meier:

Thank you for your letter of January 26, 1987, in which you inquire whether an amendment to N.D.C.C. § 41-09-41 that would require UCC financing statements to contain "a social security number or federal tax identification number" would affect the validity of CC financing statements presently filed in your office that do not contain such information.

The rules of statutory construction provide that:

No part of this code is retroactive unless it is expressly declared to be so.

N.D.C.C. § 1-02-10. Senate Bill 2272 does not expressly provide that its requirements are to be applied retroactively. It is my opinion, therefore, that the additional requirement that "a social security number or federal tax identification number" be included in the CC financing statement does not affect the validity or priority status of the CC financing statements that are presently filed with your office and do not contain such information.

If you have any further questions on this matter, please do not hesitate to contact me.

Sincerely,

Nicholas J. Spaeth

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