

CHAPTER 28-04.1

JURISDICTION BY AGREEMENT OF PARTIES

28-04.1-01. Definition. As used in this chapter, "state" means any foreign nation, and any state, district, commonwealth, territory, or insular possession of the United States.

28-04.1-02. Action in this state by agreement.

1. If the parties have agreed in writing that an action on a controversy may be brought in this state and the agreement provides the only basis for the exercise of jurisdiction, a court of this state will entertain the action if:
 - a. The court has power under the law of this state to entertain the action;
 - b. This state is a reasonably convenient place for the trial of the action;
 - c. The agreement as to the place of the action was not obtained by misrepresentation, duress, the abuse of economic power, or other unconscionable means; and
 - d. The defendant, if within the state, was served as required by law of this state in the case of persons within the state or, if without the state, was served either personally or by registered or certified mail directed to the defendant's last-known address.
2. This section does not apply to cognovit clauses, to arbitration clauses, or to the appointment of an agent for the service of process pursuant to statute, rule, or court order.

28-04.1-03. Action in another place by agreement. If the parties have agreed in writing that an action on a controversy may be brought only in another state and it is brought in a court of this state, the court will dismiss or stay the action, as appropriate, unless:

1. The court is required by statute to entertain the action;
2. The plaintiff cannot secure effective relief in the other state, for reasons other than delay in bringing the action;
3. The other state would be a substantially less convenient place for the trial of the action than this state;
4. The agreement as to the place of the action was obtained by misrepresentation, duress, the abuse of economic power, or other unconscionable means; or
5. It would for some other reason be unfair or unreasonable to enforce the agreement.