

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2225

Introduced by

Senator Klein

Representative Cleary

1 A BILL for an Act to create and enact a new section to chapter 12.1-23 of the North Dakota
2 Century Code, relating to the fraudulent use of personal identifying information.

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

4 **SECTION 1.** A new section to chapter 12.1-23 of the North Dakota Century Code is
5 created and enacted as follows:

6 **Fraudulent use of personal identifying information - Penalty.**

- 7 1. As used in this section, "personal identifying information" means any of the
8 following information:
- 9 a. An individual's name;
 - 10 b. An individual's address;
 - 11 c. An individual's telephone number;
 - 12 d. The distinguishing operator's license number assigned to an individual by the
13 department of transportation under section 39-04-14;
 - 14 e. An individual's social security number;
 - 15 f. An individual's employer or place of employment;
 - 16 g. An identification number assigned to the individual by the individuals'
17 employer;
 - 18 h. The maiden name of the individual's mother;
 - 19 i. The identifying number of a depository account in a financial institution;
 - 20 j. An individual's birth date; or
 - 21 k. An individual's credit card number.
- 22 2. A person is guilty of a class C felony if the person uses or attempts to use any
23 personal identifying information of an individual to obtain credit, money, goods,
24 services, or anything else of value without the authorization or consent of the

- 1 individual and by representing that person is the individual or is acting with the
2 authorization or consent of the individual.
- 3 3. An individual aggrieved by the act of any person violating subsection 2 may bring a
4 claim for relief to recover any equitable relief as the court determines to be
5 appropriate and the greater of the actual damages or liquidated damages of up to
6 ten thousand dollars.
- 7 4. In addition to any damages or other relief awarded under subsection 3, if the
8 aggrieved individual prevails, the court may assess against the defendant
9 reasonable attorney's fees and any other litigation costs and expenses, including
10 expert fees, reasonably incurred by the aggrieved individual.
- 11 5. Any action brought under this section is in addition to any criminal prosecution that
12 may be brought under any state or federal law.