

Fifty-seventh
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2191

Introduced by

Senators Krebsbach, Traynor

1 A BILL for an Act to create and enact a new subsection to section 6-08.1-02 of the North
2 Dakota Century Code, relating to disclosure of financial information by financial institutions; to
3 amend and reenact section 6-08.1-01 of the North Dakota Century Code, relating to the
4 definition of a customer and customer information; to provide an effective date; and to declare
5 an emergency.

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

7 **SECTION 1. AMENDMENT.** Section 6-08.1-01 of the 1999 Supplement to the North
8 Dakota Century Code is amended and reenacted as follows:

9 **6-08.1-01. Definitions.** As used in this chapter:

- 10 1. "Customer" means with respect to a financial institution, any person who has
11 ~~transacted or is transacting business with, or has used or is using the services of,~~
12 individual or authorized representative of an individual to whom a financial
13 ~~institution, or for whom a financial institution has acted~~ provides a product or
14 service for personal, family, or household use, including that of acting as a
15 fiduciary with respect to trust property.
- 16 2. "Customer information" means ~~either of the following:~~
- 17 a. ~~Any original or any copy of any records held by a financial institution~~
18 ~~pertaining to a customer's relationship with the financial institution.~~
- 19 b. ~~Any information derived from a record described in this subsection~~ nonpublic
20 personal information maintained by or for a financial institution which is
21 derived from a customer relationship between the financial institution and a
22 customer of the financial institution and is identified with the customer.
- 23 3. "Financial institution" means any organization authorized to do business under
24 state or federal laws relating to financial institutions, including, without limitation, a

bank, including the Bank of North Dakota, a savings bank, a trust company, a savings and loan association, or a credit union.

4. "Financial institution regulatory agency" means any of the following:

- a. The federal deposit insurance corporation.
- b. The federal savings and loan insurance corporation.
- c. The national credit union administration.
- d. The federal reserve board.
- e. The United States comptroller of the currency.
- f. The department of banking and financial institutions.
- g. The federal home loan bank board.

5. "Governmental agency" means any agency or department of this state, or any authorized officer, employee, or agent of an agency or department of this state.

6. "Law enforcement agency" means any agency or department of this state or of any political subdivision of this state authorized by law to enforce the law and to conduct or engage in investigations or prosecutions for violations of law.

7. "Person" means any individual, partnership, corporation, limited liability company, association, trust, or other legal entity.

SECTION 2. A new subsection to section 6-08.1-02 of the 1999 Supplement to the North Dakota Century Code is created and enacted as follows:

A disclosure of customer information by a financial institution to a nonaffiliated third party, if the disclosure is subject to federal law on the date of the disclosure and the financial institution complies with applicable federal law in making the disclosure.

SECTION 3. EFFECTIVE DATE. This Act becomes effective on July 1, 2001.

SECTION 4. EMERGENCY. This Act is declared to be an emergency measure.