

Sixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1106

Introduced by

Judiciary Committee

(At the request of the Labor Commissioner)

1 A BILL for an Act to amend and reenact section 14-02.5-44 of the North Dakota Century Code,
2 relating to the award of attorney's fees and court costs in actions brought by the labor
3 department.

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

5 **SECTION 1. AMENDMENT.** Section 14-02.5-44 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **14-02.5-44. Prevailing party.** A court in an action brought under this chapter or the
8 department in an administrative hearing under section 14-02.5-31 may award reasonable
9 attorney's fees to the prevailing party and assess court costs against the nonprevailing party.
10 The department may be liable for attorney's fees and court costs only upon a finding by the
11 court that the department acted without substantial justification in bringing the action.