

FIRST ENGROSSMENT
with House Amendments

Sixtieth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2040

Introduced by

Legislative Council

(Judicial Process Committee)

1 A BILL for an Act to create and enact a new section to chapter 51-15 of the North Dakota
2 Century Code, relating to facilitating and assisting deceptive acts or practices; to amend and
3 reenact section 51-15-09 of the North Dakota Century Code, relating to barred claims for relief;
4 and to declare an emergency.

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

6 **SECTION 1.** A new section to chapter 51-15 of the North Dakota Century Code is
7 created and enacted as follows:

8 **Facilitating and assisting.** It is a deceptive act or practice in violation of this chapter
9 for any person to provide assistance or support to any person engaged in any act or practice in
10 violation of this chapter when the person providing assistance or support knows or consciously
11 avoids knowing that the other person is engaged in an act or practice in violation of this
12 chapter. This section does not authorize a private claim for relief for a violation of this section
13 and no entity other than the attorney general may enforce this section.

14 **SECTION 2. AMENDMENT.** Section 51-15-09 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **51-15-09. Claims not barred.** ~~The provisions of~~ Except as provided in section 1 of this
17 Act, this chapter ~~de~~ does not bar any claim for relief by any person against any person who has
18 acquired any moneys or property by means of any practice declared to be unlawful in this
19 chapter. If the court finds the defendant knowingly committed the conduct, the court may order
20 that the person commencing the action recover up to three times the actual damages proven
21 and the court must order that the person commencing the action recover costs, disbursements,
22 and actual reasonable attorney's fees incurred in the action.

23 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.