

SENATE BILL NO. 2105

Introduced by

Industry, Business and Labor Committee

(At the request of the Department of Financial Institutions)

1 A BILL for an Act to amend and reenact sections 13-04.1-13, 13-05-10, 13-08-15, and 13-09-21
2 of the North Dakota Century Code, relating to enforcement actions for money brokers,
3 collection agencies, deferred presentment service providers, and money transmitters; and to
4 provide a penalty.

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

6 **SECTION 1. AMENDMENT.** Section 13-04.1-13 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **13-04.1-13. Penalty.** Any person violating any of the provisions of this chapter or any
9 rule or order of the department of financial institutions made pursuant to the provisions of this
10 chapter or who engages in any act, practice, or transaction declared by any provision of this
11 chapter to be unlawful is guilty of a class C felony. The commissioner may impose a civil
12 money penalty not to exceed five thousand dollars per violation upon a person or agency who
13 willfully violates a law, rule, written agreement, or order under this chapter. An interested party
14 may appeal the assessment of a civil money penalty under the provisions of chapter 28-32 by
15 filing a written notice of appeal within twenty days after service of the assessment of civil money
16 penalties. A civil money penalty collected under this section must be paid to the state treasurer
17 and deposited in the financial institutions regulatory fund.

18 **SECTION 2. AMENDMENT.** Section 13-05-10 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **13-05-10. Penalty.** Any person violating any of the provisions of this chapter is guilty of
21 a class C felony. The commissioner may impose a civil money penalty not to exceed five
22 thousand dollars per violation upon a person or agency who willfully violates a law, rule, written
23 agreement, or order under this chapter. An interested party may appeal the assessment of a
24 civil money penalty under the provisions of chapter 28-32 by filing a written notice of appeal

1 within twenty days after service of the assessment of civil money penalties. A civil money
2 penalty collected under this section must be paid to the state treasurer and deposited in the
3 financial institutions regulatory fund.

4 **SECTION 3. AMENDMENT.** Section 13-08-15 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **13-08-15. Violations - Cease and desist orders - Penalties.** Except as otherwise
7 provided in this chapter, any person who willfully provides deferred presentment services
8 without a license is guilty of a class C felony and any person who violates any other provisions
9 of this chapter or any rule adopted to implement this chapter is guilty of an infraction. If the
10 commissioner finds, whether without a hearing or after a hearing if a hearing is requested within
11 twenty days of notice of an action by the commissioner under this section, that a person
12 violated this chapter or any rule adopted to implement this chapter, the commissioner may do
13 any one or more of the following:

- 14 1. Order the person to cease and desist violating this chapter or the rule.
- 15 2. Require the refund of any fees collected by the person in violation of this chapter.
- 16 3. Impose a civil penalty not to exceed five thousand dollars per violation upon a
17 person or agency who willfully violates a law, rule, written agreement, or order
18 under this chapter. An interested party may appeal the assessment of a civil
19 money penalty under the provisions of chapter 28-32 by filing a written notice of
20 appeal within twenty days after service of the assessment of civil money penalties.
21 A civil money penalty collected under this section must be paid to the state
22 treasurer and deposited in the financial institutions regulatory fund.

23 **SECTION 4. AMENDMENT.** Section 13-09-21 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **13-09-21. Civil penalties.** The commissioner may impose a civil money penalty not to
26 exceed five thousand dollars per violation upon a person or agency who willfully violates a law,
27 rule, written agreement, or order under this chapter. An interested party may appeal the
28 assessment of a civil money penalty by filing a written notice of appeal within twenty days after
29 service of the assessment of civil money penalties. A civil money penalty collected under this
30 section must be paid to the state treasurer and deposited in the financial institutions regulatory
31 fund.