

Introduced by

Senators Dever, Cleary, Lee, Roers

Representatives Klemin, Karls

1 A BILL for an Act to amend and reenact section 6-08.1-03 of the North Dakota Century Code,
2 relating to the duty of confidentiality and disclosure to the North Dakota protection and
3 advocacy project.

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

5 **SECTION 1. AMENDMENT.** Section 6-08.1-03 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **6-08.1-03. Duty of confidentiality.**

8 A financial institution may not disclose customer information to a person, governmental
9 agency, ~~or law enforcement agency,~~ or the protection and advocacy project, unless the
10 disclosure is made in accordance with any of the following:

- 11 1. Pursuant to consent granted by the customer in accordance with this chapter.
- 12 2. To a person other than a governmental agency or law enforcement agency pursuant to
13 valid legal process.
- 14 3. To a governmental agency or law enforcement agency pursuant to valid legal process
15 in accordance with this chapter.
- 16 4. For the purpose of reporting a suspected violation of the law in accordance with this
17 chapter.
- 18 5. For the purpose of notifying the agriculture commissioner a financial institution has
19 notified a customer of the availability of the North Dakota mediation service.
- 20 6. As part of the disclosure made of deposits of public corporations with financial
21 institutions in the security pledge schedule verified by the custodian of securities
22 pursuant to section 21-04-09.
- 23 7. For purposes of reporting suspected exploitation of an eligible adult as defined by
24 section 12.1-31-07. This subsection may not be construed to impose a duty on a

1 financial institution to investigate an alleged or suspected exploitation of an eligible
2 adult or to make a report to a governmental agency or law enforcement agency.

3 8. For purposes of reporting suspected financial exploitation of an eligible adult under
4 chapter 6-08.5 to a law enforcement agency or the department of health and human
5 services. This subsection may not be construed to impose a duty on a financial
6 institution to investigate a suspected financial exploitation of an eligible adult or to
7 make a report to the department of health and human services or law enforcement
8 agency.

9 9. For purposes of investigating suspected abuse, neglect, or financial exploitation of an
10 individual with a disability under chapter 25-01.3 by the protection and advocacy
11 project. The protection and advocacy project may access financial records from
12 financial institutions to fulfill the mandate under chapter 25-01.3. Disclosure under this
13 subsection is limited to the extent necessary for the protection and advocacy project to
14 carry out investigatory functions and is subject to the confidentiality requirements
15 under section 25-01.3-10. This does not impose a duty on a financial institution to
16 investigate suspected abuse, neglect, or exploitation of an individual with a disability or
17 to make a report to the protection and advocacy project.