

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2164

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.

- 1 6. As part of the disclosure made of deposits of public corporations with financial
2 institutions in the security pledge schedule verified by the custodian of securities
3 pursuant to section 21-04-09.
- 4 7. For purposes of reporting suspected exploitation of an eligible adult as defined by
5 section 12.1-31-07. This subsection may not be construed to impose a duty on a
6 financial institution to investigate an alleged or suspected exploitation of an eligible
7 adult or to make a report to a governmental agency or law enforcement agency.
- 8 8. For purposes of reporting suspected financial exploitation of an eligible adult under
9 chapter 6-08.5 to a law enforcement agency, the protection and advocacy project
10 under chapter 25-01.3, or the department of health and human services. This
11 subsection may not be construed to impose a duty on a financial institution to
12 investigate a suspected financial exploitation of an eligible adult or to make a report to
13 the department of health and human services ~~or~~ law enforcement agency, or the
14 protection and advocacy project.
- 15 ~~9. For purposes of investigating suspected abuse, neglect, or financial exploitation of an~~
16 ~~individual with a disability under chapter 25-01.3 by the protection and advocacy~~
17 ~~project. The protection and advocacy project may access financial records from~~
18 ~~financial institutions to fulfill the mandate under chapter 25-01.3. Disclosure under this~~
19 ~~subsection is limited to the extent necessary for the protection and advocacy project to~~
20 ~~carry out investigatory functions and is subject to the confidentiality requirements~~
21 ~~under section 25-01.3-10. This does not impose a duty on a financial institution to~~
22 ~~investigate suspected abuse, neglect, or exploitation of an individual with a disability or~~
23 ~~to make a report to the protection and advocacy project.~~