

HOUSE BILL NO. 1303

Introduced by

Representatives Drovdal, Kempenich

Senator Urlacher

1 A BILL for an Act to create and enact a new section to chapter 32-03 of the North Dakota
2 Century Code, relating to the recovery of damages for fraudulent use of social security
3 numbers.

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

5 **SECTION 1.** A new section to chapter 32-03 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Damages for fraudulent use of social security number - Attorney's fees.**

- 8 1. No person may buy or otherwise obtain or sell, offer for for sale, take or give in
9 exchange, pledge or give in pledge, or use any individual's social security account
10 number, or any derivative of the number, for the purpose of committing fraud or
11 fraudulently using or assuming the individual's identity.
- 12 2. Any individual aggrieved by the act of any person in violation of subsection 1 may
13 bring a claim for relief to recover any equitable relief as the court determines to be
14 appropriate and the greater of the actual damages or liquidated damages of up to
15 ten thousand dollars.
- 16 3. In addition to any damages or other relief awarded under subsection 2, if the
17 aggrieved individual prevails, the court may assess against the defendant
18 reasonable attorney's fees and any other litigation costs and expenses, including
19 expert fees, reasonably incurred by the aggrieved individual.
- 20 4. Any action brought under this section is in addition to any criminal prosecution that
21 may be brought under any state or federal law.