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Sixty-first  
Legislative Assembly  
of North Dakota

Introduced by

(At the request of the Labor Commissioner)

1 A BILL for an Act to amend and reenact section 14-02.5-44 of the North Dakota Century Code,  
2 relating to the court's authority to award attorney's fees and costs to the prevailing party.

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

4 **SECTION 1. AMENDMENT.** Section 14-02.5-44 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **14-02.5-44. Prevailing party.** A court in an action brought under this chapter or the  
7 department in an administrative hearing under section 14-02.5-31 may award reasonable  
8 attorney's fees to the prevailing party and assess court costs against the nonprevailing party.  
9 The department may be liable for attorney's fees and court costs only upon a finding by the  
10 court that the department acted without substantial justification in bringing the action.