

# SALES AND EXCHANGES

## CHAPTER 437

### HOUSE BILL NO. 1184

(Representatives Delmore, DeKrey, Griffin, Kretschmar)  
(Senators Lyson, Schneider)

AN ACT to amend and reenact subsection 1 of section 51-31-04 of the North Dakota Century Code, relating to law enforcement reports for individuals who are the victims of identity theft.

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

**SECTION 1. AMENDMENT.** Subsection 1 of section 51-31-04 of the North Dakota Century Code is amended and reenacted as follows:

1. An individual who has learned or reasonably suspects that the individual's personal identifying information has been unlawfully used by another, as described in section 12.1-23-11, may initiate a law enforcement investigation by contacting the local law enforcement agency that has jurisdiction over the individual's residence or any other jurisdiction in which any part of the offense occurred. The law enforcement agency shall take a report of the matter, provide the individual with a copy of that report, and begin an investigation of the facts. If the suspected crime was committed in a different jurisdiction, the local law enforcement agency may refer the matter to the law enforcement agency where the suspected crime was committed for further investigation of the facts.

Approved March 24, 2009  
Filed March 24, 2009

**CHAPTER 438****HOUSE BILL NO. 1308**

(Representatives Koppelman, Griffin, Schatz)  
(Senators Andrist, Dever, Triplett)

AN ACT to amend and reenact subsection 2 of section 51-33-04 of the North Dakota Century Code, relating to temporary lifting of a security freeze; to provide an effective date; and to declare an emergency.

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

**SECTION 1. AMENDMENT.** Subsection 2 of section 51-33-04 of the North Dakota Century Code is amended and reenacted as follows:

2. a. A consumer reporting agency that receives a request by mail from a consumer to temporarily lift a freeze on a consumer credit file under this section shall comply with the request no later than ~~three~~ two business days after receiving the request unless the consumer fails to provide proper identification and the unique personal identification number or password provided by the credit reporting agency under section 51-33-03.
- b. A consumer reporting agency that receives a request by telephone or through a secure electronic connection from a consumer to temporarily lift a freeze on a consumer credit file under this section shall comply with the request no later than fifteen minutes after receiving the request unless the consumer fails to provide proper identification and the unique personal identification number or password provided by the credit reporting agency under section 51-33-03 or the consumer reporting agency's ability to remove the security freeze within fifteen minutes is prevented by:
  - (1) A natural disaster or act of God, including fire, earthquake, or hurricane;
  - (2) Unauthorized or illegal acts by a third party, including terrorism, sabotage, riot, vandalism, or a labor strike or similar labor dispute disrupting operations;
  - (3) Operational interruption, including electrical failure, unanticipated delay in equipment or replacement part delivery, or computer hardware or software failures inhibiting response time;
  - (4) Governmental action, including emergency orders or regulations or judicial or law enforcement action;
  - (5) Receipt of a removal request outside of normal business hours; or

(6) Maintenance of, updates to, or repair of the consumer reporting agency's systems, whether regularly scheduled, unscheduled, or unexpected.

c. For the purposes of this section, "normal business hours" means from six a.m. to nine-thirty p.m., central standard time or central daylight time, seven days a week, excluding holidays other than Sundays.

**SECTION 2. EFFECTIVE DATE.** This Act becomes effective May 1, 2009.

**SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.

Approved April 24, 2009  
Filed April 29, 2009