

FIRST ENGROSSMENT

ENGROSSED 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 unless the disclosure is made in accordance with any of the
10 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.

- 1 7. For purposes of reporting suspected exploitation of an eligible adult as defined by
2 section 12.1-31-07. This subsection may not be construed to impose a duty on a
3 financial institution to investigate an alleged or suspected exploitation of an eligible
4 adult or to make a report to a governmental agency or law enforcement agency.
- 5 8. For purposes of reporting suspected financial exploitation of an eligible adult under
6 chapter 6-08.5 to a law enforcement agency, the protection and advocacy project
7 under chapter 25-01.3, or the department of health and human services. This
8 subsection may not be construed to impose a duty on a financial institution to
9 investigate a suspected financial exploitation of an eligible adult or to make a report to
10 the department of health and human services ~~or~~, law enforcement agency, or the
11 protection and advocacy project.