

**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.