

Sixty-third  
Legislative Assembly  
of North Dakota

**ENGROSSED HOUSE BILL NO. 1084**

Introduced by

Industry, Business and Labor Committee

(At the request of the Department of Financial Institutions)

1 A BILL for an Act to create and enact two new sections to chapter 13-05, two new sections to  
2 chapter 13-08, two new sections to chapter 13-09, and a new section to chapter 13-11 of the  
3 North Dakota Century Code, relating to a six-month extension of a collection agency license, a  
4 deferred presentment service provider license, and a money transmitter license during the 2014  
5 calendar year, and the confidentiality of information submitted or received by the commissioner  
6 or commissioner's designee to a nationwide multistate licensing system; and to amend and  
7 reenact subsection 4 of section 6-01-07.1, sections 13-05-03, 13-05-05, 13-08-04, and  
8 13-08-09, subsections 6 and 7 of section 13-08-12, and sections 13-09-07, 13-09-10, and  
9 13-11-03 of the North Dakota Century Code, relating to the confidentiality of information shared  
10 with a nationwide multistate licensing system, collection agency license applications, the  
11 expiration and renewal of a collection agency license, deferred presentment service provider  
12 license applications, the expiration and renewal of a deferred presentment service provider  
13 license, deferred presentment service transaction procedures, money transmitter license  
14 applications, the expiration and renewal of a money transmitter license, and debt-settlement  
15 provider license applications.

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

17 **SECTION 1. AMENDMENT.** Subsection 4 of section 6-01-07.1 of the North Dakota Century  
18 Code is amended and reenacted as follows:

- 19 4. The commissioner may furnish information and enter into sharing agreements as to  
20 matters of mutual interest to an official or examiner of the federal reserve system,  
21 federal deposit insurance corporation, federal home loan bank board, national credit  
22 union administration, office of thrift supervision, comptroller of the currency, any other  
23 federal government agency, insurance commissioner, office of the securities  
24 commissioner, regulatory trade associations, ~~or~~ any state bank or credit union

1 supervisors or supervisors of other licensed entities of other states, or a nationwide  
2 multistate licensing system.

3 **SECTION 2. AMENDMENT.** Section 13-05-03 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **13-05-03. Application for a collection agency license.**

6 Every

7 1. Each application for a collection agency license, or for a renewal thereof, must be  
8 made upon forms furnished by the department of financial institutions in the form  
9 prescribed by the commissioner and must contain the following information:

10 4.a. The full name and proposed business name of the applicant.

11 2.b. The address where the business is to be conducted.

12 3.c. The names and addresses of the applicant and those associated with the  
13 applicant. If the applicant is a corporation, the application must contain the  
14 names of the officers of the corporation. If the applicant is a limited liability  
15 company, the application must contain the names of the managers of the limited  
16 liability company. The applicant must register with the North Dakota secretary of  
17 state if so required.

18 4.d. Such additional information which the department of financial institutions shall  
19 require.

20 2. To fulfill the purposes of this chapter, the commissioner may establish relationships or  
21 contracts with a nationwide multistate licensing system and registry or other entities  
22 designated by a nationwide multistate licensing system and registry to collect and  
23 maintain records and process transaction fees or other fees related to licensees or  
24 other persons subject to the chapter. The applicant shall pay directly to such  
25 nationwide multistate licensing system any additional fee relating to participation in  
26 such nationwide multistate licensing system.

27 3. In connection with an application for licensing as a collection agency, or any license  
28 renewals, the applicant shall furnish to the nationwide multistate licensing system  
29 information concerning the applicant's identity, which may include:

- 1           a. Fingerprints for submission to the federal bureau of investigation, and any  
2                   governmental agency or entity authorized to receive such information for a state,  
3                   national, and international criminal history background check;  
4           b. Personal history and experience in a form prescribed by the nationwide multistate  
5                   licensing system, including the submission of authorization for the nationwide  
6                   multistate licensing system and the commissioner to obtain:  
7                   (1) An independent credit report obtained from a consumer reporting agency  
8                           described in section 603(p) of the Fair Credit Reporting Act; and  
9                   (2) Information related to any administrative, civil, or criminal findings by any  
10                           governmental jurisdiction; and  
11           c. Any other documents, information, or evidence the commissioner deems relevant  
12                   to the application regardless of the location, possession, control, or custody of  
13                   such documents, information, or evidence.  
14           4. For the purposes of this section and in order to reduce the points of contact which the  
15                   federal bureau of investigation may have to maintain for purposes of subsection 3, the  
16                   commissioner may use the nationwide multistate licensing system and registry as a  
17                   channeling agent for requesting information from and distributing information to the  
18                   department of justice or any governmental agency.  
19           5. For the purposes of this section and in order to reduce the points of contact which the  
20                   commissioner may have to maintain for purposes of subsection 3, the commissioner  
21                   may use the nationwide multistate licensing system and registry as a channeling agent  
22                   for requesting and distributing information to and from any source so directed by the  
23                   commissioner.

24           **SECTION 3. AMENDMENT.** Section 13-05-05 of the North Dakota Century Code is  
25 amended and reenacted as follows:

26           **13-05-05. Expiration and renewal of license.**

27           All licenses required herein expire on ~~June thirtieth~~ December thirty-first of each year and  
28 may be renewed. Applications for renewal must be submitted thirty days before the expiration of  
29 the license and must be accompanied by the required annual fees, which are not subject to  
30 refund. The form and content of renewal applications must be determined by the department of  
31 financial institutions and a renewal application may be denied upon the same grounds as would

1 justify denial of an initial application. When a licensee has been delinquent in renewing the  
2 licensee's license, the department may charge an additional fee of fifty dollars for the renewal of  
3 the license. A collection agency license is not transferable. If the commissioner determines that  
4 an ownership change has occurred in a sole proprietorship, partnership, limited liability  
5 partnership, corporation, or limited liability corporation that was previously granted a collection  
6 agency license, the commissioner may require a new application from the purchaser. The  
7 application must be filed within forty-five days from the date change of ownership is  
8 consummated. The department shall act on the application within sixty days from the date the  
9 application is received but may extend the review period for good cause. The collection agency  
10 license granted to the previous owner continues in effect to the new purchaser until the  
11 application is either granted or denied.

12 **SECTION 4.** A new section to chapter 13-05 of the North Dakota Century Code is created  
13 and enacted as follows:

14 **Automatic six-month extension of license during 2014 calendar year.**

15 All current licensees who have made payment of a fee in accordance with sections  
16 13-05-04 and 13-05-05, for a collection agency license effective after July 1, 2013, shall be  
17 granted an extension of its current license until December 31, 2014. If at any time prior to  
18 December 31, 2014, a licensee's license expires or otherwise terminates under this chapter, the  
19 applicant shall be required to pay licensing fees in accordance with section 13-05-04, and that  
20 license will expire on December 31, 2014.

21 **SECTION 5.** A new section to chapter 13-05 of the North Dakota Century Code is created  
22 and enacted as follows:

23 **Confidentiality.**

24 To promote more effective regulation and reduce regulatory burden through supervisory  
25 information sharing, the commissioner or commissioner's designee may furnish information to  
26 or receive information from a nationwide multistate licensing system for the purpose of  
27 regulation of the financial services industry. Information furnished by the commissioner to any  
28 third party which is confidential or privileged in the commissioner's possession remains  
29 confidential or privileged in the possession of the third party. Information received by the  
30 commissioner from any third party which is confidential or privileged in the third party's  
31 possession remains confidential or privileged in the commissioner's possession.

1       **SECTION 6. AMENDMENT.** Section 13-08-04 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **13-08-04. Application for license.**

4       1. Each application for a license must be in the form prescribed by the commissioner and  
5 must include:

6       1-a. The legal name of the applicant, residence of the applicant, business address of  
7 the applicant, and address at which deferred presentment service is provided if  
8 different from the business address and, if the applicant is a partnership,  
9 association, or corporation, the name and address of every member, officer, and  
10 director;

11       2-b. The location at which the registered office of the applicant is located; and

12       3-c. Other data and information the commissioner may require with respect to the  
13 applicant and the applicant's directors, officers, members, and shareholders.

14       2. To fulfill the purposes of this chapter, the commissioner may establish relationships or  
15 contracts with a nationwide multistate licensing system and registry or other entities  
16 designated by a nationwide multistate licensing system and registry to collect and  
17 maintain records and process transaction fees or other fees related to licensees or  
18 other persons subject to the chapter. The applicant shall pay directly to such  
19 nationwide multistate licensing system any additional fee relating to participation in  
20 such nationwide multistate licensing system.

21       3. In connection with an application for licensing as a deferred presentment service  
22 provider, or any license renewals, the applicant shall furnish to the nationwide  
23 multistate licensing system information concerning the applicant's identity, which may  
24 include:

25       a. Fingerprints for submission to the federal bureau of investigation and any  
26 governmental agency or entity authorized to receive such information for a state,  
27 national, and international criminal history background check;

28       b. Personal history and experience in a form prescribed by the nationwide multistate  
29 licensing system, including the submission of authorization for the nationwide  
30 multistate licensing system and the commissioner to obtain:

- 1                   (1) An independent credit report obtained from a consumer reporting agency  
2                               described in section 603(p) of the Fair Credit Reporting Act; and  
3                   (2) Information related to any administrative, civil, or criminal findings by any  
4                               governmental jurisdiction; and  
5                   c. Any other documents, information, or evidence the commissioner deems relevant  
6                               to the application regardless of the location, possession, control, or custody of  
7                               such documents, information, or evidence.  
8                   4. For the purposes of this section and in order to reduce the points of contact which the  
9                               federal bureau of investigation may have to maintain for purposes of subsection 3, the  
10                              commissioner may use the nationwide multistate licensing system and registry as a  
11                              channeling agent for requesting information from and distributing information to the  
12                              department of justice or any governmental agency.  
13                   5. For the purposes of this section and in order to reduce the points of contact which the  
14                              commissioner may have to maintain for purposes of subsection 3, the commissioner  
15                              may use the nationwide multistate licensing system and registry as a channeling agent  
16                              for requesting and distributing information to and from any source so directed by the  
17                              commissioner.

18                   **SECTION 7. AMENDMENT.** Section 13-08-09 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20                   **13-08-09. Expiration of license - Renewal.**

21                   Licenses issued under this chapter expire as of ~~June thirtieth~~December thirty-first of each  
22 year. A license may be renewed for the ensuing twelve-month period upon application and the  
23 payment to the commissioner of the annual license fee, which is not subject to refund, before  
24 ~~June~~December first of each year. The form and content of renewal applications must be  
25 determined by the department of financial institutions and a renewal application may be denied  
26 upon the same grounds as would justify denial of an initial application. When a licensee has  
27 been delinquent in renewing the licensee's license, the department may charge an additional  
28 fee of fifty dollars for the renewal of such license.

29                   **SECTION 8. AMENDMENT.** Subsection 6 of section 13-08-12 of the North Dakota Century  
30 Code is amended and reenacted as follows:

1           6. Each deferred presentment service transaction, including a renewal, must be  
2           documented by a written agreement signed or similarly authenticated by the customer.  
3           The original agreement must contain the name of the licensee; the transaction date;  
4           the amount of the obligation; a statement of the total amount of fees charged,  
5           expressed as a dollar amount and as an annual percentage rate; the name and  
6           signature of the individual who signs the agreement on behalf of the licensee; the  
7           name and address of the check maker; the transaction number assigned by the  
8           database; the date of negotiation of the check; the signature of the check maker; a  
9           statement that a licensee may not renew a transaction more than once; a statement  
10          that the renewal fee may not exceed twenty percent of the amount being renewed; a  
11          statement that the maximum term of the transaction, including ~~a statement that the~~  
12          renewal, may not exceed sixty businesscalendar days; a statement that the term of the  
13          renewal period may not be less than fifteen businesscalendar days; and a statement  
14          containing the right of rescission printed immediately above the signature line of the  
15          written agreement in a minimum of ten-point font and providing a space for the check  
16          maker to initial that the notice to the right of rescission was received. The original  
17          agreement may not include a hold harmless clause; a confession of judgment clause;  
18          any assignment of or order for payment of wages or other compensation for services;  
19          a provision in which the check maker agrees not to assert any claim or defense arising  
20          out of the agreement; a waiver of any provision of this chapter; any representation  
21          from the check maker as to the sufficiency of funds regarding any past deferred  
22          presentment service transactions; or any statement regarding criminal prosecution  
23          with respect to the agreement. A renewal agreement must be contained in a separate  
24          section, as part of the original written agreement or in other form as approved by the  
25          commissioner. The renewal agreement must restate the original transaction date, the  
26          renewal transaction date, the amount of the check paid to the check maker, the fee  
27          charged in dollars, and the maturity date. The agreement must authorize the licensee  
28          to defer presentment or negotiation of the check, or electronic debit of the customer's  
29          account, until a specified date. The maker of a check may redeem the check from the  
30          licensee at any time before the negotiation or presentment of the check by making  
31          payment to the licensee. A customer agreeing to an electronic deferred presentment

1 service transaction may repay the obligation at any time before the agreed-upon date.  
2 A customer may rescind any transaction by the close of the business day following the  
3 day on which the customer receives payment from the licensee at no cost. If a  
4 customer agreeing to an electronic deferred presentment service transaction rescinds  
5 the transaction, the licensee must facilitate the repayment of the funds through the  
6 same electronic means the licensee used to deliver the funds to the customer.

7 **SECTION 9. AMENDMENT.** Subsection 7 of section 13-08-12 of the North Dakota Century  
8 Code is amended and reenacted as follows:

9 7. If a check or electronic debit is returned to the licensee from a payer financial  
10 institution due to insufficient funds, closed account, or a stop payment order, the  
11 licensee has the right to all civil remedies available to collect the obligation. The  
12 licensee may contract for and collect a returned check or electronic debit charge not to  
13 exceed ~~twenty dollars~~ the collection fees and costs authorized in subdivision c of  
14 subsection 2 of section 6-08-16. No other fee or charge may be collected as a result of  
15 a returned check or electronic debit or as a result of default by the customer in timely  
16 payment to the licensee.

17 **SECTION 10.** A new section to chapter 13-08 of the North Dakota Century Code is created  
18 and enacted as follows:

19 **Automatic six-month extension of license during 2014 calendar year.**

20 All current licensees who have made payment of a fee in accordance with section 13-08-05,  
21 for a deferred presentment service provider license effective after July 1, 2013, shall be granted  
22 an extension of their current license until December 31, 2014. If at any time prior to  
23 December 31, 2014, a licensee's license expires or otherwise terminates under this chapter, the  
24 applicant shall be required to pay licensing fees in accordance with section 13-08-05, and that  
25 license will expire on December 31, 2014.

26 **SECTION 11.** A new section to chapter 13-08 of the North Dakota Century Code is created  
27 and enacted as follows:

28 **Confidentiality.**

29 To promote more effective regulation and reduce regulatory burden through supervisory  
30 information sharing, the commissioner or commissioner's designee may furnish information to  
31 or receive information from a nationwide multistate licensing system for the purpose of



1 regulation of the financial services industry. Information furnished by the commissioner to any  
2 third party which is confidential or privileged in the commissioner's possession remains  
3 confidential or privileged in the possession of the third party. Information received by the  
4 commissioner from any third party which is confidential or privileged in the third party's  
5 possession remains confidential or privileged in the commissioner's possession.

6 **SECTION 12. AMENDMENT.** Section 13-09-07 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **13-09-07. Application for license.**

9 1. Each application for a license under this chapter must be ~~made in writing, and in a~~the  
10 form prescribed by the commissioner. Each application must state or contain:

11 1.a. For all applicants:

12 a.(1) The exact name of the applicant, the applicant's principal address, any  
13 fictitious or trade name used by the applicant in the conduct of its business,  
14 and the location of the applicant's business records.

15 b.(2) The history of the applicant's criminal convictions and material litigation for  
16 the five-year period before the date of the application.

17 c.(3) A description of the activities conducted by the applicant and a history of  
18 operations.

19 d.(4) A description of the business activities in which the applicant seeks to be  
20 engaged in the state.

21 e.(5) A list identifying the applicant's proposed authorized delegates in the state,  
22 if any, at the time of the filing of the license application.

23 f.(6) A sample authorized delegate contract, if applicable.

24 g.(7) A sample form of payment instrument, if applicable.

25 h.(8) The locations at which the applicant and its authorized delegates, if any,  
26 propose to conduct the licensed activities in the state.

27 i.(9) The name and address of the clearing bank or banks on which the  
28 applicant's payment instruments will be drawn or through which the  
29 payment instruments will be payable.

30 2.b. If the applicant is a corporation, the applicant must also provide:

31 a.(1) The date of the applicant's incorporation and state of incorporation.



1                   other than the United States, within the year preceding the date of filing of  
2                   the application.

3       ~~3.c.~~    If the applicant is not a corporation, the applicant must also provide:

4           ~~a.(1)~~   The name, business and residence address, personal financial statement,  
5                   and employment history, for the past five years, of each principal of the  
6                   applicant and the name, business and residence address, and employment  
7                   history for the past five years of any other person or persons who will be in  
8                   charge of the applicant's activities to be licensed under this chapter;

9           ~~b.(2)~~   The place and date of the applicant's registration or qualification to do  
10                   business in this state;

11          ~~c.(3)~~   The history of criminal convictions and material litigation for the five-year  
12                   period before the date of the application for each individual having any  
13                   ownership interest in the applicant and each individual who exercises  
14                   supervisory responsibility with respect to the applicant's activities; and

15          ~~d.(4)~~   Copies of the applicant's audited financial statements including balance  
16                   sheet, statement of income or loss, and statement of changes in financial  
17                   position for the current year and, if available, for the immediately preceding  
18                   two-year period.

19       ~~4.d.~~   For good cause shown, the commissioner may waive any requirement of this  
20                   section with respect to any license application or to permit a license applicant to  
21                   submit substituted information in its license application in lieu of the information  
22                   required by this section.

23       2. To fulfill the purposes of this chapter, the commissioner may establish relationships or  
24                   contracts with a nationwide multistate licensing system and registry or other entities  
25                   designated by a nationwide multistate licensing system and registry to collect and  
26                   maintain records and process transaction fees or other fees related to licensees or  
27                   other persons subject to the chapter. The applicant shall pay directly to such  
28                   nationwide multistate licensing system any additional fee relating to participation in  
29                   such nationwide multistate licensing system.

- 1       3. In connection with an application for licensing as a money transmitter, or any license  
2       renewals, the applicant shall furnish to the nationwide multistate licensing system  
3       information concerning the applicant's identity, which may include:
- 4       a. Fingerprints for submission to the federal bureau of investigation, and any  
5       governmental agency or entity authorized to receive such information for a state,  
6       national, and international criminal history background check, except that officers  
7       and directors of a publicly traded company and subsidiaries of the publicly traded  
8       company may not be required to submit fingerprints under this section;
- 9       b. Personal history and experience in a form prescribed by the nationwide multistate  
10       licensing system, including the submission of authorization for the nationwide  
11       multistate licensing system and the commissioner to obtain:
- 12       (1) An independent credit report obtained from a consumer reporting agency  
13       described in section 603(p) of the Fair Credit Reporting Act; and
- 14       (2) Information related to any administrative, civil, or criminal findings by any  
15       governmental jurisdiction; and
- 16       c. Any other documents, information, or evidence the commissioner deems relevant  
17       to the application regardless of the location, possession, control, or custody of  
18       such documents, information, or evidence.
- 19       4. For the purposes of this section and in order to reduce the points of contact which the  
20       federal bureau of investigation may have to maintain for purposes of subsection 3, the  
21       commissioner may use the nationwide multistate licensing system and registry as a  
22       channeling agent for requesting information from and distributing information to the  
23       department of justice or any governmental agency.
- 24       5. For the purposes of this section and in order to reduce the points of contact which the  
25       commissioner may have to maintain for purposes of subsection 3, the commissioner  
26       may use the nationwide multistate licensing system and registry as a channeling agent  
27       for requesting and distributing information to and from any source so directed by the  
28       commissioner.

29       **SECTION 13. AMENDMENT.** Section 13-09-10 of the North Dakota Century Code is  
30       amended and reenacted as follows:

1       **13-09-10. Renewal of license and annual report.**

- 2       1. A licensee under this chapter shall pay an annual renewal fee of four hundred fifty  
3       dollars which is not subject to refund.
- 4       2. The renewal fee must be accompanied by a report, in a form prescribed by the  
5       commissioner, which must include:
- 6       a. A copy of its most recent audited consolidated annual financial statement  
7       including balance sheet, statement of income or loss, statement of changes in  
8       shareholder's equity, and statement of changes in financial position, or, in the  
9       case of a licensee that is a wholly owned subsidiary of another corporation, the  
10      consolidated audited annual financial statement of the parent corporation may be  
11      filed in lieu of the licensee's audited annual financial statement;
- 12      b. For the most recent quarter for which data is available before the date of the filing  
13      of the renewal application, but in no event more than one hundred twenty days  
14      before the renewal date, the licensee must provide the number of payment  
15      instruments sold by the licensee in the state, the dollar amount of those  
16      instruments, and the dollar amount of those instruments currently outstanding;
- 17      c. Any material changes to any of the information submitted by the licensee on its  
18      original application which have not previously been reported to the commissioner  
19      on any other report required to be filed under this chapter;
- 20      d. A list of the licensee's permissible investments; and
- 21      e. A list of the locations, if any, within this state at which business regulated by this  
22      chapter is being conducted by either the licensee or its authorized delegates.
- 23      3. All licenses issued pursuant to this chapter expire on ~~June thirtieth~~December thirty-first  
24      of each year. Applications for renewal must be submitted thirty days before expiration  
25      of the license. A licensee that has not filed a renewal report or paid its renewal fee by  
26      ~~June thirtieth~~December thirty-first and has not been granted an extension of time to do  
27      so by the commissioner must have its license suspended. The licensee in such case  
28      has thirty days after its license is suspended in which to file a renewal report and pay  
29      the renewal fee, plus fifty dollars for each business day after suspension that the  
30      commissioner does not receive the renewal report and the renewal fee. For good

1           cause, the commissioner may grant an extension of the renewal date or reduce or  
2           suspend the fifty dollars per day late filing fee.

3           **SECTION 14.** A new section to chapter 13-09 of the North Dakota Century Code is created  
4 and enacted as follows:

5           **Automatic six-month extension of license during 2014 calendar year.**

6           All current licensees who have made payment of a fee in accordance with sections  
7 13-09-08 and 13-09-10, for a money transmitter license effective after July 1, 2013, shall be  
8 granted an extension of their current license until December 31, 2014. If at any time prior to  
9 December 31, 2014, a licensee's license expires or otherwise terminates under this chapter, the  
10 applicant shall be required to pay licensing fees in accordance with section 13-09-08, and that  
11 license will expire on December 31, 2014.

12           **SECTION 15.** A new section to chapter 13-09 of the North Dakota Century Code is created  
13 and enacted as follows:

14           **Confidentiality.**

15           To promote more effective regulation and reduce regulatory burden through supervisory  
16 information sharing, the commissioner or commissioner's designee may furnish information to  
17 or receive information from a nationwide multistate licensing system for the purpose of  
18 regulation of the financial services industry. Information furnished by the commissioner to any  
19 third party which is confidential or privileged in the commissioner's possession remains  
20 confidential or privileged in the possession of the third party. Information received by the  
21 commissioner from any third party which is confidential or privileged in the third party's  
22 possession remains confidential or privileged in the commissioner's possession.

23           **SECTION 16. AMENDMENT.** Section 13-11-03 of the North Dakota Century Code is  
24 amended and reenacted as follows:

25           **13-11-03. Application for license.**

26           1. Every application for a debt-settlement provider license, or for a renewal thereof, must  
27           be made ~~upon forms designed and furnished~~ in the form prescribed by the  
28           commissioner and must contain any information which the commissioner determines  
29           necessary and proper. The commissioner may require any ~~application~~ applicant to  
30           provide additional information that is not requested on the application form. The  
31           applicant must register with the secretary of state if so required.

- 1       2. To fulfill the purposes of this chapter, the commissioner may establish relationships or  
2       contracts with a nationwide multistate licensing system and registry or other entities  
3       designated by a nationwide multistate licensing system and registry to collect and  
4       maintain records and process transaction fees or other fees related to licensees or  
5       other persons subject to the chapter. The applicant shall pay directly to such  
6       nationwide multistate licensing system any additional fee relating to participation in  
7       such nationwide multistate licensing system.
- 8       3. In connection with an application for licensing as a debt-settlement provider, or any  
9       license renewals, the applicant shall furnish to the nationwide multistate licensing  
10      system information concerning the applicant's identity, which may include:
  - 11      a. Fingerprints for submission to the federal bureau of investigation, and any  
12      governmental agency or entity authorized to receive such information for a state,  
13      national, and international criminal history background check;
  - 14      b. Personal history and experience in a form prescribed by the nationwide multistate  
15      licensing system, including the submission of authorization for the nationwide  
16      multistate licensing system and the commissioner to obtain:
    - 17      (1) An independent credit report obtained from a consumer reporting agency  
18      described in section 603(p) of the Fair Credit Reporting Act; and
    - 19      (2) Information related to any administrative, civil, or criminal findings by any  
20      governmental jurisdiction; and
  - 21      c. Any other documents, information, or evidence the commissioner deems relevant  
22      to the application regardless of the location, possession, control, or custody of  
23      such documents, information, or evidence.
- 24      4. For the purposes of this section and in order to reduce the points of contact which the  
25      federal bureau of investigation may have to maintain for purposes of subsection 3, the  
26      commissioner may use the nationwide multistate licensing system and registry as a  
27      channeling agent for requesting information from and distributing information to the  
28      department of justice or any governmental agency.
- 29      5. For the purposes of this section and in order to reduce the points of contact which the  
30      commissioner may have to maintain for purposes of subsection 3, the commissioner  
31      may use the nationwide multistate licensing system and registry as a channeling agent

1           for requesting and distributing information to and from any source so directed by the  
2           commissioner.

3           **SECTION 17.** A new section to chapter 13-11 of the North Dakota Century Code is created  
4 and enacted as follows:

5           **Confidentiality.**

6           To promote more effective regulation and reduce regulatory burden through supervisory  
7 information sharing, the commissioner or commissioner's designee may furnish information to  
8 or receive information from a nationwide multistate licensing system for the purpose of  
9 regulation of the financial services industry. Information furnished by the commissioner to any  
10 third party which is confidential or privileged in the commissioner's possession remains  
11 confidential or privileged in the possession of the third party. Information received by the  
12 commissioner from any third party which is confidential or privileged in the third party's  
13 possession remains confidential or privileged in the commissioner's possession.