

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1123

Introduced by

Representatives Schobinger, Kasper, Lefor, Mitskog

Senators Klein, Krebsbach, Mathern

1 A BILL for an Act to create and enact a new section to chapter 26.1-39 of the North Dakota
2 Century Code, relating to property and casualty insurance risk rating; and to provide for
3 application.

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

5 **SECTION 1.** A new section to chapter 26.1-39 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Fire protection class - Dispute.**

- 8 1. This section applies to an insurance policy issued or renewed to insure real property in
9 this state ~~for coverage for loss caused by or which resulted from any covered cause of~~
10 loss.
- 11 2. Within thirty days following quoting, issuing, or renewing of the policy, the insured may
12 assert a fire protection class which differs from the class identified by the insurer and
13 the insurer shall implement this class. The insured shall present to the insurer a
14 credible basis for the assertion supported by factual information.
- 15 3. Within ninety days following receipt of the assertion by an insured, the insurer may
16 investigate the assertion and:
- 17 a. Change the fire protection class, effective from the date of issuance or renewal ~~of~~
18 all affected policies; or
- 19 b. Document the basis for the original class and implement the original class
20 effective from the date of issuance or renewal.
- 21 4. After making a determination under subsection 3, the insurer shall inform the insured
22 of the determination.

23 **SECTION 2. APPLICATION.** This Act applies to quoting, issuing, or renewing of insurance
24 policies on and after the effective date of this Act.