

Introduced by

Industry, Business and Labor Committee

(At the request of the Insurance Commissioner)

1 A BILL for an Act to amend and reenact section 26.1-02-33 of the North Dakota Century Code,
2 relating to third-party software access to insurance policy information.

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

4 **SECTION 1. AMENDMENT.** Section 26.1-02-33 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **26.1-02-33. Posting policy on internet.**

7 1. An insurance policy and an endorsement that does not contain personally identifiable
8 information may be mailed, delivered, or posted on the insurer's website. If the insurer
9 elects to post an insurance policy and an endorsement on the insurer's website in lieu
10 of mailing or delivering the policy and endorsement to the insured, the insurer shall
11 comply with the following conditions:

- 12 a. The policy and an endorsement must be accessible to the insured and producer
13 of record and remain that way while the policy is in force;
- 14 b. After the expiration of the policy, the insurer shall archive the expired policy and
15 endorsement for a period of five years or other period required by law, and make
16 the policy and endorsement available upon request;
- 17 c. The policy and endorsement must be posted in a manner that enables the
18 insured and producer of record to print and save the policy and endorsement
19 using a program or application that is widely available on the internet and free to
20 use;
- 21 d. The insurer shall provide the following information in, or simultaneous with, each
22 declaration page provided at the time of issuance of the initial policy and any
23 renewals of the policy:

- 1 (1) A description of the exact policy and endorsement form purchased by the
2 insured;
- 3 (2) A description of the insured's right to receive, upon request and without
4 charge, a paper copy of the policy and endorsement by mail; and
- 5 (3) The internet address at which the policy and endorsement are posted;
- 6 e. The insurer, upon an insured's request and without charge, shall mail a paper
7 copy of the policy and endorsement to the insured; and
- 8 f. The insurer shall provide notice, in the format preferred by the insured, of any
9 change to the forms or endorsement; the insured's right to obtain, upon request
10 and without charge, a paper copy of the forms or endorsement; and the internet
11 address at which the forms or endorsement are posted.
- 12 2. If the insurer provides the insured access to policy, endorsement, or other policy-
13 related information by electronic means, the insurer may not restrict the insured from
14 using third-party software to access policy, endorsement, or other policy-related
15 information. This subsection does not:
- 16 a. Prohibit an insurer from preventing access by malicious software; or
17 b. Require an insurer to provide policy information by electronic means.
- 18 3. This section does not affect the timing or content of any disclosure or document
19 required to be provided or made available to any insured under applicable law.