

Fifty-fifth  
Legislative Assembly  
of North Dakota

## HOUSE BILL NO. 1438

Introduced by

Representatives Clark, Christopherson, Kliniske

1 A BILL for an Act to amend and reenact subsection 1 of section 26.1-40-01 and subsection 4 of  
2 section 26.1-40-11 of the North Dakota Century Code, relating to automobile insurance rating  
3 differentials; and to provide an effective date.

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

5 **SECTION 1. AMENDMENT.** Subsection 1 of section 26.1-40-01 of the North Dakota  
6 Century Code is amended and reenacted as follows:

7 1. "Declination" means the refusal of an insurer to issue a policy upon receipt of a  
8 written nonbinding application or written request for coverage from its agent or an  
9 applicant. The offering of insurance coverage with a company within an insurance  
10 group which is different from the company requested on the nonbinding application  
11 or written request for coverage, ~~or~~ the offering of policy coverage or rates  
12 substantially less favorable than requested in the nonbinding application or written  
13 request for coverage, or the offering of policy coverage with a rating differential  
14 based upon gender is a declination.

15 **SECTION 2. AMENDMENT.** Subsection 4 of section 26.1-40-11 of the North Dakota  
16 Century Code is amended and reenacted as follows:

17 4. Based solely upon the age, ~~sex~~ gender, or marital status of an applicant or an  
18 insured, except that this subsection does not prohibit rating differentials based  
19 upon age, ~~sex~~, or marital status. A rating differential based upon gender may not  
20 be used for a policy issued after December 31, 1997.

21 **SECTION 3. EFFECTIVE DATE.** This Act becomes effective on January 1, 1998.