

HOUSE BILL NO. 1371

Introduced by

Representatives Sandvig, Delmore

Senators DeMers, C. Nelson, Watne

1 A BILL for an Act to amend and reenact subsection 7 of section 26.1-04-03 of the North Dakota
2 Century Code, relating to unfair insurance practices with respect to persons involved in
3 domestic violence.

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

5 **SECTION 1. AMENDMENT.** Subsection 7 of section 26.1-04-03 of the 1997
6 Supplement to the North Dakota Century Code is amended and reenacted as follows:

7 7. Unfair discrimination.

- 8 a. Making or permitting any unfair discrimination between individuals of the
9 same class and equal expectation of life in the rates charged for any contract
10 of life insurance or of life annuity or in the dividends or other benefits payable
11 thereon, or in any other of the terms and conditions of such contract.
- 12 b. Making or permitting any unfair discrimination between individuals of the
13 same class and of essentially the same hazard in the amount of premium,
14 policy fees, or rates charged for any policy or contract of accident or health
15 insurance or in the benefits payable thereunder, or in any of the terms or
16 conditions of such contract, or in any other manner whatever.
- 17 c. Refusing to insure, or refusing to continue to insure, or limiting the amount,
18 extent, or kind of life insurance, accident and sickness insurance, health
19 services, or health care protection insurance available to an individual, or
20 charging an individual a different rate for the same coverage solely because
21 of blindness or partial blindness. Refusal to insure includes denial by an
22 insurer of disability insurance coverage on the grounds that the policy defines
23 "disability" as being presumed in the event that the insured loses the insured's
24 eyesight; however, an insurer may exclude from coverage disabilities

1 consisting solely of blindness or partial blindness when such condition existed
2 at the time the policy was issued. With respect to all other conditions,
3 including the underlying cause of the blindness or partial blindness, persons
4 who are blind or partially blind shall be subject to the same standards of
5 sound actuarial principles or actual or reasonably anticipated experience as
6 are sighted persons.

7 d. Making or permitting any unfair discrimination between individuals of the
8 same class and of essentially the same hazard in the amount of premium,
9 policy fees, or rates charged for any policy or contract of liability insurance,
10 disability insurance, accidental death insurance, or disability income
11 insurance; in the benefits payable under any of these policies; in any of the
12 terms or conditions of any of these contracts; or in any other manner.

13 e. Unfair discrimination under this subsection includes basing any rating,
14 underwriting, or claim handling decision solely on whether an applicant or
15 insured incurred or is perceived to have incurred physical or mental injury as a
16 result of domestic violence as defined under chapter 14-07.1. This subsection
17 does not prohibit an insurer from declining to issue coverage to an individual
18 who is or was a perpetrator of domestic violence on an applicant or insured.