

Fifty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1324

Introduced by

Representative Wald

1 A BILL for an Act to create and enact a new section to chapter 32-23 of the North Dakota
2 Century Code, relating to allocation among parties of costs in declaratory judgments with
3 respect to insurance policies.

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

5 **SECTION 1.** A new section to chapter 32-23 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Determination of coverage under insurance policy.** In a declaratory judgment action
8 to determine coverage under an insurance policy, each party, including insureds and insurers,
9 shall bear that party's own attorney's fees unless the court determines that contract language in
10 the insurance policy provides coverage for attorney's fees, the insurer has acted unreasonably
11 or unfairly in disputing coverage or a claim, or the insurer acted in bad faith.