

Fifty-eighth  
Legislative Assembly  
of North Dakota

**ENGROSSED SENATE BILL NO. 2238**

Introduced by

Senators Heitkamp, Erbele, Lyson

Representatives Belter, DeKrey, Gulleason

1 A BILL for an Act to provide for automobile insurance notice requirements following total loss.

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

3 **SECTION 1. Notice requirements following total loss.** If an insurer determines an  
4 automobile with physical damage coverage has incurred a total loss or constructive total loss  
5 and that insurer continues to write comprehensive and collision coverage on that automobile,  
6 the insurer shall provide notice to the insured that:

- 7 1. The insurer determined the automobile is a total loss;
- 8 2. The insured's current coverage on that automobile includes comprehensive and  
9 collision coverage;
- 10 3. If the insured does not repair the automobile, the insurer will reduce the amount of  
11 any future physical damage claim for that automobile by the amount paid for the  
12 total loss; and
- 13 4. If the insured does not repair that automobile, the insured should contact the agent  
14 to request that the comprehensive and collision coverage on that automobile be  
15 discontinued.