

Fifty-eighth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2370

Introduced by

Senator Urlacher

Representatives Aarsvold, Wald

1 A BILL for an Act to amend and reenact subsections 7, 9, 12, and 13 of section 26.1-41-01 of
2 the North Dakota Century Code, relating to definitions for no-fault insurance.

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

4 **SECTION 1. AMENDMENT.** Subsections 7, 9, 12, and 13 of section 26.1-41-01 of the
5 North Dakota Century Code are amended and reenacted as follows:

- 6 7. "Economic loss" means medical expenses, rehabilitation expenses, work loss,
7 replacement services loss, survivors' income loss, survivors' replacement services
8 loss, and funeral, cremation, and burial expenses. Any costs for chiropractic care
9 and massage therapy in excess of three treatments without a prescription from a
10 physician are not "economic loss" for purposes of this chapter.
- 11 9. "Medical expenses" means reasonable charges incurred for necessary medical,
12 surgical, x-ray, dental, prosthetic, ambulance, hospital, or professional nursing
13 services or services for remedial treatment and care rendered in accordance with a
14 recognized religious healing method. Medical expenses do not include that portion
15 of the charge for a room in any hospital, clinic, convalescent or nursing home,
16 extended care facility, or any similar facility in excess of the reasonable and
17 customary charge for semiprivate accommodations unless intensive care is
18 medically needed. Chiropractic care and massage therapy in excess of three
19 treatments without a prescription from a physician are not "medical expenses" for
20 purposes of this chapter.
- 21 12. "Occupying" means ~~to be in or upon a motor vehicle or engaged in the immediate~~
22 ~~act of entering into or alighting from the motor vehicle~~ sitting inside a motor
23 vehicle's designated seating area.

1 13. "Operation of a motor vehicle" means ~~operation, maintenance, or use of a motor~~
2 ~~vehicle as a vehicle~~ operating a moving motor vehicle, in the ordinary course of
3 use of a motor vehicle. Operation of a motor vehicle does not include ~~conduct~~
4 ~~within the course of a business of repairing, servicing, or otherwise maintaining~~
5 ~~motor vehicles unless the injury occurs off the business premises, or conduct in the~~
6 ~~course of loading and unloading the vehicle unless the injury occurs while~~
7 ~~occupying it~~ maintenance, repair, servicing, or loading and unloading of the
8 vehicle.