

HOUSE BILL NO. 1202

Introduced by

Representative Wald

1 A BILL for an Act to create and enact a new section to chapter 26.1-39 of the North Dakota
2 Century Code, relating to property and casualty insurance treatment of domestic violence.

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

4 **SECTION 1.** A new section to chapter 26.1-39 of the North Dakota Century Code is
5 created and enacted as follows:

6 **Domestic violence - Intentional acts.** An insurer issuing or renewing a policy of
7 property and casualty insurance in this state may not base any rating, underwriting, or claim
8 handling decision solely on whether an applicant or insured incurred bodily injury as a result of
9 a crime involving domestic violence as defined under chapter 14-07.1. If a property and
10 casualty insurance policy excludes property coverage for intentional acts, the insurer may not
11 deny payment to an innocent coinsured who did not cooperate in or contribute to the creation of
12 the loss if the loss arose out of a pattern of domestic violence and the perpetrator of the loss is
13 criminally prosecuted for the act causing the loss. Payment to this innocent coinsured may be
14 limited to the innocent coinsured's ownership interest in the property as reduced by any
15 payment to a mortgagor or other secured interest.