

**HOUSE BILL NO. 1304**

Introduced by

Representative DeKrey

1 A BILL for an Act to create and enact a new section to chapter 65-01 of the North Dakota  
2 Century Code, relating to workers' compensation coverage through a private insurer or  
3 insurance fund.

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

5 **SECTION 1.** A new section to chapter 65-01 of the North Dakota Century Code is  
6 created and enacted as follows:

7 **Private insurance - Self-insurance.**

- 8 1. In lieu of obtaining workers' compensation coverage from the bureau and making  
9 payment to the fund, an employer may obtain workers' compensation insurance  
10 through a private insurer or through self-insurance as provided in this section.
- 11 2. Before offering or issuing a workers' compensation insurance policy or contract to  
12 an employer subject to this title, an insurance company shall submit the policy or  
13 contract to the insurance commissioner for approval under title 26.1. Before  
14 issuing a certificate of authority for that insurer to issue that policy or make that  
15 insurance contract, the commissioner shall compare the coverage of that policy or  
16 contract to the coverage provided an employer under this title. The commissioner  
17 may not issue a certificate of authority unless the workers' compensation coverage  
18 is comparable to the coverage offered by the bureau under this title.
- 19 3. An employer may not provide workers' compensation coverage through  
20 self-insurance unless the employer's self-insurance plan is approved by the  
21 insurance commissioner. The employer shall submit the employer's self-insurance  
22 plan to the commissioner for approval. The commissioner shall review the plan to  
23 ensure the plan provides for coverage comparable to coverage provided by this  
24 title and for adequate financial arrangements providing assurance for payment of

- 1                    benefits. Upon approval of the plan, the commissioner shall issue a certificate of  
2                    self-insurance.
- 3            4.    An employer who secures workers' compensation insurance through a private  
4                    insurer or through self-insurance as authorized by this section is entitled to the  
5                    protections provided employers who obtain insurance from the fund.
- 6            5.    The bureau and the insurance commissioner shall adopt rules as necessary to  
7                    implement this section.