

SENATE BILL NO. 2262

Introduced by

Senator Mutch

1 A BILL for an Act to amend and reenact section 26.1-40-15.1 of the North Dakota Century
2 Code, relating to motor vehicle insurance definitions.

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

4 **SECTION 1. AMENDMENT.** Section 26.1-40-15.1 of the North Dakota Century Code
5 is amended and reenacted as follows:

6 **26.1-40-15.1. Definitions - Applicable to sections 26.1-40-15.1 through**
7 **26.1-40-15.7.** As used in sections 26.1-40-15.1 through 26.1-40-15.7 and unless the context
8 otherwise requires:

- 9 1. "Motor vehicle" means a vehicle, excluding motor vehicles weighing more than
10 twenty thousand pounds, having ~~two~~ four or more load-bearing wheels, of a kind
11 required to be registered under the laws of this state relating to motor vehicles,
12 designed primarily for operation upon the public streets, roads, and highways, and
13 driven by power other than muscular power, and includes a trailer drawn by or
14 attached to such a vehicle.
- 15 2. "Underinsured motor vehicle" means a motor vehicle for which there is a bodily
16 injury liability insurance policy, or bond providing equivalent liability protection, in
17 effect at the time of the accident, but the applicable limit of bodily injury liability of
18 such policy or bond:
 - 19 a. Is less than the applicable limit for underinsured motorist coverage under the
20 insured's policy; or
 - 21 b. Has been reduced by payments to other persons injured in the accident to an
22 amount less than the limit for underinsured motorist coverage under the
23 insured's policy.
- 24 3. "Uninsured motor vehicle" means a motor vehicle for which:

- 1 a. There is no bodily injury liability insurance policy, or bond providing equivalent
2 liability protection, in effect at the time of the accident.
- 3 b. There is an applicable policy or bond, but the insurer or issuer thereof refuses
4 to provide coverage, denies coverage, or is or becomes insolvent as defined
5 in section 26.1-42.1-02.
- 6 c. The identity of the owner or operator cannot be ascertained and the bodily
7 injury, sickness, disease, or death of the insured is either caused by actual
8 physical contact of such motor vehicle with the insured, or with a motor
9 vehicle occupied by the insured, or is independently verified by a disinterested
10 witness.
- 11 4. The terms "uninsured motor vehicle" and "underinsured motor vehicle" do not
12 mean a motor vehicle:
- 13 a. Insured under the liability coverage of the same policy of which the uninsured
14 motorist or underinsured motorist coverage is a part.
- 15 b. Owned by any governmental unit, political subdivision, or agency thereof.
- 16 c. Located for use as a residence or premises.
- 17 d. With respect to uninsured motorist coverage, a self-insured motor vehicle
18 within the meaning of the financial or safety responsibility law of the state in
19 which the motor vehicle is registered, or any similar state or federal law.
- 20 e. Operated by any person who is specifically excluded from coverage in the
21 policy.
- 22 The term "underinsured motor vehicle" may not be construed to include an
23 "uninsured motor vehicle".