

Sixty-second  
Legislative Assembly  
of North Dakota

ENGROSSED SENATE BILL NO. 2237

Introduced by

Senators Schneider, Dever, Larsen

Representatives Keiser, L. Meier, S. Meyer

1 A BILL ~~for an Act to create and enact a new subdivision to subsection 7 of section 26.1-04-03 of~~  
2 ~~the North Dakota Century Code, relating to prohibited practices in the insurance business.~~for an  
3 Act to amend and reenact subsection 7 of section 26.1-04-03 of the North Dakota Century  
4 Code, relating to prohibited practices in the insurance business.

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

6 ~~SECTION 1. A new subdivision to subsection 7 of section 26.1-04-03 of the North Dakota~~  
7 ~~Century Code is created and enacted as follows:~~

8 ~~Except as provided under section 26.1-39-24:~~

9 ~~(1) Denying; refusing to issue, renew, or reissue; canceling; or otherwise~~  
10 ~~terminating a policy because or restricting coverage because an individual~~  
11 ~~is, has been, or may be the subject of domestic violence or seeks or has~~  
12 ~~sought medical or psychological treatment for domestic violence, protection~~  
13 ~~from domestic violence, or shelter from domestic violence;~~

14 ~~(2) Adding any surcharge or rating factor to a premium of a policy because of~~  
15 ~~an individual's history or status as the subject of domestic violence; or~~

16 ~~(3) Excluding or limiting coverage for losses or denying a claim incurred by an~~  
17 ~~insured as a result of domestic violence or the potential for domestic~~  
18 ~~violence. As used in this subdivision, domestic violence has the same~~  
19 ~~meaning as provided under section 14-07.1-01. Under this subdivision, with~~  
20 ~~respect to all other conditions a subject of domestic violence is subject to~~  
21 ~~the same standards of sound actuarial principles or actual or reasonably~~  
22 ~~anticipated experience as are all other individuals.~~

23 **SECTION 1. AMENDMENT.** Subsection 7 of section 26.1-04-03 of the North Dakota  
24 Century Code is amended and reenacted as follows:

- 1           7.   Unfair discrimination.
- 2           a.   Making or permitting any unfair discrimination between individuals of the same
- 3           class and equal expectation of life in the rates charged for any contract of life
- 4           insurance or of life annuity or in the dividends or other benefits payable thereon,
- 5           or in any other of the terms and conditions of such contract.
- 6           b.   Making or permitting any unfair discrimination, including consideration of an
- 7           individual's history or status as a subject of domestic abuse, between individuals
- 8           of the same class and of essentially the same hazard in the amount of premium,
- 9           policy fees, or rates charged for any policy or contract of accident or health
- 10          insurance or in the benefits payable thereunder, or in any of the terms or
- 11          conditions of such contract, or in any other manner whatsoever.
- 12          c.   Refusing to insure, or refusing to continue to insure, or limiting the amount,
- 13          extent, or kind of life insurance, accident and sickness insurance, health services,
- 14          or health care protection insurance available to an individual, or charging an
- 15          individual a different rate for the same coverage solely because of blindness or
- 16          partial blindness. Refusal to insure includes denial by an insurer of disability
- 17          insurance coverage on the grounds that the policy defines "disability" as being
- 18          presumed in the event that the insured loses the insured's eyesight; however, an
- 19          insurer may exclude from coverage disabilities consisting solely of blindness or
- 20          partial blindness when such condition existed at the time the policy was issued.
- 21          With respect to all other conditions, including the underlying cause of the
- 22          blindness or partial blindness, persons who are blind or partially blind shall be
- 23          subject to the same standards of sound actuarial principles or actual or
- 24          reasonably anticipated experience as are sighted persons.
- 25          d.   Making or permitting any unfair discrimination between individuals or risks of the
- 26          same class and of essentially the same hazard by refusing to insure, refusing to
- 27          renew, canceling, or limiting the amount of insurance coverage on a property or
- 28          casualty risk solely because of the geographic location of the risk, unless the
- 29          action is the result of the application of sound underwriting and actuarial
- 30          principles related to actual or reasonably anticipated loss experience.