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Sixty-seventh
Legislative Assembly
of North Dakota

SENATE BILL NO. 2075

Introduced by

Industry, Business and Labor Committee

(At the request of the Insurance Commissioner)

A BILL for an Act to amend and reenact section 26.1-02-33 of the North Dakota Century Code, relating to third-party software access to insurance policy information.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 26.1-02-33 of the North Dakota Century Code is amended and reenacted as follows:

26.1-02-33. Posting policy on internet.

1. An insurance policy and an endorsement that does not contain personally identifiable information may be mailed, delivered, or posted on the insurer's website. If the insurer elects to post an insurance policy and an endorsement on the insurer's website in lieu of mailing or delivering the policy and endorsement to the insured, the insurer shall comply with the following conditions:
   a. The policy and an endorsement must be accessible to the insured and producer of record and remain that way while the policy is in force;
   b. After the expiration of the policy, the insurer shall archive the expired policy and endorsement for a period of five years or other period required by law, and make the policy and endorsement available upon request;
   c. The policy and endorsement must be posted in a manner that enables the insured and producer of record to print and save the policy and endorsement using a program or application that is widely available on the internet and free to use;
   d. The insurer shall provide the following information in, or simultaneous with, each declaration page provided at the time of issuance of the initial policy and any renewals of the policy:

(1) A description of the exact policy and endorsement form purchased by the insured;

(2) A description of the insured's right to receive, upon request and without charge, a paper copy of the policy and endorsement by mail; and

(3) The internet address at which the policy and endorsement are posted;

e. The insurer, upon an insured's request and without charge, shall mail a paper copy of the policy and endorsement to the insured; and

f. The insurer shall provide notice, in the format preferred by the insured, of any change to the forms or endorsement; the insured's right to obtain, upon request and without charge, a paper copy of the forms or endorsement; and the internet address at which the forms or endorsement are posted.

2. If the insurer provides the insured access to policy, endorsement, or other policy-related information by electronic means, the insurer may not restrict the insured from using third-party software to access policy, endorsement, or other policy-related information. This subsection does not:

a. Prohibit an insurer from preventing access by malicious software; or

b. Require an insurer to provide policy information by electronic means.

3. This section does not affect the timing or content of any disclosure or document required to be provided or made available to any insured under applicable law.