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Sixty-eighth
Legislative Assembly
of North Dakota

# SENATE BILL NO. 2295
# with House Amendments
# SENATE BILL NO. 2295

Introduced by

Senators Klein, Vedaa

Representative Louser

A BILL for an Act to amend and reenact subsection 2 of section 24-02-01.1 and section 26.1-25-15 of the North Dakota Century Code, relating to the unsatisfied judgment fund and the assigned risk plan; to repeal chapter 26.1-23 of the North Dakota Century Code, relating to the unsatisfied judgment fund; and to provide for a transfer.

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

**SECTION 1. AMENDMENT.** Subsection 2 of section 24-02-01.1 of the North Dakota Century Code is amended and reenacted as follows:

2. The motor vehicle department and the registrar of motor vehicles, including title 39, chapter 57-40.3, and ~~sections 26.1-23-03 and~~section 26.1-41-02.

**SECTION 2. AMENDMENT.** Section 26.1-25-15 of the North Dakota Century Code is amended and reenacted as follows:

**26.1-25-15. Assigned risks.**

~~Agreements~~

1. An agreement may be made among insurers with respect to the equitable apportionment among them of insurance which may be afforded applicants who are in good faith entitled to but who are unable to procure such insurance through ordinary methods and the insurers may agree among themselves on the use of reasonable rate modifications for such insurance. ~~These agreements and rate modifications are~~The agreement is subject to the approval of the commissioner.
2. The agreement approved in subsection 1 must be called the North Dakota automobile insurance plan. The plan may issue policies of insurance in the name of the plan for the applicants described in subsection 1, and to provide policyholder and claim-handling services.

3. A policy of insurance issued by the plan must be recognized as if issued by an insurance company authorized to issue insurance in this state. The policy also is considered proof of financial responsibility in accordance with title 39. This section does not revoke any exception granted in another section of law.

4. Every form and every modification, proposed to be used by the plan, of a policy, endorsement, rider, manual of classification, rule, rate, or rating plan, must be filed and approved by the commissioner before use.

5. An insurance company writing insurance in this state for private passenger motor vehicles, commercial motor vehicles, and other motor vehicles must be a subscriber to the plan.

6. The plan shall file an annual audited financial report with the commissioner promptly upon the completion of the report.

7. An applicant for a policy, any person insured under any a policy, and any insurance company affected may appeal to the commissioner from a ruling or decision of the plan. A person aggrieved by an order or act of the commissioner, within thirty days after receipt of written notice of the order or act, may file a petition in the district court of Burleigh County.

8. The plan may be managed and operated by one or more entities approved by the commissioner.

9. The commissioner may adopt rules to establish plan requirements and implement this section.

**SECTION 3. REPEAL.** Chapter 26.1-23 of the North Dakota Century Code is repealed.

**SECTION 4. TRANSFER - UNSATISFIED JUDGMENT FUND TO STATE HIGHWAY FUND.** The office of management and budget shall transfer any balance in the unsatisfied judgment fund on the effective date of this Act to the state highway fund.