

**FIRST ENGROSSMENT**

**ENGROSSED HOUSE BILL NO. 1123**

Introduced by

Industry, Business and Labor Committee

(At the request of the Insurance Commissioner)

1 A BILL for an Act to amend and reenact section 26.1-01-07, subsection 3 of section  
2 26.1-01-07.1, section 26.1-26-13.4, subsection 4 of section 26.1-26.8-04, subdivision b of  
3 subsection 1 of section 26.1-26.8-05, subdivision a of subsection 1 of section 26.1-26.8-06,  
4 subdivision b of subsection 1 of section 26.1-26.8-09, subdivision b of subsection 2 of section  
5 26.1-26.8-09, and subsections 2 and 4 of section 26.1-27-03 of the North Dakota Century Code,  
6 relating to fees charged by the insurance commissioner and the insurance regulatory trust fund.

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

8 **SECTION 1. AMENDMENT.** Section 26.1-01-07 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10 **26.1-01-07. Fees chargeable by commissioner.**

- 11 1. The commissioner shall charge and collect the following fees:
- 12 a. For filing articles of incorporation, or copies, or amendments thereof,  
13 ~~twenty-five~~fifty dollars.
- 14 b. For each original certificate of authority issued upon admittance and for each  
15 annual renewal thereof, ~~one hundred~~one hundred fifty dollars and for amendment  
16 to certificate of authority, or certified copy thereof, ~~fifty~~one hundred dollars. For  
17 each annual renewal for county mutuals, one hundred fifty dollars.
- 18 c. For issuing an annual reciprocal exchange license, the same fees as those  
19 applicable to the issuance of a certificate of authority in subsection 2.
- 20 d. For filing an annual report of a fraternal benefit society, and issuing a license or  
21 permit to the society, and for each renewal thereof, one hundred dollars.
- 22 e. For filing of articles of merger, or copies thereof, ~~thirty~~fifty dollars.

- 1 f. For filing an annual statement for a county mutual, fifty dollars. For filing an  
2 annual statement for a life settlement provider, one hundred dollars. For filing an  
3 annual statement, ~~twenty-five~~one hundred dollars.
- 4 g. For filing the abstract of the annual statement of ~~an~~any insurance company for  
5 publication, ~~thirty~~fifty dollars.
- 6 h. For an official examination, the expenses of the examination at the rate adopted  
7 by the department. The rates must be reasonably related to the direct and  
8 indirect costs of the examination, including actual travel expenses, including hotel  
9 and other living expenses, compensation of the examiner and other persons  
10 making the examination, and necessary attendant administrative costs of the  
11 department directly related to the examination and must be paid by the examined  
12 insurer together with compensation upon presentation by the department to the  
13 insurer of a detailed account of the charges and expenses after a detailed  
14 statement has been filed by the examiner and approved by the department.
- 15 i. For issuing a certificate to a domestic insurance company showing a compliance  
16 with the compulsory reserve provisions of this title and the maintenance of proper  
17 security deposits and for any renewal of the certificate, twenty-five dollars.
- 18 j. For a written licensee's examination not administered by the office of the  
19 commissioner under a contract with a testing service, the actual cost of the  
20 examination, subject to approval of the commissioner, which must be paid to the  
21 testing service.
- 22 k. For issuing a surplus lines insurance producer's or insurance consultant's  
23 license, one hundred dollars. For each annual renewal of a surplus lines  
24 insurance producer's or insurance consultant's license, twenty-five dollars.
- 25 l. For issuing an insurance producer's license, one hundred dollars.
- 26 m. For issuing a duplicate of any license or registration issued under this title, ten  
27 dollars.
- 28 n. For each insurance company appointment and renewal of an appointment of an  
29 insurance producer, ~~ten~~twenty-five dollars.

- 1           o. For each company application for admission, five hundred dollars, except  
2           applications for admission for county mutual, fraternal benefit, and surplus lines  
3           companies must be one hundred dollars.
- 4           p. For issuing a license and each annual renewal of a license to an insurance  
5           premium finance company, one hundred dollars.
- 6           q. For examining or investigating an insurance premium finance company, the  
7           actual expense and per diem incurred; but the per diem charge may not exceed  
8           fifty dollars.
- 9           r. For issuing and each annual renewal of a license to an advisory organization, fifty  
10          dollars.
- 11          s. For filing an individual insurance producer licensing continuation, twenty-five  
12          dollars.
- 13          t. For services provided by the state fire marshal.
- 14          u. For an initial application for multiple employer welfare arrangements, five  
15          hundred dollars. For each annual renewal, one hundred dollars.
- 16          v. For an initial application for a life settlement provider, one hundred dollars. For  
17          each annual renewal, twenty-five dollars.
- 18          w. For a life settlement broker application, an initial broker license fee of  
19          one hundred dollars. For each annual renewal, twenty-five dollars.
- 20          x. For issuing an individual resident or nonresident public adjuster license,  
21          one hundred dollars. For each biennial renewal, twenty-five dollars.
- 22          y. For issuing a business entity public adjuster license, one hundred dollars. For  
23          each biennial renewal, twenty-five dollars.
- 24          z. For issuing a license or certificate for a life or health insurance administrator, two  
25          hundred fifty dollars. For each annual renewal, one hundred dollars.
- 26          2. Nonprofit health service corporations and health maintenance organizations are  
27          subject to the same fees as any other insurance company. County mutual insurance  
28          companies and benevolent societies are liable only for the fees mentioned in  
29          subdivisions b, f, g, ~~and h,~~ and n of subsection 1.
- 30          3. ~~However, the commissioner may, after public notice and hearing, increase the fees~~  
31          ~~authorized by this section for any year if it is determined necessary to generate the~~

1 revenue appropriated by the legislative assembly from the insurance regulatory trust  
2 fund to fund budgeted operations for the insurance department. The insurance  
3 commissioner may not implement a fee increase pursuant to this section to enhance  
4 or in any manner add funds to the legislative appropriation for the insurance  
5 department. If an amount of a fee, penalty, or interest has been paid which was not due  
6 under this section, a refund may be issued to the individual who made the erroneous  
7 payment. The refund is allowed as a cash refund, at the discretion of the  
8 commissioner. The individual who made the erroneous payment shall present a claim  
9 for refund to the commissioner not later than two years after the due date of the fee for  
10 the period for which the erroneous payment was made.

11 **SECTION 2. AMENDMENT.** Subsection 3 of section 26.1-01-07.1 of the North Dakota  
12 Century Code is amended and reenacted as follows:

- 13 3. Except as otherwise provided by law, after the fiscal year has been closed and all  
14 expenses relating to the fiscal year have been accounted for, the office of  
15 management and budget shall transfer any fund balance remaining in the insurance  
16 regulatory trust fund that exceeds ~~one million~~ two million five hundred thousand dollars  
17 to the general fund.

18 **SECTION 3. AMENDMENT.** Section 26.1-26-13.4 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20 **26.1-26-13.4. Biennial license continuation.**

21 A licensed individual insurance producer shall file a biennial license continuation in the form  
22 and manner prescribed by the commissioner and pay a fee of ~~twenty-five dollars~~ as prescribed  
23 in section 26.1-01-07. The commissioner shall give a licensee not less than sixty days' notice of  
24 the biennial license continuation filing deadline.

25 **SECTION 4. AMENDMENT.** Subsection 4 of section 26.1-26.8-04 of the North Dakota  
26 Century Code is amended and reenacted as follows:

- 27 4. Has paid the resident licensing fee, ~~not to exceed one hundred dollars, prescribed by~~  
28 the commissioner prescribed in section 26.1-01-07;

29 **SECTION 5. AMENDMENT.** Subdivision b of subsection 1 of section 26.1-26.8-05 of the  
30 North Dakota Century Code is amended and reenacted as follows:

- 1           b. Has paid the nonresident licensing fee, ~~not to exceed one hundred dollars,~~  
2           ~~prescribed by the commissioner~~ prescribed in section 26.1-01-07.

3           **SECTION 6. AMENDMENT.** Subdivision a of subsection 1 of section 26.1-26.8-06 of the  
4 North Dakota Century Code is amended and reenacted as follows:

- 5           a. Has paid the business entity licensing fee, ~~not to exceed fifty dollars,~~ ~~prescribed~~  
6           ~~by the commissioner~~ prescribed in section 26.1-01-07; and

7           **SECTION 7. AMENDMENT.** Subdivision b of subsection 1 of section 26.1-26.8-09 of the  
8 North Dakota Century Code is amended and reenacted as follows:

- 9           b. To renew a license, a licensed resident public adjuster and a licensed  
10           nonresident public adjuster shall file a biennial license continuation in the form  
11           and manner prescribed by the commissioner and pay a fee of ~~twenty-five~~  
12           ~~dollars~~ as prescribed in section 26.1-01-07. The commissioner shall give a  
13           licensee at least sixty days' notice of the biennial license continuation filing  
14           deadline. A resident public adjuster or a nonresident public adjuster who allows  
15           the license to lapse may, within the twelve-month period immediately following  
16           the expiration date, reinstate the same license without the necessity of passing a  
17           written examination, upon payment of a reinstatement fee, ~~not to exceed one~~  
18           ~~hundred twenty-five dollars,~~ ~~prescribed by the commissioner in addition to the~~  
19           ~~renewal fee.~~

20           **SECTION 8. AMENDMENT.** Subdivision b of subsection 2 of section 26.1-26.8-09 of the  
21 North Dakota Century Code is amended and reenacted as follows:

- 22           b. To renew a license, a licensed business entity public adjuster shall file a biennial  
23           license continuation in the form and manner prescribed by the commissioner and  
24           pay a fee as prescribed in section 26.1-01-07.

25           **SECTION 9. AMENDMENT.** Subsections 2 and 4 of section 26.1-27-03 of the North Dakota  
26 Century Code are amended and reenacted as follows:

- 27           2. All applications must be accompanied by a filing fee of ~~one hundred dollars~~ as  
28           prescribed in section 26.1-01-07.  
29           4. The administrator shall pay an annual renewal fee of ~~fifty dollars~~ as prescribed in  
30           section 26.1-01-07 to maintain the certificate.