

SENATE BILL NO. 2155

Introduced by

Senator Carlisle

Representatives Laning, Nathe

1 A BILL for an Act to amend and reenact section 26.1-25-04.2 of the North Dakota Century
2 Code, relating to a motor vehicle accident surcharge.

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

4 **SECTION 1. AMENDMENT.** Section 26.1-25-04.2 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **26.1-25-04.2. Motor vehicle accident surcharge.**

7 ~~Concerning motor vehicle accidents occurring after August 1, 1993:~~

8 1. An insurer may not assess an accident surcharge on the policy of any insured as a
9 result of a comprehensive coverage claim or when the insured's unattended vehicle
10 was legally parked when the damage occurred.

11 2. An insurer may not assess an accident surcharge on the policy of any insured when a
12 claim has been paid pursuant to section 26.1-40-17.1 unless the insurer is not entitled
13 to recover damages from the party at fault.

14 3. An insurer may not assess an accident surcharge on the policy of any insured as a
15 result of a claim caused by an uninsured or underinsured motorist if the operator of the
16 uninsured or underinsured vehicle is identified and determined to be solely at fault.
17 Any deductible applicable to collision damage from a claim under these circumstances
18 must be waived.