

Senator Klein and members of the Senate Industry Business and Labor Committee, my name is Jaclyn Hall and I am the Executive Director of the North Dakota Association for Justice. This testimony today is written in opposition of SB 2151 as written. Below are the reasons we oppose the bill:

First of all, this coverage for the insured motorist is an optional coverage. The law does not require an agent to inform an insured about the existence of the coverage. Although the coverage may be beneficial to the insured, it is unlikely the insured is aware of such coverage nor sophisticated enough to ask their agent to add this coverage to their policy.

Secondly, this bill is inconsistent with the definition of an uninsured motorist in the previous subsection - NDCC 26.1-40-15.1(c)(3). To be consistent, an “or” needs to be added to the physical contact requirement “or is verified by the disinterested witness” in subsection b. on line 16 and 17 of page 2 of the bill draft.

b.Uninsured motorist property damage coverage is payable only if the incident causing the property damage involves actual physical contact between the covered motor vehicle and the uninsured motor vehicle **or is independently verified by a disinterested witness** and:

Lastly, this bill, as written, requires actual physical contact. If an insured is run off the road and the other party flees the scene, the insured may not be able to collect on this legislation because the damage to their vehicle resulted in with other driver not actually making contact to the insured.

We believe all insured drivers need to be covered when an accident occurs. This legislation takes the steps to positively impact uninsured motorist coverage, but I respectfully request these minor revisions be considered. As amended, NDAJ fully supports this legislation.

Thank you for your time. If you have any questions, please do not hesitate to contact me.

Sincerely,

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