

Sixty-fourth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1365

Introduced by

Representatives Lefor, Beadle, Keiser, Meier

Senators Armstrong, Krebsbach

1 A BILL for an Act to amend and reenact subsection 2 of section 26.1-39-13, subsection 1 of
2 section 26.1-39-16, and section 26.1-40-07 of the North Dakota Century Code, relating to proof
3 of mailing of insurance notices.

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

5 **SECTION 1. AMENDMENT.** Subsection 2 of section 26.1-39-13 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 2. A written notice of cancellation must be mailed or delivered to the named insured, at
8 the last-known address of the named insured, at least thirty days ~~prior to~~before the
9 effective date of cancellation or when the cancellation is for nonpayment of premium at
10 least ten days ~~prior to~~before the effective date of cancellation. ~~A postal service-~~
11 ~~certificate of mailing to the named insured at the insured's last-known address is-~~
12 ~~e~~conclusive proof of mailing and receipt on the third calendar day after the
13 mailing of the notice is established if the insurer produces:

14 a. A United States postal service certificate of mailing to the named insured at the
15 insured's last-known address; or

16 b. Proof or acknowledgment of United States postal service mailing to the named
17 insured at the insured's last-known address using:

18 (1) IMb tracing; or

19 (2) A similar method of first-class mail tracking which identifies the named
20 insured, the insured's last-known address, and the date of mailing.

21 **SECTION 2. AMENDMENT.** Subsection 1 of section 26.1-39-16 of the North Dakota
22 Century Code is amended and reenacted as follows:

23 1. ~~No~~An insurer ~~may fail to~~shall renew a property insurance policy unless a written
24 notice of nonrenewal is mailed or delivered to the named insured, at the last-known

1 address of the named insured, at least forty-five days ~~prior to~~before the expiration date
2 of the policy, except ~~that when~~if the policy provides professional liability coverage for
3 legal and medical services, the nonrenewal notice must be mailed or delivered at least
4 ninety days ~~prior to~~before the policy expiration date. ~~A postal service certificate of~~
5 ~~mailing to the named insured at the insured's last-known address is~~
6 ~~conclusive~~Conclusive proof of mailing and receipt on the third calendar day after the
7 mailing of the notice is established if the insurer produces:

8 a. A United States postal service certificate of mailing to the named insured at the
9 insured's last-known address; or

10 b. Proof or acknowledgment of United States postal service mailing to the named
11 insured at the insured's last-known address using:

12 (1) IMb tracing; or

13 (2) A similar method of first-class mail tracking which identifies the named
14 insured, the insured's last-known address, and the date of mailing.

15 **SECTION 3. AMENDMENT.** Section 26.1-40-07 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **26.1-40-07. Proof of notice of termination.**

18 ~~A postal service certificate of mailing to the named insured at the address shown in the~~
19 ~~policy is sufficient proof of notice.~~

20 1. Proof of mailing a notice of cancellation or a notice of an intention not to renew, or
21 business records of the notice of the insured's willingness to renew, must be retained
22 for a period of one year by the insurer or insurance producer giving the notice.

23 2. Sufficient proof of mailing a notice under this section is established if the producer or
24 insurer produces:

25 a. A United States postal service certificate of mailing to the named insured at the
26 address shown on the insured's policy; or

27 b. Proof or acknowledgment of United States postal service mailing to the named
28 insured at the address shown on the insured's policy using:

29 (1) IMb tracing; or

30 (2) A similar method of first-class mail tracking which identifies the named
31 insured, the address shown on the insured's policy, and the date of mailing.