

**Sixty-fourth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2015**

HOUSE BILL NO. 1365
(Representatives Lefor, Beadle, Keiser, Meier)
(Senators Armstrong, Krebsbach)

AN ACT to amend and reenact subsection 2 of section 26.1-39-13, subsection 1 of section 26.1-39-16, and section 26.1-40-07 of the North Dakota Century Code, relating to proof of mailing of insurance notices.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

2. A written notice of cancellation must be mailed or delivered to the named insured, at the last-known address of the named insured, at least thirty days ~~prior to~~before the effective date of cancellation or when the cancellation is for nonpayment of premium at least ten days ~~prior to~~before the effective date of cancellation. ~~A postal service certificate of mailing to the named insured at the insured's last-known address is conclusive~~Conclusive proof of mailing and receipt on the third calendar day after the mailing of the notice is established if the insurer produces:
 - a. A United States postal service certificate of mailing to the named insured at the insured's last-known address; or
 - b. Proof or acknowledgment of United States postal service mailing to the named insured at the insured's last-known address using:
 - (1) IMb tracing; or
 - (2) A similar method of first-class mail tracking which identifies the named insured, the insured's last-known address, and the date of mailing.

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

1. ~~No~~An insurer may fail to ~~shall~~ renew a property insurance policy unless a written notice of nonrenewal is mailed or delivered to the named insured, at the last-known address of the named insured, at least forty-five days ~~prior to~~before the expiration date of the policy, except ~~that when~~if the policy provides professional liability coverage for legal and medical services, the nonrenewal notice must be mailed or delivered at least ninety days ~~prior to~~before the policy expiration date. ~~A postal service certificate of mailing to the named insured at the insured's last-known address is conclusive~~Conclusive proof of mailing and receipt on the third calendar day after the mailing of the notice is established if the insurer produces:
 - a. A United States postal service certificate of mailing to the named insured at the insured's last-known address; or
 - b. Proof or acknowledgment of United States postal service mailing to the named insured at the insured's last-known address using:
 - (1) IMb tracing; or
 - (2) A similar method of first-class mail tracking which identifies the named insured, the insured's last-known address, and the date of mailing.

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

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

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

1. Proof of mailing a notice of cancellation or a notice of an intention not to renew, or business records of the notice of the insured's willingness to renew, must be retained for a period of one year by the insurer or insurance producer giving the notice.
2. Sufficient proof of mailing a notice under this section is established if the producer or insurer produces:
 - a. A United States postal service certificate of mailing to the named insured at the address shown on the insured's policy; or
 - b. Proof or acknowledgment of United States postal service mailing to the named insured at the address shown on the insured's policy using:
 - (1) IMb tracing; or
 - (2) A similar method of first-class mail tracking which identifies the named insured, the address shown on the insured's policy, and the date of mailing.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-fourth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1365.

House Vote: Yeas 90 Nays 3 Absent 1

Senate Vote: Yeas 46 Nays 0 Absent 1

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2015.

Approved at _____ M. on _____, 2015.

Governor

Filed in this office this _____ day of _____, 2015,

at _____ o'clock _____ M.

Secretary of State