

**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