

CHAPTER 45-05-04
PROPERTY AND CASUALTY INSURANCE POLICYHOLDER'S RIGHT TO LOSS AND CLAIM INFORMATION

Section

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45-05-04-01. Release of loss and claim information.

Upon written and notarized authorization or request of the policyholder, every insurer licensed to sell property and casualty insurance as that is defined in North Dakota Century Code section 26.1-25-02, shall mail or deliver the policyholder's loss information to the policyholder or a designated, authorized agent or broker within twenty days of receipt of request by the insured, provided the request is:

1. Dated;
2. Signed by the individual policyholder; and
3. Noted as to whether information should be sent directly to the policyholder or a designated, authorized agent or broker.

History: Effective July 1, 1988.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 26.1-25-09, 26.1-39-12, 26.1-39-17, 26.1-40-11

45-05-04-02. Scope of information required.

The policyholder's loss and claim information shall include all data in the insurer's possession pertaining to the following:

1. All closed claims and incurred losses;
2. All open claims and paid amounts, excluding therefrom any information regarding established reserves on open claims; and
3. Notices of any occurrences including dates and descriptions.

History: Effective July 1, 1988.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 26.1-25-09, 26.1-39-12, 26.1-39-17, 26.1-40-11

45-05-04-03. Fee.

The insurer may charge a reasonable fee, not to exceed fifty cents per page of information, incurred in the production of claim and loss information to be paid by the policyholder. An insurer may apply to the insurance commissioner for approval of a higher fee for individual cases where warranted by the facts and circumstances.

History: Effective July 1, 1988.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 26.1-25-09, 26.1-39-12, 26.1-39-17, 26.1-40-11

45-05-04-04. Record retention.

For the three-year period immediately preceding the cancellation or nonrenewal of policyholder coverage, the following loss and claim information must be retained:

1. Date of loss or claim;
2. General nature of loss or claim; and
3. Amount paid.

This information must be retained by the insurer for a period of one year after cancellation or nonrenewal of policyholder coverage.

History: Effective July 1, 1988.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 26.1-25-09, 26.1-39-12, 26.1-39-17, 26.1-40-11