

PROPOSED AMENDMENTS TO HOUSE Bill NO. 1175

Page 1, line 1, replace "two" with "a" and replace "sections" with "section"

Page 5, replace lines 3 through 23 with:

"Child support insurance data match.

1. Before paying a claim of five hundred dollars or more to a claimant under a contract of insurance issued in this state, an insurer, including a government self-insurance pool, shall either provide the department of human services or its designee with information about the claimant or compare the insurer's information regarding the claimant with information made available to the insurer by the department of human services or its designee. This subsection applies notwithstanding any provision of law making the information confidential.
 - a. An insurer that elects to provide information to the department of human services under this subsection shall provide, not less than ten days prior to making a payment to a claimant, the claimant's name, address, date of birth, and social security number. Other relevant and available information may be provided if requested by the department of human services.
 - b. An insurer that elects to compare information made available by the department of human services shall notify the department of human services, not less than ten days prior to making a payment to a claimant who owes or is owed child support, or against whom a child support obligation is sought, the claimant's name, address, date of birth, and social security number. Other relevant and available information may be provided if requested by the department of human services.
 - c. An insurer may comply with this subsection by participating in, and reporting the required claim data to, a centralized claim reporting organization that will conduct a data match of all applicable claims received against the department of human services' files of delinquent child support obligors and report the required data for each matching claimant to the department of human services or its designee on the insurer's behalf. The department of human services will make files of delinquent child support obligors

available to the centralized reporting organization for data matching purposes.

2. As used in this section, "claimant" means a beneficiary under a life insurance policy or an individual who brings a claim against an insured or under an insurance policy for compensation under insurance coverage for bodily injury, uninsured motorist, underinsured motorist, workers' compensation, or personal injury.
3. An insurer that provides claim information to the department of human services under subsection one also shall provide the telephone number of a facsimile machine or electronic mail address to which a lien or demand may be sent by the department of human services under chapter 35-34.
4. A claimant who refuses to provide to an insurer the information required to be submitted to the department of human services under this section may not receive payment on the claim and may not pursue a suit against the insured in this state for the amount of the claim.
5. A person is immune from suit or any liability under any federal or state law, including chapter 12.1-13 or 44-04, for acting in good faith to comply with this section. The court shall award reasonable attorney's fees and costs against any person who commences an action that is subsequently dismissed by reason of the immunity granted by this section.
6. An insurer that fails to comply with this section is subject to the same liabilities as an income payer under section 14-09-09.3 unless the context indicates otherwise.
7. This section does not apply to a health insurer participating in a data match under section 50-09-37.
8. A government self-insurance pool that complies with this section is not subject to subsection 1 of section 50-09-08.2.
9. Any claimant information that is exchanged under this section is confidential and may only be used to establish or enforce a child support or medical support obligation, or as otherwise permitted or required by law."

Page 7, line 27, after "of" insert "state"

Page 8, line 23, after "Certain" insert "information contained in"

Page 8, line 25, after the comma insert “subject to safeguards on privacy and information security,”

Page 8, line 26, after “other” insert “requested”

Page 8, line 27, after “relevant” insert “income or asset”

Page 9, line 3, after “is” insert “not subject to paragraph 1 or 2 of this subdivision, section 8 of this Act, or section 50-09-37, and who is”

Page 10, line 2, replace “Exchange electronic records” with “Upon agreement, exchange information”

Page 11, remove lines 30 and 31

Page 12, remove lines 1 through 6

Page 13, line 3, after the second comma insert “and” and remove “, and 16”

Renumber accordingly