

PROPOSED AMENDMENTS TO ENGROSSED HOUSE Bill NO. 1175

Page 1, line 1, after “chapter” insert “26.1 and a new section to chapter”

Page 4, after line 27, insert:

“**SECTION 8.** A new section to title 26.1 of the North Dakota Century Code is created and enacted as follows:

**Child support insurance data match.**

1. Before paying a claim of five hundred dollars or more to a claimant for a claim occurring in this state 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, as soon as reasonably possible after first submission of the claim but 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, as soon as reasonably possible after first submission of the claim but 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.

d. To the extent feasible, the department of human services shall require or provide secure electronic processes for disclosing information about support debtors to the department or its designee under this section and for any insurers disclosing information about claimants to the department or its designee.

2. As used in this section, "claimant" means a resident of this state who is a beneficiary under a life insurance policy or who is 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 after June 30, 2011, is subject to the same liabilities as an income payer under section 14-09-09.3 unless the context indicates otherwise.
7. Any lien filed under chapter 35-34 against a claim that is reported under this section is subordinate to a pre-existing lien against the claimant arising out of the claim.
8. This section does not apply to a health insurer participating in a data match under section 50-09-37.

9. A government self-insurance pool that complies with this section is not subject to subsection 1 of section 50-09-08.2.
10. An insurer may disclose information as provided in this section about a claimant whose aggregate claim is less than \$500 or whose claim arose outside this state.
11. Nothing in this section shall require an insurer to make a payment that is not otherwise required under the contract of insurance.
12. An insurer shall not be assessed any fee by the department of human services or its designee for providing information claim information under this section.
13. 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 8, line 1, remove “and” and after “numbers” insert “, and other requested relevant income or asset information”

Page 8, line 6, after “subpoena” insert “if requested” and overstrike “and”

Page 8, line 8, after the semicolon insert “and”

Page 8, after line 8, insert:

- “(3) Records held by any person doing business in this state who is not subject to paragraph 1 or 2 of this subdivision, section 8 of this Act, or section 50-09-37, and who is believed to possess information regarding individuals who owe or are owed child support, or against or with respect to whom a child support obligation is sought, unless the person requests an administrative subpoena:”

Page 11, line 29, after “Sections” replace “13 and 14” with “8, 14, and 15”

Renumber accordingly