

Sixty-second
Legislative Assembly
of North Dakota

Introduced by

1 A BILL for an Act to amend and reenact section 26.1-02-28 of the North Dakota Century
2 Code, relating to insurance matching; and to provide an effective date.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 26.1-02-28 of the North Dakota Century Code
5 is amended and reenacted as follows:

6 **26.1-02-28. Child support insurance data match.**

7 1. Before paying a claim to a claimant for a claim occurring in this state under a
8 contract of insurance issued in this state, an insurer or government self-
9 insurance pool ~~may exchange information about the claimant with~~ shall either
10 provide the department of human services or its designee with information about
11 the claimant or compare the information of the insurer or government self-
12 insurance pool regarding the claimant with information made available to the
13 insurer or government self-insurance pool by the department of human services
14 or its designee. This section applies notwithstanding any provision of law making
15 the information confidential.

16 a. An insurer that elects to provide information to the department of human
17 services under this subsection shall provide, as soon as reasonably possible
18 after first submission of the claim but not less than ten days prior to making a
19 payment to a claimant, the claimant's name, address, date of birth, and
20 social security number. In lieu of the claimant's social security number, an
21 insurer may provide either a motor vehicle operator's license number issued
22 to the claimant by the department of transportation or the last four digits of

1 the claimant's social security number. Other relevant and available
2 information may be provided if requested by the department of human
3 services.

4 b. An insurer that elects to compare information made available by the
5 department of human services shall notify the department of human services,
6 as soon as reasonably possible after first submission of the claim but not
7 less than ten days prior to making a payment to a claimant who owes or is
8 owed child support, or against whom a child support obligation is sought, the
9 claimant's name, address, date of birth, and social security number. In lieu
10 of the claimant's social security number, an insurer may provide either a
11 motor vehicle operator's license number issued to the claimant by the
12 department of transportation or the last four digits of the claimant's social
13 security number. Other relevant and available information may be provided if
14 requested by the department of human services.

15 c. An insurer may comply with this subsection by participating in, and reporting
16 the required claim data to, a centralized claim reporting organization that will
17 conduct a data match of all applicable claims received against the
18 department of human services' files of delinquent child support obligors and
19 report the required data for each matching claimant to the department of
20 human services or its designee on the insurer's behalf. The department of
21 human services will make files of delinquent child support obligors available
22 to the centralized reporting organization for data matching purposes.

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

28 2. As used in this section, "claimant" means a resident of this state who is a
29 beneficiary under a life insurance policy or who is an individual who brings a
30 claim against an insured or under an insurance policy for compensation under
31 insurance coverage for bodily injury, uninsured motorist, underinsured motorist,
32 workers' compensation, or personal injury.

- 1 3. An insurer that provides claim information to the department of human services
2 under subsection one also shall provide the telephone number of a facsimile
3 machine or electronic mail address to which a lien or demand may be sent by the
4 department of human services under chapter 35-34.
- 5 4. A claimant who refuses to provide to an insurer the information required to be
6 submitted to the department of human services under this section may not
7 receive payment on the claim and may not pursue a suit against the insured in
8 this state for the amount of the claim.
- 9 5. A person is immune from suit or any liability under any federal or state law,
10 including chapter 12.1-13 or 44-04, for acting in good faith under this section.
11 The court shall award reasonable attorney's fees and costs against any person
12 that commences an action that is subsequently dismissed by reason of the
13 immunity granted by this section.
- 14 6. An individual who willfully fails to comply with this section is subject to the same
15 liabilities as an income payer under section 14-09-09.3 unless the context
16 indicates otherwise.
- 17 7. Any lien filed under chapter 35-34 against a claim that is reported under this
18 section is subordinate to a pre-existing lien against the claimant arising out of the
19 claim.
- 20 8. This section does not apply to a health insurer participating in a data match
21 under section 50-09-37.
- 22 9. A government self-insurance pool that complies with this section is not subject to
23 subsection 1 of section 50-09-08.2.
- 24 10. Nothing in this section shall require an insurer to make a payment that is not
25 otherwise required under the contract of insurance.
- 26 11. An insurer shall not be assessed any fee by the department of human services
27 or its designee for providing information claim information under this section.
- 28 12. Any claimant information that is exchanged under this section is confidential and
29 may only be used to establish or enforce a child support or medical support
30 obligation, or as otherwise permitted or required by law.

31 **SECTION 2. EFFECTIVE DATE.** This Act becomes effective on January 1, 2012.