

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 of five hundred dollars or more to a claimant for a claim
8 occurring in this state under a contract of insurance issued in this state, an
9 insurer or government self-insurance pool ~~may exchange information about the~~
10 ~~claimant with~~ shall either provide the department of human services or its
11 designee with information about the claimant or compare the information of the
12 insurer or government self-insurance pool regarding the claimant with
13 information made available to the insurer or government self-insurance pool by
14 the department of human services or its designee. This section applies
15 notwithstanding any provision of law making 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. Other relevant and available information may be
21 provided if requested by the department of human services.
- 22 b. An insurer that elects to compare information made available by the

1 department of human services shall notify the department of human services,
2 as soon as reasonably possible after first submission of the claim but not
3 less than ten days prior to making a payment to a claimant who owes or is
4 owed child support, or against whom a child support obligation is sought, the
5 claimant's name, address, date of birth, and social security number. Other
6 relevant and available information may be provided if requested by the
7 department of human services.

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

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

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

26 3. An insurer that provides claim information to the department of human services
27 under subsection one also shall provide the telephone number of a facsimile
28 machine or electronic mail address to which a lien or demand may be sent by the
29 department of human services under chapter 35-34.

30 4. A claimant who refuses to provide to an insurer the information required to be
31 submitted to the department of human services under this section may not
32 receive payment on the claim and may not pursue a suit against the insured in

- 1 this state for the amount of the claim.
- 2 5. A person is immune from suit or any liability under any federal or state law,
3 including chapter 12.1-13 or 44-04, for acting in good faith under this section.
4 The court shall award reasonable attorney's fees and costs against any person
5 that commences an action that is subsequently dismissed by reason of the
6 immunity granted by this section.
- 7 6. An insurer that fails to comply with this section after June 30, 2011, is subject to
8 the same liabilities as an income payer under section 14-09-09.3 unless the
9 context indicates otherwise.
- 10 7. Any lien filed under chapter 35-34 against a claim that is reported under this
11 section is subordinate to a pre-existing lien against the claimant arising out of the
12 claim.
- 13 8. This section does not apply to a health insurer participating in a data match
14 under section 50-09-37.
- 15 9. A government self-insurance pool that complies with this section is not subject to
16 subsection 1 of section 50-09-08.2.
- 17 10. An insurer may disclose information as provided in this section about a claimant
18 whose aggregate claim is less than \$500 or whose claim arose outside this
19 state.
- 20 11. Nothing in this section shall require an insurer to make a payment that is not
21 otherwise required under the contract of insurance.
- 22 12. An insurer shall not be assessed any fee by the department of human services
23 or its designee for providing information claim information under this section.
- 24 13. Any claimant information that is exchanged under this section is confidential and
25 may only be used to establish or enforce a child support or medical support
26 obligation, or as otherwise permitted or required by law.
- 27 **SECTION 2. EFFECTIVE DATE.** This Act becomes effective on January 1, 2012.