TESTIMONY

Presented by: **Chrystal Bartuska**
Product Filing Division Director
North Dakota Insurance Department

Before: **Transportation Committee**
Representative Dan Ruby, Chairman

Date: **August 20, 2015**

Good morning, Chairman Ruby and members of the committee. My name is Chrystal Bartuska. I am the Product Filing Division Director for the North Dakota Insurance Department.

I was asked to present an overview of the required liability limits associated with auto insurance (N.D.C.C. §§ 26.1-41-01 and 39-16.1-11) as well as the basic no-fault benefit limits (N.D.C.C. § 26.1-41-01) in the state.

In North Dakota there are four types of required auto coverage. They are liability, uninsured motorist, underinsured motorist and basic no-fault. The term basic no-fault benefit is also commonly referred to as PIP (personal injury protection).

The minimum required liability limits in our state are commonly referred to as 25/50/25, which means there is coverage for up to $25,000 of bodily injury per person, $50,000 per incident, and $25,000 dollars for property damage coverage. Uninsured and underinsured coverage is also required to be at a minimum of 25/50 meaning $25,000 of bodily injury coverage per person and $50,000 per incident in both uninsured and underinsured.

The last piece of these requirements is basic no-fault benefits, which covers economic loss resulting from accidental bodily injury. This coverage includes medical expense; rehabilitation expense; work loss; replacement services loss; survivors' income loss; survivors' replacement service loss; and funeral, cremation and burial expenses.

Specific dollar amounts apply to these coverages. For example, work loss and survivors' income loss have a maximum of $150 weekly benefit per person, funeral expenses has a maximum of $3,500 and survivors' replacement services loss or replacement services loss cannot exceed $15 per day. The work loss and survivor loss benefit levels of $150 and $15 have been in place since January 1, 1976, and the funeral expenses $3,500 limit has been in place since the 1991 legislative session.

The medical benefit expenses are based on the reasonable and customary charges as determined by medical necessity. The minimum amount that is required by insurance companies for all basic no-fault benefits for any one person for any one accident is $30,000, which became effective after the 1985 legislative session.

The chart below lists the various coverage limits that could make up the $30,000 no-fault benefit.

Benefit	Coverage Limit
Total benefit available for all no-fault benefits	$30,000
Medical Expenses	No specific dollar amount
Rehabilitation Expenses	No specific dollar amount
Work Loss	$150 per week
Survivors' Income Loss	$150 per week
Replacement Services Loss	$15 per day
Survivors' Replacement Services Loss	$15 per day
Funeral Expenses	$3,500

For your convenience, I have attached a copy of the 2013 National Association of Insurance Commissioners chart listing states' auto insurance coverage requirements. This is a very high level overview of the required coverages associated with auto insurance.

I also want to point out that coverage requirements are minimums. Consumers are able to purchase higher liability limits, uninsured/underinsured and no-fault benefits depending on their personal situations and budgets.

That concludes my testimony. I would be happy to answer any questions. Thank you.

Summary of State Laws Related to Auto Insurance

ST	Rate Filing Laws for (Prior Approval, Use & File, File & Use, No File, Flex Rating)	Form Filing Laws (Prior Approval, Use & File, File & Use, No File)	Fault System (Tort, No-Fault, Add-on)	Tort Threshold (C = Choice, V = Verbal)	Compulsory Liability	Compulsory PIP	Compulsory UM (* = Insured can reject in writing)	Minimum Liability Limits	No Pay - No Play Laws	Negligence Systems
AK	F&U/Flex	PA/F&U	T	N/A	Y	N	Y	50/100/25	Y	Comparative
AL	PA	PA	T	N/A	Y	N	N	25/50/25	N	Contributory
AR	F&U	PA	AO	$5,000	Y	Y	*	25/50/25	N	Mod. 50%
AZ	U&F	PA	T	N/A	Y	N	N	15/30/10	N	Comparative
CA	PA	PA	T	N/A	Y	N	N	15/30/5	Y	Comparative
CO	F&U	NF	T	N/A	Y	N	N	25/50/15	N	Mod. 50%
CT	PA, F&U,Flex	F&U	T	N/A	Y	N	N	20/40/10	N	Mod. 51%
DC	F&U	PA	NF optional	C or V	Y	N	Y	25/50/10	N	Contributory
DE	F&U	U&F	AO	N/A	Y	Y	N	15/30/10	N	Mod. 51%
FL	PA/U&F	PA	NF	V	Y	Y	*	10/20/10	N	Comparative
GA	PA	PA	T	N/A	Y	N	N	25/50/25	N	Mod. 50%
HI	PA	PA	NF	$5,000	Y	Y	N	20/40/10	N	Mod. 51%
IA	U&F	PA	T	N/A	N	N	*	20/40/15	Y	Mod. 51%
ID	U&F	U&F	T	N/A	N	N	N	25/50/15	N	Mod. 50%
IL	U&F	U&F	T	N/A	Y	N	Y	20/40/15	N	Mod. 51%
IN	F&U	F&U	T	N/A	Y	N	*	25/50/10	N	Mod. 51%
KS	Flex	F&U	NF	$2,000	Y	Y	Y	25/50/10	Y	Mod. 50%
KY	Flex	PA	NF optional	$1.000 or V	Y	N	N	25/50/10	N	Comparative
LA	Modified PA	PA	T	N/A	Y	N	*	15/30/25	Y	Comparative
MA	F&U	PA	NF	$2,000	Y	Y	Y	20/40/5	N	Mod. 51%
MD	F&U	PA	AO	N/A	Y	Y	Y	30/60/15	N	Contributory
ME	F&U	F&U	T	N/A	Y	N	Y	50/100/25	N	Mod. 50%
MI	F&U	PA	NF	V	Y	Y	N	20/40/10	Y	Mod. 51%
MN	F&U	PA	NF	$4,000 or V	Y	Y	Y	30/60/10	N	Mod. 51%
MO	U&F	U&F	T	N/A	Y	N	Y	25/50/10	N	Comparative
MS	PA	PA	T	N/A	Y	N	*	25/50/25	N	Comparative
MT	F&U	PA	T	N/A	Y	N	N	25/50/10	N	Mod. 51%
NC	PA	PA	T	N/A	Y	N	Y	30/60/25	N	Contributory
ND	PA	PA	NF	$2,500 or V	Y	Y	Y	25/50/25	Y	Mod. 50%
NE	F&U	F&U	T	N/A	Y	N	Y	25/50/25	N	Mod. 50%
NH	F&U	PA	T	N/A	N	N	Y	25/50/25	N	Mod. 51%

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NJ	PA	PA	NF optional	C or V	Y	Y	Y	15/30/5	Y	Mod. 51%
NM	F&U	PA	T	N/A	Y	N	N	25/50/10	N	Comparative
NV	PA	PA	T	N/A	Y	N	*	15/30/10	N	Mod. 51%
NY	Flex	PA	NF	V	Y	Y	Y	25/50/10	N	Comparative
OH	F&U	F&U	T	N/A	Y	N	N	25/50/25	N	Mod. 51%
OK	U&F	PA,U&F	T	N/A	Y	N	*	25/50/25	Y	Mod. 50%
OR	F&U	PA	T	N/A	Y	Y	Y	25/50/20	Y	Mod. 51%
PA	PA	PA	NF optional	C	Y	N	N	15/30/5	N	Mod. 51%
PR	PA	PA	T		Y			4 PD		
RI	Modified F&U/Flex	PA	T	N/A	Y	N	*	25/50/25	N	Comparative
SC	Flex	PA	T	N/A	Y	N	Y	25/50/25	N	Mod. 51%
SD	F&U	PA	AO	N/A	Y	N	Y	25/50/25	N	Comparative
TN	PA/Flex	PA	T	N/A	N	N	*	25/50/15	N	Mod. 50%
TX	F&U	PA	NF optional	N/A	Y	Y	*	30/60/25	N	Mod. 51%
UT	U&F	F&U	NF	$3,000	Y	Y	*	25/65/15	N	Mod. 50%
VA	F&U	PA	T	N/A	N	N	Y	25/50/20	N	Contributory
VI	No File	PA	T		Y	Y	Y	10/20/10		
VT	U&F	PA	T	N/A	Y	N	Y	25/50/10	N	Mod. 51%
WA	PA	PA	AO	N/A	Y	Y	N	25/50/10	N	Comparative
WI	U&F	F&U	AO	N/A	Y	N	Y	25/50/10	N	Mod. 51%
WV	PA	PA	T	N/A	Y	N	Y	20/40/10	N	Mod. 50%
WY	No File	PA	T	N/A	Y	N	N	25/50/20	N	Mod. 51%

LEGEND	
	Contributory = Pure Contributory Negligence
	Comparative = Pure Comparative Negligence
	Mod. 50% = Modified Comparative Negligence -- 50% Rule
	Mod. 51% = Modified Comparative Negligence -- 51% Rule

Citations for State Laws Related to Auto Insurance

ST	RATE FILING	FORM FILING	NO FAULT OR VARIATION	TORT THRESHOLD	COMPULSORY LIABILITY	COMPULSORY PIP	COMPULSORY UNINSURED MOTORISTS	MINIMUM LIABILITY LIMITS	NO PAY NO PLAY	NEGLIGENCE
AK	§21.39.210, 21.39.220	§§21.42.120, 21.42.123, AS 21.41.125	N/A	N/A	§ 28.22.011	N/A	AS 28.20.440(b)(3), AS 28.22.101(e), AS 21.96.020(c)	§ 28.22.101(d)	§09.65.320	§09.17.060;09.17.080
AL	Ins. Reg. 123	§27-14-8	N/A	N/A	§ 32-7A-4	N/A	N/A	§ 32-7-6(c)(4)	N/A	Alabama Power Co. v. Schotz, 215 So.2d 447 (Ala. 1968).
AR	§23-67-211	§23-79-109	§ 23-89-202 to 23-89-216	§ 23-89-207	§ 27-22-104	§ 23-89-202 to 23-89-216	Ark. Code Ann. 23-89-403	§ 27-22-104	N/A	§16-64-122.
AZ	§20-385	§20-398	N/A	N/A	§ 28-4135	N/A	N/A	§ 28-4009(2)	N/A	§12-2505
CA	Ins s 1861.05; 1851	§1861.01 c	N/A	N/A	Vehicle Code § 16020	N/A	N/A	Vehicle Code § 16451	Ins § 11580.2	Liv v. Yellow Cab, 119 Cal. Rptr. 858 (1975).
CO	§10-4-401; 10-4-403(5); Ins. Reg. 5-1-10; 5-1-11	N/A	N/A	N/A	§ 10-4-619	N/A	N/A	§ 10-4-620	N/A	§13-21-111
CT	§38a-688, 368-389	§38a-676c	N/A	N/A	§ 14-112, 38a-371	N/A	§38a-334, 368-371	§ 14-112, 38a-371	N/A	§52-572o
DC	§31-2704	§31-2502.27	§ 31-2404	§ 31-2404	§ 31-2403	N/A	§ 31-2406	§ 31-2406	N/A	Wingfield v. People's Drug Store, 379 A.2d 685 (D.C. 1994).

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DE	18 §§ 2502 to 2506	18 § 2712	Tit. 21 § 2118	N/A	Tit. 21 § 2118	Tit. 21 § 2118	N/A	Tit. 21 § 2118	N/A	10 § 8132
FL	§627.0651	§627.410	§ 627.736	§ 627.737	§ 324.022	§ 627.736	N/A	§ 324.022	N/A	§768.81
GA	§33-9-21	§33-24-9	N/A	N/A	§ 33-34-4	N/A	§ 33-7-11	§ 33-34-4	N/A	§51-11-7
HI	§431:14-104	Haw. Rev. Stat. §§ 431:10C-201 to 216	§431:10C-306	§431:10C-306	§431:10C-104; §431:10C-301	§431:10C-104, §431:10C-301; §431:10C-304; §431:10C-306	N/A	431:10C-301	N/A	§663-31
IA	§§515F.20 to 515F.25	§ 515.102	N/A	N/A	§ 321.20B	N/A	§516A.1	§ 321A.1; 321A.21	§613.2	§668.3
ID	Bulletin 91-1	§41-1812	N/A	N/A	§ 49-1229	N/A	N/A	§ 49-117	N/A	§6-801
IL	Reg. tit. 50 §§ 754.10 to 754.40	Ch. 215 § 5/143	N/A	N/A	625 ILCS 5/7-601	N/A	215 ILCS 5/143a	625 ILCS 5/7-203	N/A	735 ILCS 5/2-1116
IN	§27-1-22-4	§27-1-22-4	N/A	N/A	§ 9-18-2-11; § 27-1-13-7	N/A	§ 27-7-5-2	§ 9-25-4-5	N/A	§34-51-2-6
KS	§40-955	§40-216	§ 40-3103, et. al.	§ 40-3117	§ 40-3104	§ 40-3107	§ 40-3107, 40-284	§ 40-3107	§40-3130	§60-258a
KY	§304.13-051, §304.13-021	§304.14-120	§ 304.39-030; 304.39-040; 304.39-060	§ 304.39-060	§ 304.39-110	N/A	N/A	§ 304.39-110	N/A	§411.182
LA	§22:1451	R.S. 22:861	N/A	N/A	§ 32:861	N/A	§22.1295	§ 32:900	§32:866	C.C. Art. 2323

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MA	175E §§ 5 to 7	175 § 2B	90 § 1A	231 § 6D	90 § 1A	90 § 34M	175 MGLA 113L	90 § 34A	N/A	§231:85
MD	Ins. § 11-306 through 11-319	Ins. §11-206	§ 19-505 through 19-508	N/A	Trans. § 17-103	Trans. § 17-103 and Ins. § 19-505 and 19-506	Insurance §19-509 through 19-511	15 Trans, § 17-103	N/A	Board of County Comm'r of Garrett County v Bell Atlantic, 695 A.2d 171 (Md. 1997).
ME	24-A s 2302; 2304-A	24-A § 2412	N/A	N/A	tit. 29-A § 1601	N/A	24 AMRSA 2902	tit. 29-A § 1605	N/A	14 § 156
MI	§500.2108	§500.2236	§500.3101, et. seq.	§500.3135	§ 257.520	§500.3101, et. seq.	N/A	§ 257.520	§257.1105	§600.2959
MN	§60A.315	§70A.06	§ 65B.48	§ 65B.51	§ 65B.48	§ 65B.41-71	§65B.48	§ 65B.44	N/A	§604.01
MO	§379.321	§375.92	N/A	N/A	§ 303.025	N/A	§379.203	§ 303.190	N/A	Gustafson v. Benda, 661 S.W.2d 11 (Mo. 1983).
MS	§83-2-7	§83-2-7	N/A	N/A	§ 63-15-4	N/A	§83-11-101	§ 63-15-4	N/A	§11-7-15
MT	§33-16-203	§33-1-501; 33-4-509	N/A	N/A	§ 61-6-301	N/A	N/A	§ 61-6-103	N/A	§27-1-702
NC	§58-36-70	§58-36-55; §58-38-30	N/A	N/A	§§ 20-309; 20-314	N/A	§20-279.21	§ 20-279.1	N/A	§99B-4
ND	§26.1-25-04	§26.1-30-19 to 2020	§26.1-41-02	§26.1-41-01	§§ 26.1-40-15.2; 26.1-41-01; 39-08-20; 39-16.1-01	§26.1-41-02	§26.1-40-15.2	§ 26.1-40-01, 39-16.1-02	N/A	§32-03.2-02.1

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NE	§§44-7501 to 44-7535	Neb. Rev. Stat. § 44-7501, et seq.	N/A	N/A	§ 60-3,167	N/A	§44-6408	Neb. Rev. Stat. § 60-310	N/A	§25-21,18
NH	§412:16	§412:5 I	N/A	N/A	§ 264:2	N/A	§264:15	§ 264:20	N/A	§507:7
NJ	§17:29A-46.6; Reg. 11:3-16.6 to 11:3-16.16; Reg. 11:3-16B.1 to 11:3-16B.6	§17:29A A-6	§§ 17.28-1.1; 39:6A-8; 39:6A-8.1	§ 39:6A-8	§ 39:6A-14	§ 39:6A-4	§39:6A-14	§ 39:6A-3.1 to 39:6A-4; § § 17:28-1.1	§39:6A-4.5	§2A:15-5.1
NM	§S59A-17-9; 59A-17-13	§59A-18-12	N/A	N/A	§§ 66-5-205; 66-5-205.1	N/A	N/A	§ 66-5-208	N/A	Scott v. Rizzo, 634 P.2d 1234 (N.M. 1981).
NV	§§ 686B.070 to 686B.110	NRS 686B.070 ; NRS 686B.030	N/A	N/A	§ 485.185	N/A	NRS 687B.145	§ 485.185	N/A	§41-141.
NY	Ins. Law § 2305	Ins. Law § 2307	§§ 5102; 5103	§ 5102(d); §5104	Veh. & Traf. Law, Sections 311 and 312	§§ 5102; 5103	Insurance 3420	§§ 345; 3420	N/A	Ins. Law § 1411
OH	§3937.03	§3937.03	N/A	N/A	§§ 4509.44; 4509.45; 4509.46	N/A	N/A	§ 4509.51	N/A	Ohio Rev. Code Ann. § 2315.32 - 2315.36.

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OK	titl. 36 § 987	36 § 3610	N/A	N/A	tit. 47 § 7-601	N/A	36 Okla. St. Ann. 3636	tit. 47 § 7-324	47 § 7-116	23 § 13
OR	§737.205	§742.003	N/A	N/A	§ 806.010 § 806.080	§ 806.010	§278.215	§ 806.070	§31.715	§31.600
PA	75 P.S. §§ 2003 to 2009	40 PS 477b	Tit. 75 § 1705	Tit. 75 § 1705	Tit. 75 § 1786	N/A	N/A	Tit. 75 § 1702	N/A	§42-7102
PR	tit. 26 §1205	tit. 26 §1111			tit. 26 § 8053			tit. 26 §8052(k)		
RI	§§27-44-6; 27-6-8 to 27-6-11; 27-9-7 to 27-9-10	§27-9-6.1	N/A	N/A	§ 31-31-7	N/A	§27-7-2.1	§§ 31-32-24; 31-47-2	N/A	§9-20-4
SC	§§38-73-340; 38-73-915; 38-73-960; 38-73-520	§38-73-1060	N/A	N/A	§ 38-77-140	N/A	§38-77-150	§ 38-77-140	N/A	Nelson v. Concrete Supply, 399 S.E.2d 783 (S.C. 1991).
SD	§§58-24-1 to 58-24-67	§58-11-12; 58-11-16; 58-11-17	§58-23-8	N/A	§ 32-35-113	N/A	§58-11-9	§ 32-35-70	N/A	§20-9-2
TN	§56-5-305	§56-5-305	N/A	N/A	§ 55-12-102	N/A	§56-7-1201	§ 55-12-102	N/A	McIntyre v. Balentine, 833 S.W.2d 52 (Tenn. 1992).

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TX	Texas Insurance Code, §§2251.001 and 2251.101	Texas Insurance Code, Chapter 2301	Texas Insurance Code, §1952.151	N/A	Texas Transportation Code, §601.051	Texas Insurance Code, Chapter 1952, Subchapter D	Texas Insurance Code, Chapter 1952, Subchapter C	Texas Transportation Code, §601.072	N/A	Texas Civil Practice and Remedies Code, §§33.001-33.017
UT	§31A-19a-201-§31A-19a-207	§31A-21-201	§ 31A-22-302 to 307	§ 31A-22-309	§ 41-12A-301	§31A-22-307 - 309	§31A-22-305	§ 31A-22-304	N/A	78B-5-817; 78B-5-818
VA	§§ 38.2-1904, 38.2-1906, 38.2-2003, 38.2-2005, 38.2-2006	§§ 38.2-2218 through 38.2-2223, 38.2-317	N/A	N/A	N/A	N/A	§ 38.2-2206	46.2-472	N/A	Common law of Virginia
VI		22 V.I.C. 810			Tit. 20 § 701			Tit. 20 § 703		
VT	tit. 8 § 4688	T. 8 § 3541	N/A	N/A	Tit. 23 § 800	N/A	23 V.S.A. 941	Tit. 23 § 800	N/A	T. 12 § 1036
WA	§48.19.060	§48.18.100	§ 48.22.085	N/A	§ 46.30.020	§ 48.22.095	N/A	§ 46.29.090	N/A	§4.22.005-015
WI	§625.13	§631.20	§632.32	N/A	§§ 344.01; 344.29	N/A	§632.32	§§ 344.01; 344.33	N/A	§895.045

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WV	§33-20-4; W. Va. Code R. § 114-75-3	§33-6-8	N/A	N/A	§§ 17D-2A-3; 17D-4-2	N/A	§33-6-31	§ 17D-4-2	N/A	Bradley v. Appalachian Power Co., 256 S.E.2d 879 (W. Va. 1979).
WY	§26-14-107	§26-15-110	N/A	N/A	§ 31-4-103	N/A	N/A	§ 31-9-405	N/A	§1-1-109

Additional Comments Provided by the States

Rate Filing Laws	
Georgia	In 2008, the legislature changed the rate filing law, OCGA 33-9-21 to provide that rate filings for minimum required liability limits be filed on a prior approval basis. All other liability limits and other coverages are filed on a file and use basis and can be implemented when received by the Department.
Rhode Island	Modified File and Use as state can extend deemer dates for reviews. State allows flex rating if +/- 5%.
Fault System	
Kentucky	KY has No Fault for BI only, not for PD. While each individual can reject the limitations on their tort rights, unless they have properly done so, they are deemed to have accepted the limitations.
Compulsory PIP	
Kentucky	PIP is a compulsory coverage, it must be provided on every policy even if all insureds have rejected. There must be coverage for guest passsengers and pedestrians struck by the insured vehicle.
Compulsory UM	
Georgia	In 2008, the legislature amended the UM law, OCGA 33-7-11 to provide two forms of UM coverage. Unless rejected by the insured, the default coverage provides the UM Limits added to the liability limits of the "at fault" party. The optional selection provides for the UM Limits reduced by the liability limits of the "at fault" party.
Kentucky	writing.
Nevada	An insurer transacting motor vehicle insurance in NV must offer, on a form approved by the Commissioner, UM/UIM coverage to the insured in an amount equal to the limits of coverage selected by the insured for bodily injury liability under the policy. The insured can reject that coverage, but a written signature of the insured must be obtained if the insured selects less coverage than is required to be offered or if the coverage is rejected.
Virginia	Limits of at least $25,000/$50,000/$20,000 required on motor vehicle liability policies.