

Fifty-fifth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2381

Introduced by

Senators DeMers, LaFountain

Representatives Christenson, Mahoney

1 A BILL for an Act to amend and reenact section 65-01-08 of the North Dakota Century Code,
2 relating to employees opting out of workers' compensation coverage.

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

4 **SECTION 1. AMENDMENT.** Section 65-01-08 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **65-01-08. Contributing employer relieved from liability for injury to employee -**
7 **Employee option.**

8 1. Where a local or out-of-state employer has secured the payment of compensation
9 to that employer's employees by contributing premiums to the fund, the employee,
10 and the parents of a minor employee, or the representatives or beneficiaries of
11 either, have no claim for relief against ~~such~~ the contributing employer or against
12 any agent, servant, or other employee of ~~such~~ the employer for damages for
13 personal injuries, but shall look solely to the fund for compensation.

14 2. An employee of a contributing employer is bound by the provisions of this title
15 unless the employee files with the employer a written notice rejecting workers'
16 compensation coverage under this title.

17 a. The employee shall file the notice with the employer before any injury or
18 occurrence of an occupational disease covered by workers' compensation.
19 Immediately upon receipt of the notice, the employer shall file the notice with
20 the workers compensation bureau.

21 b. Without prejudice to any existing right or claim, an employee may withdraw a
22 rejection of workers' compensation coverage by filing with the employer a
23 written notice, stating the effective date of the withdrawal of rejection. The
24 employer immediately shall file any withdrawal of rejection with the bureau. A

- 1 withdrawal of a rejection is not effective to any injury sustained or disease
2 incurred before the effective date of the withdrawal.
- 3 c. Notwithstanding any other provision of this section, a notice is not effective
4 until it is filed with the workers compensation bureau.
- 5 d. An employer may not require an employee to execute a rejection of this title
6 as a condition to obtain or maintain employment, nor may an employer
7 terminate the employment of any person for refusing to execute a rejection of
8 this title. The bureau may not give effect to any rejection of this title made
9 involuntarily by an employee.