

Fifty-fifth  
Legislative Assembly  
of North Dakota

## HOUSE BILL NO. 1266

Introduced by

Representative Berg

Senator Mutch

1 A BILL for an Act to amend and reenact section 65-05-01 of the North Dakota Century Code,  
2 relating to the filing of workers' compensation claims; and to provide an effective date.

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

4 **SECTION 1. AMENDMENT.** Section 65-05-01 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **65-05-01. Claims for ~~compensation~~ benefits - When and where filed.** All original  
7 claims for ~~compensation~~ benefits must be filed by the injured employee, or someone on the  
8 injured employee's behalf, within one year after the injury or within two years after the death.  
9 The date of injury for purposes of this section is the ~~actual date of injury when that date can be~~  
10 ~~determined with certainty by the claimant and bureau. When the actual date of injury cannot be~~  
11 ~~determined with certainty, the date of injury is the first date that a reasonable person knew or~~  
12 ~~should have known that the employee suffered a compensable work-related injury and the~~  
13 ~~employee was informed by the employee's treating health care provider that the employee's~~  
14 ~~work activities are a substantial contributing factor in the development of the employee's injury~~  
15 ~~or condition. No compensation or benefits, has lost wages because of a resulting disability, or~~  
16 ~~has received medical treatment. Notwithstanding a statute of limitations assertion, the claimant~~  
17 ~~bears the burden of proving any entitlement to benefits. If the bureau is estopped from applying~~  
18 ~~the statute of limitations in this section because an employer's willful conduct delayed an injured~~  
19 ~~employee from filing a claim, that employer shall reimburse the bureau for the full amount of all~~  
20 ~~benefits paid during the first five years of that claim. Benefits may not be allowed under this~~  
21 title to any person, except as provided in section 65-05-04, unless that person, or someone on  
22 that person's behalf, files a written claim for ~~compensation or~~ benefits within the time specified  
23 in this section. A claim must be filed by:

- 1           1.    Delivering it at the office of the bureau or to any person ~~whom~~ the bureau
- 2               designates by ~~regulation may designate~~ rule; or
- 3           2.    Depositing it in the mail properly stamped and addressed to the bureau or to any
- 4               person ~~whom~~ the bureau designates by ~~regulation may designate~~ rule.

5           **SECTION 2. EFFECTIVE DATE.** This section applies to all claims for benefits filed  
6 after July 31, 1997, regardless of date of injury.