

Fifty-fifth  
Legislative Assembly  
of North Dakota

## ENGROSSED 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 either lost wages because of a resulting  
16 disability or received medical treatment. Notwithstanding a statute of limitations assertion, the  
17 claimant bears the burden of proving any entitlement to benefits. If the bureau is estopped  
18 from applying the statute of limitations in this section because an employer's willful conduct  
19 prevented an injured employee from filing a claim in a timely manner, that employer shall  
20 reimburse the bureau for the full amount of all benefits paid during the first five years of that  
21 claim. Benefits may not be allowed under this title to any person, except as provided in section  
22 65-05-04, unless that person, or someone on that person's behalf, files a written claim for  
23 ~~compensation or benefits~~ within the time specified 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.