

Introduced by

Representatives Wald, Kasper, Skarphol

1 A BILL for an Act to amend and reenact section 65-04-19.3 of the North Dakota Century Code,  
2 relating to third-party recovery on workers' compensation deductible accounts; and to provide  
3 an effective date.

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

5 **SECTION 1. AMENDMENT.** Section 65-04-19.3 of the 1999 Supplement to the North  
6 Dakota Century Code is amended and reenacted as follows:

7 **65-04-19.3. Premium calculation programs - Authority.** Upon approval of its board  
8 of directors, the bureau may create and implement by emergency rulemaking actuarially sound  
9 employer premium calculation programs, including dividends, group insurance, premium  
10 deductibles, and reimbursement for medical expense assessments. Programs under this  
11 section may be created or modified by emergency rulemaking and must include requirements  
12 or incentives for the early reporting of injuries. An employer with a deductible policy under this  
13 section, who chooses to pursue a third-party action under section 65-01-09 after an injured  
14 worker and the bureau have chosen not to pursue the third-party action, may keep one hundred  
15 percent of the recovery obtained, regardless of the expense incurred in covering the injury and  
16 regardless of any contrary provision in section 65-01-09. If the employer pursues the third-party  
17 action pursuant to this section, neither the bureau nor the injured worker has any liability for  
18 sharing in the expense of bringing that action.

19 **SECTION 2. EFFECTIVE DATE.** This Act is effective for all claims filed after July 31,  
20 2001.