

Fifty-seventh
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2153

Introduced by

Industry, Business and Labor Committee

(At the request of the Labor Commissioner)

1 A BILL for an Act to amend and reenact section 34-14-09 of the North Dakota Century Code,
2 relating to the time period during which unpaid wages may be collected by the commissioner of
3 labor on behalf of a wage claimant.

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

5 **SECTION 1. AMENDMENT.** Section 34-14-09 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **34-14-09. Employees' remedies - Limitation on wages collectible.** Whenever the
8 commissioner of labor determines that wages have not been paid and that ~~such~~ the unpaid
9 wages constitute an enforceable claim, the commissioner, upon ~~the~~ request of the employee,
10 may take an assignment in trust for ~~such~~ the wages or ~~any~~ a claim for liquidated damages in
11 amounts the commissioner deems valid and enforceable without being bound by any of the
12 technical rules respecting the validity of any ~~such~~ assignments and may bring any legal action
13 necessary to collect ~~such~~ the claim. The limitation of action under section 34-01-13 is tolled by
14 the filing of a claim with the commissioner until the commissioner determines the claim is not
15 enforceable or the commissioner reassigns the claim to the employee. With the consent of the
16 assigning employee at the time of the assignment, the commissioner ~~has the power to~~ may
17 settle and adjust ~~any such~~ the claim to the same extent as ~~might~~ the assigning employee.