

Fifty-eighth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2309

Introduced by

Senators O'Connell, Andrist, J. Lee

Representatives Eckre, N. Johnson, Severson

1 A BILL for an Act to amend and reenact subsection 4 of section 65-04-33 of the North Dakota
2 Century Code, relating to exempting townships from penalties for failing to furnish workers'
3 compensation payroll reports.

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

5 **SECTION 1. AMENDMENT.** Subsection 4 of section 65-04-33 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 4. An employer who fails or refuses to furnish to the bureau the annual payroll report
8 and estimate or who fails or refuses to furnish other information required by the
9 bureau under this chapter is subject to a penalty established by the bureau of two
10 thousand dollars. Upon the request of the bureau, the employer shall furnish the
11 bureau any of that employer's payroll records, annual payroll reports, and other
12 information required by the bureau under this chapter and an estimate of payroll for
13 the advance premium year. If the employer fails or refuses to provide the records
14 within thirty days of a written request from the bureau, the employer is subject to a
15 penalty not to exceed one hundred dollars for each day until the bureau receives
16 the records, in addition to the two thousand dollar penalty set forth above. The
17 bureau may not assess a penalty under this subsection against an organized
18 township. The bureau may reduce penalties for employers under this subsection.
19 However, an employer may not appeal a bureau decision not to reduce a penalty.
20 The bureau shall notify an employer by regular mail of the amount of premium and
21 penalty due the bureau from the employer. If the employer fails to pay that amount
22 within thirty days, the bureau may collect the premium, penalties, and interest due
23 by civil action. In that action, the court may not review or consider the action of the
24 bureau regarding the acceptance or payment of a claim filed when the employer

- 1 was uninsured. No exemptions except absolute exemptions under section
- 2 28-22-02 are allowed against any levy under executions pursuant to a judgment
- 3 recovered in the action.