

Fifty-ninth
Legislative Assembly
of North Dakota

HOUSE BILL NO.

Introduced by

Representative Keiser

1 A BILL for an Act to amend and reenact sections 54-60-08 and 65-04-15 and subsection 4 of
2 section 65-04-33 of the North Dakota Century Code, relating to workforce safety and insurance
3 commerce data reporting requirements.

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

5 **SECTION 1. AMENDMENT.** Section 54-60-08 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **54-60-08. Workforce safety and insurance commerce data.** The department shall
8 publish in aggregate form employers' and employees' nine-digit zip codes provided to workforce
9 safety and insurance by employers as provided under section 65-04-15.

10 **SECTION 2. AMENDMENT.** Section 65-04-15 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **65-04-15. Information in employer's files confidential - Exceptions - Penalty if**
13 **employee of organization divulges information.** The information contained in an employer's
14 file is not subject to section 44-04-18 and section 6 of article XI of the Constitution of North
15 Dakota; is for the exclusive use and information of the organization or its agents in the
16 discharge of the organization's official duties; and is not open to the public nor usable in any
17 court in any court action or proceeding unless the organization is a party to that court action or
18 proceeding. The information contained in the file, however, may be tabulated and published by
19 the organization in statistical form for the use and information of the state departments and of
20 the public. Upon request, the organization shall disclose the rate classification of an employer
21 to the requester; however, the organization may not disclose any information that would reveal
22 the amount of payroll upon which that employer's premium is being paid or the amount of
23 premium the employer is paying. The organization may disclose whether an employer's file is
24 active, canceled, closed, pending, or delinquent. The information in the employer's file may not

1 be released in aggregate form, except to those persons contracting with the organization for
2 exchange of information pertaining to the administration of this title or except upon written
3 authorization by the employer for a specified purpose. At least annually, the organization shall
4 furnish the department of commerce with employers' and employees' nine-digit zip codes
5 provided to the organization under subsection 4 of section 65-04-33. Disclosure by a public
6 servant of information contained in an employer's report, except as otherwise allowed by law, is
7 a violation of section 12.1-13-01. Anyone who is convicted under section 12.1-13-01 is
8 disqualified from holding any office or employment with the organization.

9 The organization may, upon request of the state tax commissioner or the secretary of
10 state, furnish to them a list of employers showing only the names, addresses, and organization
11 file identification numbers of such employers as those files relate to this chapter; provided, that
12 any such list so furnished must be used by the tax commissioner or the secretary of state only
13 for the purpose of administering their duties. The organization may provide any state or federal
14 agency information obtained pursuant to the administration of this title. Any information so
15 provided must be used only for the purpose of administering the duties of that state or federal
16 agency. Whenever the organization obtains information on activities of a contractor doing
17 business in this state of which officials of the secretary of state, job service North Dakota, or tax
18 commissioner may be unaware and that may be relevant to the duties of those officials, the
19 organization shall provide any relevant information to those officials for the purpose of
20 administering their duties. The organization may provide any state agency or a private entity
21 with a list of names and addresses of employers for the purpose of jointly publishing or
22 distributing publications or other information pursuant to section 54-06-04.3. Any information so
23 provided may only be used for the purpose of jointly publishing or distributing publications or
24 other information as provided in section 54-06-04.3.

25 **SECTION 3. AMENDMENT.** Subsection 4 of section 65-04-33 of the North Dakota
26 Century Code is amended and reenacted as follows:

- 27 4. An employer who fails or refuses to furnish to the organization the annual payroll
28 report and estimate or who fails or refuses to furnish other information required by
29 the organization under this chapter is subject to a penalty established by the
30 organization of two thousand dollars. Upon the request of the organization, the
31 employer shall furnish the organization any of that employer's payroll records,

1 annual payroll reports, employer's and employees' nine-digit zip codes, and other
2 information required by the organization under this chapter and an estimate of
3 payroll for the advance premium year. The employer reporting requirement of
4 nine-digit zip codes under this subsection is not required for any employee with a
5 zip code outside this state who does not physically perform any employment in this
6 state for that employer. If the employer fails or refuses to provide the records
7 within thirty days of a written request from the organization, the employer is subject
8 to a penalty not to exceed one hundred dollars for each day until the organization
9 receives the records, in addition to the two thousand dollar penalty set forth above.
10 The organization may not assess a penalty that exceeds one hundred fifty dollars
11 under this subsection against an organized township. The organization may
12 reduce penalties for employers under this subsection. However, an employer may
13 not appeal an organization decision not to reduce a penalty. The organization shall
14 notify an employer by regular mail of the amount of premium and penalty due the
15 organization from the employer. If the employer fails to pay that amount within
16 thirty days, the organization may collect the premium, penalties, and interest due
17 by civil action. In that action, the court may not review or consider the action of the
18 organization regarding the acceptance or payment of a claim filed when the
19 employer was uninsured. No exemptions except absolute exemptions under
20 section 28-22-02 are allowed against any levy under executions pursuant to a
21 judgment recovered in the action.