

Sixtieth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2294**

Introduced by

Senators Nething, Robinson, Triplett

Representatives Amerman, DeKrey, Kasper

1 A BILL for an Act to amend and reenact section 65-05-35 of the North Dakota Century Code,  
2 relating to reopening of workforce safety and insurance claims that are presumed closed.

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

4 **SECTION 1. AMENDMENT.** Section 65-05-35 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **65-05-35. Closed claim - Presumption.**

- 7 1. A claim for benefits under this title is presumed closed if the organization has not  
8 paid any benefit or received a demand for payment of any benefit for a period of  
9 four years.
- 10 2. A claim that is presumed closed may not be reopened for payment of any further  
11 benefits unless the presumption is rebutted by clear and convincing evidence that  
12 the work injury is ~~the sole cause of~~ related to the current symptoms.
- 13 3. With respect to a claim that has been presumed closed, the employee shall provide  
14 the organization written notice of reapplication for benefits under that claim. In  
15 case of award of lost-time benefits, the award may commence no more than thirty  
16 days before the date of reapplication. In case of award of medical benefits, the  
17 award may be for medical services incurred no more than thirty days before the  
18 date of reapplication.
- 19 4. This section applies to all claims for injury, irrespective of injury date.