

Sixtieth
Legislative Assembly
of North Dakota

ENGROSSED 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~~ primary cause of the current symptoms.
- 13 3. With respect to a claim that has been presumed closed, the employee shall
14 provide the organization written notice of reapplication for benefits under that
15 claim. In case of award of lost-time benefits, the award may commence no more
16 than thirty days before the date of reapplication. In case of award of medical
17 benefits, the award may be for medical services incurred no more than thirty days
18 before the date of reapplication.
- 19 4. This section applies to all claims for injury, irrespective of injury date.