

Sixtieth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2342

Introduced by

Senators Andrist, Heitkamp, Klein, Nething

1 A BILL for an Act to create and enact a new section to chapter 65-05 of the North Dakota
2 Century Code, relating to timely processing of workers' compensation claims.

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

4 **SECTION 1.** A new section to chapter 65-05 of the North Dakota Century Code is
5 created and enacted as follows:

6 **Timely filing and processing of claims.** This section applies if a claimant files an
7 original claim for benefits with the organization within sixty days following the injury or within six
8 months following death. If an original claim for benefits is still pending on the sixty-first day
9 following filing, the claim is deemed approved. If the organization seeks to end or diminish
10 compensation awarded under this section, the organization bears the burden of proving the
11 claimant's lack of entitlement to benefits. If a claimant incurs an overpayment under this
12 section, the organization may not seek repayment or recovery from the claimant unless the
13 organization proves the award of benefits under this section was a direct result of fraud
14 committed by the claimant. A claimant may not be awarded benefits under this section if the
15 claimant is not cooperating with requests from the organization for additional information
16 needed to process the claim.