

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1099

Introduced by

Industry, Business and Labor Committee

(At the request of the Labor Commissioner)

1 A BILL for an Act to amend and reenact section 34-14-09 of the North Dakota Century Code,
2 relating to employees' remedies and the limitations on wages collectible.

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

4 **SECTION 1. AMENDMENT.** Section 34-14-09 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **34-14-09. Employees' remedies - Limitation on wages collectible.** An employee
7 may file a claim for wages due under this chapter or under chapter 34-06 with the department
8 not later than two years from the date the wages are due. For purposes of this section, wages
9 are due at each regular payday immediately following the work period during which wages were
10 earned. Whenever the labor commissioner determines that wages have not been paid and that
11 the unpaid wages constitute an enforceable claim, the commissioner, upon request of the
12 employee, may take an assignment in trust for the wages or a claim for liquidated damages in
13 amounts the commissioner deems valid and enforceable without being bound by any of the
14 technical rules respecting the validity of any assignments and may bring any legal action
15 necessary to collect the claim. The limitation of action under section 34-01-13 is tolled by the
16 filing of a claim with the commissioner until the commissioner determines the claim is not
17 enforceable or the commissioner reassigns the claim to the employee. With the consent of the
18 assigning employee at the time of the assignment, the commissioner may settle and adjust the
19 claim to the same extent as the assigning employee.