

**SENATE BILL NO. 2272**

Introduced by

Senators Klein, Krebsbach

Representatives Berg, Poolman

1 A BILL for an Act to amend and reenact section 65-01-08 of the North Dakota Century Code,  
2 relating to workers' compensation employer and staffing service relief from liability for injuries to  
3 an employee; and to declare an emergency.

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

5 **SECTION 1. AMENDMENT.** Section 65-01-08 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **65-01-08. Contributing employer or staffing service relieved from liability for**  
8 **injury to employee.**

- 9 1. ~~Where~~ If a local or out-of-state employer has secured the payment of  
10 compensation to that employer's employees by contributing premiums to the fund,  
11 the employee, and the parents in the case of a minor employee, or the  
12 representatives or beneficiaries of either, do not have a claim for relief against  
13 ~~such~~ the contributing employer or against any agent, servant, or other employee of  
14 ~~such~~ the employer for damages for personal injuries, but shall look solely to the  
15 fund for compensation.
- 16 2. If a client company contracts with a staffing service for an employee's services, the  
17 client company and the staffing service are immune from any claim for relief by that  
18 employee or by another employee of the client company or staffing service, to the  
19 same extent granted under this title to contributing employers if the client company  
20 or staffing service secured the payment of compensation in accordance with this  
21 title. The employee is considered an employee of the client company and staffing  
22 service for purposes of application of immunity for injuries incurred by or caused by  
23 that employee.
- 24 3. For purposes of this section:

- 1           a. "Client company" means a person that contracts to receive services within the  
2           course of that person's usual business from an employee of a staffing service.  
3           b. "Staffing service" means an employer in the business of providing the  
4           employer's employees to persons to perform services within the course of that  
5           person's usual businesses.  
6        4. The bureau may adopt rules consistent with this section which further define client  
7           company and staffing service and which provide a procedure by which the bureau  
8           may determine whether an entity meets these definitions.

9        **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.