

Fifty-eighth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2309

Introduced by

Senators O'Connell, Andrist, J. Lee

Representatives Eckre, N. Johnson, Severson

1 A BILL for an Act to amend and reenact subsection 4 of section 65-04-33 of the North Dakota
2 Century Code, relating to exempting townships from penalties for failing to furnish workers'
3 compensation payroll reports.

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

5 **SECTION 1. AMENDMENT.** Subsection 4 of section 65-04-33 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 4. An employer who fails or refuses to furnish to the bureau the annual payroll report
8 and estimate or who fails or refuses to furnish other information required by the
9 bureau under this chapter is subject to a penalty established by the bureau of two
10 thousand dollars. Upon the request of the bureau, the employer shall furnish the
11 bureau any of that employer's payroll records, annual payroll reports, and other
12 information required by the bureau under this chapter and an estimate of payroll
13 for the advance premium year. If the employer fails or refuses to provide the
14 records within thirty days of a written request from the bureau, the employer is
15 subject to a penalty not to exceed one hundred dollars for each day until the
16 bureau receives the records, in addition to the two thousand dollar penalty set forth
17 above. The bureau may not assess a penalty that exceeds one hundred fifty
18 dollars under this subsection against an organized township. The bureau may
19 reduce penalties for employers under this subsection. However, an employer may
20 not appeal a bureau decision not to reduce a penalty. The bureau shall notify an
21 employer by regular mail of the amount of premium and penalty due the bureau
22 from the employer. If the employer fails to pay that amount within thirty days, the
23 bureau may collect the premium, penalties, and interest due by civil action. In that
24 action, the court may not review or consider the action of the bureau regarding the

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- 1 acceptance or payment of a claim filed when the employer was uninsured. No
- 2 exemptions except absolute exemptions under section 28-22-02 are allowed
- 3 against any levy under executions pursuant to a judgment recovered in the action.