

HOUSE BILL NO. 1495

Introduced by

Representatives Amerman, Zaiser

Senator Fairfield

1 A BILL for an Act to amend and reenact section 65-05-33 of the North Dakota Century Code,
2 relating to workforce safety and insurance civil remedies in case of false statement or claim.

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

4 **SECTION 1. AMENDMENT.** Section 65-05-33 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **65-05-33. Filing false claim or false statement - Penalty.**

- 7 1. A person who claims benefits or payment for services under this title or the
8 employer of a person who claims benefits or payments for services is guilty of a
9 class A misdemeanor if the person or employer does any one or more of the
10 following:
- 11 a. Willfully files a false claim or makes a false statement in an attempt to secure
12 payment of benefits or payment for services.
 - 13 b. Willfully misrepresents that person's physical condition, including deceptive
14 conduct which misrepresents that person's physical ability.
 - 15 c. Has a claim for disability benefits that has been accepted by the organization
16 and willfully fails to notify the organization of:
 - 17 (1) Work or other activities as required under subsection 3 of section
18 65-05-08;
 - 19 (2) The receipt of income from work; or
 - 20 (3) An increase in income from work.
- 21 2. If any of the acts in subsection 1 are committed to obtain, or pursuant to a scheme
22 to obtain, more than five hundred dollars in benefits or payment for services, the
23 offense is a class C felony.

- 1 3. In addition to any other penalties provided by law, the organization may require the
2 person claiming benefits or payment for services in violation of this section ~~shall to~~
3 reimburse the organization for any benefits paid based upon the false claim or
4 false statement and, if applicable, under section 65-05-29 and shall forfeit any
5 additional benefits relative to that injury. The organization may not exercise any
6 civil penalties under this subsection unless the organization establishes by clear
7 and convincing evidence that the organization incurred actual harm as a result of
8 the false claim or false statement.
- 9 4. For purposes of this section, "statement" includes any testimony, claim form,
10 notice, proof of injury, proof of return to work status, bill for services, diagnosis,
11 prescription, hospital or doctor records, x-ray, test results, or other evidence of
12 loss, injury, or expense.