

Fifty-fifth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1266

Introduced by

Representative Berg

Senator Mutch

1 A BILL for an Act to amend and reenact section 65-05-01 of the North Dakota Century Code,
2 relating to the filing of workers' compensation claims; and to provide an effective date.

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

4 **SECTION 1. AMENDMENT.** Section 65-05-01 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **65-05-01. Claims for ~~compensation~~ benefits - When and where filed.** All original
7 claims for ~~compensation~~ benefits must be filed by the injured employee, or someone on the
8 injured employee's behalf, within one year after the injury or within two years after the death.
9 The date of injury for purposes of this section is the ~~actual date of injury when that date can be~~
10 ~~determined with certainty by the claimant and bureau. When the actual date of injury cannot be~~
11 ~~determined with certainty, the date of injury is the first date that a reasonable person knew or~~
12 ~~should have known that the employee suffered a compensable work-related injury and the~~
13 ~~employee was informed by the employee's treating health care provider that the employee's~~
14 ~~work activities are a substantial contributing factor in the development of the employee's injury~~
15 ~~or condition. No compensation or benefits, has lost wages because of a resulting disability, or~~
16 ~~has received medical treatment. Notwithstanding a statute of limitations assertion, the claimant~~
17 ~~bears the burden of proving any entitlement to benefits. If the bureau is estopped from applying~~
18 ~~the statute of limitations in this section because an employer's willful conduct delayed an injured~~
19 ~~employee from filing a claim, that employer shall reimburse the bureau for the full amount of all~~
20 ~~benefits paid during the first five years of that claim. Benefits may not be allowed under this~~
21 title to any person, except as provided in section 65-05-04, unless that person, or someone on
22 that person's behalf, files a written claim for ~~compensation or~~ benefits within the time specified
23 in this section. A claim must be filed by:

- 1 1. Delivering it at the office of the bureau or to any person ~~whom~~ the bureau
- 2 designates by ~~regulation may designate~~ rule; or
- 3 2. Depositing it in the mail properly stamped and addressed to the bureau or to any
- 4 person ~~whom~~ the bureau designates by ~~regulation may designate~~ rule.

5 **SECTION 2. EFFECTIVE DATE.** This section applies to all claims for benefits filed
6 after July 31, 1997, regardless of date of injury.