

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO. 2434

Introduced by

Senator O'Connell

1 A BILL for an Act to amend and reenact section 1 of section 65-05-08 of the North Dakota
2 Century Code, relating to reapplication for workers' compensation disability benefits.

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

4 **SECTION 1. AMENDMENT.** Subsection 1 of section 65-05-08 of the North Dakota
5 Century Code is amended and reenacted as follows:

- 6 1. When disability benefits are discontinued, the organization may not begin payment
7 again unless the injured employee files a reapplication for disability benefits on a
8 form supplied by the organization. In case of reapplication, the award may
9 commence no more than thirty days before the date of reapplication. Disability
10 benefits must be reinstated upon proof by the injured employee that:
- 11 a. ~~The employee has sustained a significant change in the compensable medical~~
12 ~~condition;~~
 - 13 b. ~~The employee has sustained an actual wage loss caused by the significant~~
14 ~~change in the compensable medical condition; and~~
 - 15 e. ~~The employee has not retired or voluntarily withdrawn from the job market as~~
16 ~~defined in section 65-05-09.3~~ the injured employee has, as a result of the
17 compensable injury, suffered a loss of earning capacity of at least ten percent
18 of the employee's preinjury wage for a period of at least five consecutive
19 calendar days duration.