

Sixty-first
Legislative Assembly
of North Dakota

Introduced by

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: the injured
11 employee has, as a result of the compensable injury, suffered a loss of earnings
12 capacity of at least ten percent of the employee's preinjury wage for a period of at
13 least five consecutive calendar days duration.
- 14 a. ~~The employee has sustained a significant change in the compensable medical~~
15 ~~condition;~~
- 16 b. ~~The employee has sustained an actual wage loss caused by the significant~~
17 ~~change in the compensable medical condition; and~~
- 18 e. ~~The employee has not retired or voluntarily withdrawn from the job market as~~
19 ~~defined in section 65-05-09.3.~~