

SENATE BILL NO. 2153

Introduced by

Industry, Business and Labor Committee

(At the request of the Labor Commissioner)

1 A BILL for an Act to amend and reenact section 34-14-09 of the North Dakota Century Code,
2 relating to the time period during which unpaid wages may be collected by the commissioner of
3 labor on behalf of a wage claimant.

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

5 **SECTION 1. AMENDMENT.** Section 34-14-09 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **34-14-09. Employees' remedies - Limitation on wages collectible.** Whenever the
8 commissioner of labor determines that wages have not been paid and that ~~such~~ the unpaid
9 wages constitute an enforceable claim, the commissioner, upon ~~the~~ request of the employee,
10 may take an assignment in trust for ~~such~~ the wages or ~~any~~ a claim for liquidated damages in
11 amounts the commissioner deems valid and enforceable without being bound by any of the
12 technical rules respecting the validity of any ~~such~~ assignments and may bring any legal action
13 necessary to collect ~~such~~ the claim. Notwithstanding section 34-01-13, a legal action brought
14 by the commissioner under this chapter may include unpaid wages earned during the period up
15 to two years before the date the commissioner receives a complete wage claim form provided
16 by the commissioner to the employee. With the consent of the assigning employee at the time
17 of the assignment, the commissioner ~~has the power to~~ may settle and adjust ~~any such~~ the
18 claim to the same extent as ~~might~~ the assigning employee.