

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

HOUSE BILL NO. 2140

BY: WILLIAMS

AS INTRODUCED

AN ACT RELATING TO WORKERS' COMPENSATION; AMENDING 85  
O.S. 1991, SECTIONS 13 AND 24.2, WHICH RELATE TO  
THE WORKERS' COMPENSATION ACT; IDENTIFYING WHEN  
COMPENSATION FOR TEMPORARY TOTAL COMPENSATION  
COMMENCES; PROVIDING FOR CERTAIN HEARINGS;  
MODIFYING PENALTY PROVISION; AND PROVIDING AN  
EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 85 O.S. 1991, Section 13, is  
amended to read as follows:

Section 13. A. No compensation shall be allowed for the first  
seven (7) calendar days of disability except the benefits as  
provided for in Section 14 of this title; provided that if  
disability continues beyond the twenty-first calendar day,  
compensation shall be computed from the inception date of such  
disability.

B. If the disability is not disputed, compensation for  
temporary total disability shall be commenced within fifteen (15)  
calendar days after the employer receives notice of the injury. If  
an employee files a claim for compensation pursuant to Section 3.4  
of this title, compensation for temporary total disability shall be

commenced within fifteen (15) calendar days after the employee requests a hearing on the compensation issue, unless liability for the disability is denied by the employer. Such hearings shall be set for trial no later than forty-five (45) days after the request for hearing is filed by the employee.

SECTION 2. AMENDATORY 85 O.S. 1991, Section 24.2, is amended to read as follows:

Section 24.2 A. Unless an employee gives oral or written notice to the employer within sixty (60) days of the date an injury occurs or the employee receives medical attention from a licensed physician during the sixty-day period from the date an injury occurred, the claim shall be forever barred, unless, in the discretion of the trial judge, good cause is shown by the employee to the Court to excuse such failure of notice or treatment. Provided, for an occupational disease or repeated trauma, notice shall be given to the employer within the statutory period for occupational disease set out in Section 43 of Title 85 of the Oklahoma Statutes.

B. If the employer has notice of the injury and the injury is not disputed and weekly temporary total disability benefit payments are not commenced within ~~twenty (20)~~ fifteen (15) days of such notice or if any subsequent installment of temporary total disability benefits is not made within ten (10) days after it becomes due, the insurer of the employer shall pay to the employee a penalty of fifteen percent (15%) of the unpaid or delayed weekly benefits. This penalty may be imposed by the Court for good cause shown on a case by case basis.

C. The Administrator, on the basis of information collected, may ask the Court to impose the penalty provided in subsection B of this section.

D. Any penalty imposed pursuant to subsections B or C of this section shall not be reported or used for rate-making purposes.

SECTION 3. This act shall become effective September 1, 1992.

43-2-7498

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