

SHORT TITLE: Workers' compensation; providing for a stay of various acts of creditors; codification; emergency.

STATE OF OKLAHOMA

2nd Extraordinary Session of the 44th Legislature (1994)

SENATE BILL NO. 3

By: Long (Lewis)

AS INTRODUCED

An Act relating to enforcement of claims against claimants of workers' compensation benefits; providing for a stay of various acts and proceedings; making stay effective upon filing of claim; requiring notice to creditors; providing for termination of stay; authorizing termination, annulment, modification, and conditioning of stay after notice and hearing; providing for codification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3.4a of Title 85, unless there is created a duplication in numbering, reads as follows:

A. The filing of a claim pursuant to Section 3.4 of Title 85 of the Oklahoma Statutes, operates as a stay, applicable to all entities, of:

1. The commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the claimant that was or could have been commenced before the commencement of the case under this title, or to recover a claim against the claimant that arose before the filing of the claim under this title;

2. The enforcement, against the claimant or against property of the claimant, of a judgment obtained before the commencement of the claim under this title;

3. Any act to obtain possession of property of the claimant or of property from the claimant or to exercise control over property of the claimant;

4. Any act to create, perfect, or enforce any lien against property of the claimant;

5. Any act to create, perfect, or enforce against property of the claimant any lien to the extent that such lien secures a claim that arose before the commencement of the claim under this title;

6. Any act to collect, assess, or recover a claim against the claimant that arose before the commencement of the claim under this title;

7. The setoff of any debt owing to the debtor that arose before the commencement of the claim under this title against any claim against the claimant; and

8. The commencement or continuation of a proceeding before the Oklahoma Tax Commission concerning the claimant.

B. The stay provided for in subsection A of this section shall be effective upon filing of the claim. The claimant shall, within five (5) days after filing the claim, give notice of the claim to all of the claimant's creditors.

C. The stay provided for in subsection A of this section continues until the earliest of:

1. The time the claim is closed by the Workers' Compensation Court;

2. The time the claim is dismissed by the claimant;

3. The time the claimant returns to work whether or not with the same employer as before the claim; or

4. In the case of a claim for a permanent total disability, one year following the filing of the claim.

D. On request of a party in interest and after notice and a hearing, the Workers' Compensation Court shall grant relief from the stay provided under subsection A of this section, such as by terminating, annulling, modifying, or conditioning such stay.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

44-2EX-4012      KS