SHORT TITLE: Workers' compensation; allowing certain employer election of non-coverage; stating certain benefit requirements for employer election of non-coverage; codification; emergency.

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

SENATE BILL NO. 240 By: Milacek

AS INTRODUCED

An Act relating to workers' compensation; allowing certain employer election of non-coverage; requiring certain notice of election of non-coverage to certain persons; requiring promulgation of certain rules; requiring certain notice of change of coverage to employees; stating certain benefit requirements for employer election of non-coverage; limiting certain employee benefits; 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 61.3 of Title 85, unless there is created a duplication in numbering, reads as follows:

A. Except as required by Section 2b of Title 85 of the Oklahoma Statutes or as otherwise provided by law, an employer may elect not to secure workers' compensation to employees. Any employer who elects not to secure workers' compensation to employees pursuant to the provisions of this act shall not be subject to the provisions of the Workers' Compensation Act.

B. Every employer who elects not to secure workers' compensation to employees shall file with the Administrator of the Workers' Compensation Court a notice of this election in such form

and detail as the Administrator shall prescribe by rule. The notice shall contain information relating to the employer's business and other information as may be required by the Administrator.

C. 1. Every employer who elects not to secure workers' compensation to employees shall post in a conspicuous location at each of the employer's places of business a notice of this election in such form and detail as the Administrator may prescribe by rule.

2. In addition to the provisions of paragraph 1 of this subsection, every employer shall provide written notice to each employee not later than fifteen (15) days after the employer has elected not to secure workers' compensation to employees or has elected to obtain coverage under the provisions of the Workers' Compensation Act. A notice to inform an employee that the employer has elected not to secure workers' compensation shall include an explanation of the benefit program implemented by the employer.

D. 1. Every employer who elects not to secure workers' compensation to employees shall, in the alternative, provide benefits for occupational or job-related injuries or occupational diseases which are equivalent to those benefits provided under the Workers' Compensation Act.

2. Notwithstanding the provisions of paragraph 1 of this subsection, an employee's eligibility for medical expense benefits and income replacement benefits for disability shall not exceed a maximum benefit period of five (5) years and shall not include liability for permanent partial disability.

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.

46-1-0121 KSM