

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

2ND CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL 378

By: Fair of the Senate

and

Vaughn of the House

2ND CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to labor; amending Section 20, Chapter 349, O.S.L. 1993, as last amended by Section 16, Chapter 363, O.S.L. 1996 (40 O.S. Supp. 1998, Section 415.1), which relates to certification of non-coverage under Workers' Compensation Act; authorizing petty cash fund pursuant to certain rules and procedures; stating purpose of fund; authorizing two-year fee for certificate of non-coverage under Worker's Compensation Act; 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 141.20 of Title 40, unless there is created a duplication in numbering, reads as follows:

A. The Director of State Finance is hereby authorized, upon request by the Commissioner of Labor, to establish a petty cash fund for the Department of Labor in an amount not to exceed Four Hundred Dollars (\$400.00), to be used for the purpose of making change for persons obtaining licenses and transacting other business with the Department.

B. The fund shall be established and replenished from any monies available to the Department for operating expenses.

C. The Director of State Finance shall prescribe all forms, systems, and procedures for administering the fund.

SECTION 2. AMENDATORY Section 20, Chapter 349, O.S.L. 1993, as last amended by Section 16, Chapter 363, O.S.L. 1996 (40 O.S. Supp. 1998, Section 415.1), is amended to read as follows:

Section 415.1 A. Any person who is not required to be covered under a workers' compensation insurance policy or other plan for the payment of workers' compensation may apply to the Commissioner of Labor for a "Certificate of Non-Coverage Under the Workers' Compensation Act". Applications shall be made on forms prescribed by the Commissioner and shall be accompanied by a nonrefundable application fee in an amount to be set by the Commissioner by rule not to exceed Ten Dollars (\$10.00) for a one-year certificate or Twenty Dollars (\$20.00) for a two-year certificate.

B. The Commissioner of Labor shall issue a certificate to any individual ~~who~~ whom the Commissioner finds, after reasonable inquiry, to be exempt from the definition of employee under Section 3 of Title 85 of the Oklahoma Statutes. Issuance of the certificate by the Commissioner shall establish a rebuttable presumption that the filer is not an employee for purposes of the Workers' Compensation Act.

C. The Commissioner of Labor shall develop necessary procedures for determining eligibility for the certificates.

D. Except as otherwise provided in Section 11 of Title 85 of the Oklahoma Statutes, the filing of a certificate shall not affect the rights or coverage of any employee of the individual filing the certificate.

E. 1. Knowingly providing false information to the Department of Labor for the purpose of obtaining a "Certificate of Non-Coverage Under the Workers' Compensation Act" shall constitute a misdemeanor punishable by a fine not to exceed One Thousand Dollars (\$1,000.00).

2. Application forms for such certificates shall conspicuously state on the front thereof in at least ten-point bold-faced print that it is a crime to falsify information on the form.

3. The Commissioner of Labor shall immediately notify the Workers' Compensation Fraud Unit in the Office of the Attorney General of any violations or suspected violations of this section. The Commissioner shall cooperate with the Fraud Unit in any investigation involving certificates issued pursuant to this section.

F. Application fees collected pursuant to this section shall be deposited in the State Treasury to the credit of the Workers' Compensation Enforcement Revolving Fund.

SECTION 3. 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.

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