

ENGROSSED SENATE
BILL NO. 1148

By: Henry and Wilcoxson of the
Senate

and

Ervin of the House

[Workers' Compensation Act - file claims - exemption -
repealing -
effective date]

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

SECTION 1. AMENDATORY 85 O.S. 1991, Section 1.1, as amended by Section 1, Chapter 361, O.S.L. 1997 (85 O.S. Supp. 1999, Section 1.1), is amended to read as follows:

Section 1.1 A. ~~This act~~ The Workers' Compensation Act shall not apply to cases of occupational disease in which the last injurious exposure to the hazards of ~~such~~ the disease occurred before June 6, 1953.

B. The burden of proof, by a preponderance of the evidence, shall be on the party requesting benefits or relief pursuant to the provisions of the Workers' Compensation Act unless otherwise specifically provided for by law.

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

Section 2c. Any person ~~or persons~~ employed by the State of Oklahoma who ~~are~~ is covered by insurance authorized by Section ~~1~~ 2b of this ~~Act~~ title is hereby authorized to maintain a claim to collect ~~Workmen's~~ Workers' Compensation ~~against the State Insurance Fund.~~

SECTION 3. AMENDATORY Section 2, Chapter 361, O.S.L. 1997 (85 O.S. Supp. 1999, Section 2.6), is amended to read as follows:

Section 2.6 A. An employer ~~with~~ which has five or less fewer total employees, need not obtain coverage for injuries under the Workers' Compensation Act if all of whom the employees are related by blood or marriage to the:

1. The employer, if the employer is a sole proprietorship;

2. The member having a majority of the capital interest, if the employer is a limited liability company;

3. The majority stockholder, if the employer is a corporation;

or

4. A partner, if the employer is a partnership will be exempt from the Workers' Compensation Act.

B. An employer which is exempt from the requirement to obtain coverage as provided in subsection A of this section shall be liable to pay no more than the compensation required by the Workers' Compensation Act had the claim been a covered claim.

SECTION 4. REPEALER Section 8, Chapter 384, O.S.L. 1997 and 85 O.S. 1991, Sections 2.3 and 2.4 (85 O.S. Supp. 1999, Section 1.2A) are hereby repealed.

SECTION 5. This act shall become effective November 1, 2000.

Passed the Senate the 7th day of March, 2000.

President of the Senate

Passed the House of Representatives the ____ day of _____, 2000.

Speaker of the House of Representatives