

SB 1148

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THE STATE SENATE
Monday, February 28, 2000

Senate Bill No. 1148

SENATE BILL NO. 1148 - By: HENRY of the Senate and ERVIN of the House.

An Act relating to workers' compensation; amending 85 O.S. 1991, Section 1.1, as amended by Section 1, Chapter 361, O.S.L. 1997, 2c, and Section 2, Chapter 361, O.S.L. 1997 (85 O.S. Supp. 1999, Sections 1.1 and 2.6), which relate to the scope of the Workers' Compensation Act, authority for certain persons to file certain claims, and exemption of certain employers from the Workers' Compensation Act; clarifying statutory references; clarifying language; modifying authority for certain persons to file claims; modifying exemption of certain employers from the Workers' Compensation Act; specifying relationships which qualify for exemption; clarifying that certain employers which are exempt from the requirement to obtain coverage under the Workers' Compensation Act remain subject to the limitations of liability of that Act; repealing 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), which relate to salaries of judges of the Workers' Compensation Court, and certain persons providing certain services under certain programs; and providing an 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.

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

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

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

12 SECTION 3. AMENDATORY Section 2, Chapter 361, O.S.L.
13 1997 (85 O.S. Supp. 1999, Section 2.6), is amended to read as
14 follows:

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

- 19 1. The employer, if the employer is a sole proprietorship;
20 2. The member having a majority of the capital interest, if the
21 employer is a limited liability company;
22 3. The majority stockholder, if the employer is a corporation;
23 or

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

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

7 SECTION 4. REPEALER Section 8, Chapter 384, O.S.L. 1997
8 and 85 O.S. 1991, Sections 2.3 and 2.4 (85 O.S. Supp. 1999, Section
9 1.2A) are hereby repealed.

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

11 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-15-00 - DO
12 PASS, As Coauthored.