

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE BILL 1440

By: McMullen

AS INTRODUCED

An Act relating to workers' compensation; requiring certain reports be confidential for certain period of time; stating exceptions; providing punishment; prohibiting certain examination of specific record; authorizing certain oath; providing penalty for certain act; defining term; providing for codification; and providing an effective date.

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 24.1A of Title 85, unless there is created a duplication in numbering, reads as follows:

A. 1. On or after November 1, 2005, reports made pursuant to Section 24.1 of Title 85 of the Oklahoma Statutes shall be kept confidential for a period of sixty (60) days after the date the report is made to the Workers' Compensation Court, provided, such reports shall be made available immediately upon request by:

- a. the injured employee named in the report,
- b. the injured employee's legal representative, or
- c. any prosecutorial authority.

2. Any person who knowingly violates this section and obtains or provides information made confidential by this section is guilty of a misdemeanor and shall be fined no more than Two Thousand Five Hundred Dollars (\$2,500.00). Second and subsequent offenses shall carry a penalty of imprisonment in the county jail for not more than thirty (30) days.

B. 1. No public employee or officer shall allow a person to examine or reproduce the report if examination or reproduction of

the report is sought for the purpose of making a commercial solicitation. Any person requesting a report may be required to state, in writing, under penalty of perjury, that the report will not be examined, reproduced, or otherwise used for commercial solicitation purposes. It shall be unlawful and constitute a misdemeanor for any person to obtain or use information from the report or a copy thereof for the purpose of making a commercial solicitation.

2. As used in this subsection, "commercial solicitation" means any attempt to use, or offer for use, information contained in the report to solicit any person named in the report, or a relative of such person, or to solicit a professional, business, or commercial relationship.

SECTION 2. This act shall become effective November 1, 2005.

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