

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 1234

By: Jolley of the Senate

3 and

4 Cooksey of the House

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7 (workers' compensation - affidavits of exemption -

8 effective date)

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11 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
entire bill and insert

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13 "An Act relating to workers' compensation; amending
14 Section 75, Chapter 264, O.S.L. 2006 (36 O.S. Supp.
2008, Section 924.4), which relates to affidavits of
15 exemption; modifying effect of execution of certain
affidavit; modifying requirement for certain
16 affidavit; and providing an effective date.

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

19 SECTION 1. AMENDATORY Section 75, Chapter 264, O.S.L.

20 2006 (36 O.S. Supp. 2008, Section 924.4), is amended to read as

21 follows:

22 Section 924.4 A. Any person who is not required to be covered
23 under a workers' compensation insurance policy or other plan for the
24 payment of workers' compensation may execute an Affidavit of Exempt

1 Status Under the Workers' Compensation Act. The affidavit shall be
2 a form prescribed by the Insurance Commissioner. The affidavit
3 shall be available on the Insurance Department's web site, or shall
4 be mailed to any person upon request and payment by the requestor of
5 a nonrefundable processing fee in an amount to be set by the
6 Commissioner by rule not to exceed Two Dollars and fifty cents
7 (\$2.50).

8 B. Execution of the affidavit shall establish a rebuttable
9 presumption that the executor is not an employee for purposes of the
10 Workers' Compensation Act and that an individual or company
11 possessing the affidavit is in compliance and therefore shall not be
12 responsible for workers' compensation claims made by the executor.

13 C. Except as otherwise provided in Section 11 of Title 85 of
14 the Oklahoma Statutes, the execution of an affidavit shall not
15 affect the rights or coverage of any employee of the individual
16 executing the affidavit.

17 D. 1. Knowingly providing false information on ~~an~~ a notarized
18 Affidavit of Exempt Status Under the Workers' Compensation Act shall
19 constitute a misdemeanor punishable by a fine not to exceed One
20 Thousand Dollars (\$1,000.00).

21 2. Affidavits shall conspicuously state on the front thereof in
22 at least ten-point, bold-faced print that it is a crime to falsify
23 information on the form.

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1 3. The Insurance Commissioner shall immediately notify the
2 Workers' Compensation Fraud Unit in the Office of the Attorney
3 General of any violations or suspected violations of this section.
4 The Commissioner shall cooperate with the Fraud Unit in any
5 investigation involving affidavits executed pursuant to this
6 section.

7 E. Application fees collected pursuant to this section shall be
8 deposited in the State Treasury to the credit of the State Insurance
9 Commissioner's Revolving Fund.

10 SECTION 2. This act shall become effective November 1, 2009."

11 Passed the House of Representatives the 13th day of April, 2009.

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Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2009.

Presiding Officer of the Senate