

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 2911

By: Morgan

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7 COMMITTEE SUBSTITUTE

8 An Act relating to workers' compensation; amending 85
9 O.S. 2001, Section 42, which relates to penalties for
10 certain failures by employers; prohibiting creation
11 of new business entity to avoid certain judgments;
12 requiring affidavit; and declaring an emergency.

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

15 SECTION 1. AMENDATORY 85 O.S. 2001, Section 42, is
16 amended to read as follows:

17 Section 42. A. If payment of compensation or an installment
18 payment of compensation due under the terms of an award, except in
19 the case of an appeal of an award or an award from the Multiple
20 Injury Trust Fund, is not made within ten (10) days after the same
21 is due by the employer or insurance carrier liable therefor, the
22 Workers' Compensation Court may order a certified copy of the award
23 to be filed in the office of the court clerk of any county, which
24 award whether accumulative or lump sum shall have the same force and

1 be subject to the same law as judgments of the district court. Any
2 compensation awarded and all payments thereof directed to be made by
3 order of the Court, except in the case of an appeal of an award or
4 an award of compensation from the Multiple Injury Trust Fund, shall
5 bear interest at the rate of eighteen percent (18%) per year from
6 the date ordered paid by the Court until the date of satisfaction.
7 On or after November 1, 2001, compensation ordered to be paid from
8 the Multiple Injury Trust Fund shall bear simple interest only at
9 the percentage rate applicable to judgments in civil cases pursuant
10 to Section 727 of Title 12 of the Oklahoma Statutes from the date of
11 the award. Any award from the Multiple Injury Trust Fund prior to
12 November 4, 1994, shall bear interest at the percentage rate
13 applicable to judgments in civil cases pursuant to Section 727 of
14 Title 12 of the Oklahoma Statutes. Upon the filing of the certified
15 copy of the Court's award a writ of execution shall issue and
16 process shall be executed and the cost thereof taxed, as in the case
17 of writs of execution, on judgments of courts of record, as provided
18 by Title 12 of the Oklahoma Statutes; provided, however, the
19 provisions of this section relating to execution and process for the
20 enforcement of awards shall be and are cumulative to other
21 provisions now existing or which may hereafter be adopted relating
22 to liens or enforcement of awards or claims for compensation.

23 B. If any insurance carrier intentionally, knowingly, or
24 willfully violates any of the provisions of the Workers'

1 Compensation Act or any published rules or regulations promulgated
2 thereunder, the Insurance Commissioner, on the request of a judge of
3 the Court or the Administrator of workers' compensation, shall
4 suspend or revoke the license or authority of such insurance carrier
5 to do a compensation business in this state.

6 C. Creation of a new business entity for the purpose of
7 avoiding payment of a workers' compensation judgment is prohibited.

8 Any individual with any ownership interest in any business entity
9 with a pending workers' compensation judgment shall file an
10 affidavit attesting to compliance with this subsection with the
11 Administrator upon the creation of the new business entity.

12 Providing false information in the affidavit shall be prosecuted
13 pursuant to Section 491 of Title 21 of the Oklahoma Statutes.

14 SECTION 2. It being immediately necessary for the preservation
15 of the public peace, health and safety, an emergency is hereby
16 declared to exist, by reason whereof this act shall take effect and
17 be in full force from and after its passage and approval.

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