

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED  
5 SENATE BILL NO. 1234

By: Jolley of the Senate

and

Cooksey of the House

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9 COMMITTEE SUBSTITUTE

10 An Act relating to workers' compensation; amending  
11 Section 75, Chapter 264, O.S.L. 2006 (36 O.S. Supp.  
12 2008, Section 924.4), which relates to affidavits of  
13 exemption; modifying effect of execution of certain  
14 affidavit; modifying requirement for certain  
15 affidavit; and providing an effective date.

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

17 SECTION 1. AMENDATORY Section 75, Chapter 264, O.S.L.  
18 2006 (36 O.S. Supp. 2008, Section 924.4), is amended to read as  
19 follows:

20 Section 924.4 A. Any person who is not required to be covered  
21 under a workers' compensation insurance policy or other plan for the  
22 payment of workers' compensation may execute an Affidavit of Exempt  
23 Status Under the Workers' Compensation Act. The affidavit shall be  
24 a form prescribed by the Insurance Commissioner. The affidavit  
shall be available on the Insurance Department's web site, or shall

1 be mailed to any person upon request and payment by the requestor of  
2 a nonrefundable processing fee in an amount to be set by the  
3 Commissioner by rule not to exceed Two Dollars and fifty cents  
4 (\$2.50).

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

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

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

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

21 3. The Insurance Commissioner shall immediately notify the  
22 Workers' Compensation Fraud Unit in the Office of the Attorney  
23 General of any violations or suspected violations of this section.  
24 The Commissioner shall cooperate with the Fraud Unit in any

1 investigation involving affidavits executed pursuant to this  
2 section.

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

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

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