

THE HOUSE OF REPRESENTATIVES
Monday, April 6, 2009

Committee Substitute for
ENGROSSED
Senate Bill No. 1234

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 1234 - By:
JOLLEY of the Senate and COOKSEY of the House.

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

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

1 SECTION 1. AMENDATORY Section 75, Chapter 264, O.S.L. 2006 (36 O.S.
2 Supp. 2008, Section 924.4), is amended to read as follows:
3 Section 924.4 A. Any person who is not required to be covered under a workers'
4 compensation insurance policy or other plan for the payment of workers' compensation
5 may execute an Affidavit of Exempt Status Under the Workers' Compensation Act. The
6 affidavit shall be a form prescribed by the Insurance Commissioner. The affidavit shall
7 be available on the Insurance Department's web site, or shall be mailed to any person
8 upon request and payment by the requestor of a nonrefundable processing fee in an
9 amount to be set by the Commissioner by rule not to exceed Two Dollars and fifty cents
10 (\$2.50).

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

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

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

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

13 3. The Insurance Commissioner shall immediately notify the Workers'
14 Compensation Fraud Unit in the Office of the Attorney General of any violations or
15 suspected violations of this section. The Commissioner shall cooperate with the Fraud
16 Unit in any investigation involving affidavits executed pursuant to this section.

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

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

20 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT AND
21 FINANCIAL SERVICES, dated 04-02-09 - DO PASS, As Amended.