

EHB 2911

THE STATE SENATE
Wednesday, March 17, 2010

ENGROSSED

House Bill No. 2911

ENGROSSED HOUSE BILL NO. 2911 - By: Morgan and Walker of the House and Coates of the Senate.

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

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

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

Section 42. A. If payment of compensation or an installment payment of compensation due under the terms of an award, except in the case of an appeal of an award or an award from the Multiple Injury Trust Fund, is not made within ten (10) days after the same is due by the employer or insurance carrier liable therefor, the Workers' Compensation Court may order a certified copy of the award to be filed in the office of the court clerk of any county, which award whether accumulative or lump sum shall have the same force and be subject to the same law as judgments of the district court. Any compensation awarded and all payments thereof directed to be made by order of the Court, except in the case of an appeal of an award or an award of compensation from the Multiple Injury Trust Fund, shall

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

19 B. If any insurance carrier intentionally, knowingly, or
20 willfully violates any of the provisions of the Workers'
21 Compensation Act or any published rules or regulations promulgated
22 thereunder, the Insurance Commissioner, on the request of a judge of
23 the Court or the Administrator of workers' compensation, shall

1 suspend or revoke the license or authority of such insurance carrier
2 to do a compensation business in this state.

3 C. Creation of a new business entity for the purpose of
4 avoiding payment of a workers' compensation judgment is prohibited.
5 Any individual with any ownership interest in any business entity
6 with a pending workers' compensation judgment shall file an
7 affidavit attesting to compliance with this subsection with the
8 Administrator upon the creation of the new business entity.
9 Providing false information in the affidavit shall be prosecuted
10 pursuant to Section 491 of Title 21 of the Oklahoma Statutes.

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

15 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 3-16-10 - DO
16 PASS, As Coauthored.