

1 THE STATE SENATE
2 Thursday, February 18, 2010

3 Committee Substitute for
4 Senate Joint
5 Resolution No. 66

6 COMMITTEE SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 66 - By: Coffee
7 of the Senate and Sullivan of the House.

8 [workers' compensation - claims for services - providing
9 ballot title - directing filing]

10 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
11 2ND SESSION OF THE 52ND OKLAHOMA LEGISLATURE:

12 SECTION 1. Pursuant to Section 3 of Article V of the Oklahoma
13 Constitution, there is hereby ordered the following legislative
14 referendum which shall be filed with the Secretary of State and
15 addressed to the Governor of the state, who shall submit the same to
16 the people for their approval or rejection at the next General
17 Election.

18 SECTION 2. AMENDATORY 85 O.S. 2001, Section 30, as
19 amended by Section 23, Chapter 1, 1st Extraordinary Session, O.S.L.
20 2005 (85 O.S. Supp. 2009, Section 30), is amended to read as
21 follows:

22 Section 30. A. 1. If the Workers' Compensation Court before
23 which any proceedings for compensation or concerning an award of
24 compensation have been brought, under the Workers' Compensation Act,

1 determines that such proceedings have not been brought on a
2 reasonable ground, or that denial of benefits has not been based on
3 a reasonable ground, the Court shall assess the total cost of the
4 proceedings on the party, who has brought them or the party who has
5 unreasonably denied payment of benefits.

6 2. In the event a respondent fails to pay travel expenses as
7 required by an order of the Court within twenty-five (25) business
8 days of such order, the Court shall assess a Five Hundred Dollar
9 (\$500.00) penalty against the respondent and payable to the
10 claimant.

11 B. Claims for services or treatment rendered or supplies
12 furnished pursuant to Section 14 of this title shall not be
13 enforceable unless approved by the Court. If approved, such claim
14 shall become a lien upon the compensation awarded, but shall be paid
15 therefrom only in the manner fixed by the Court.

16 C. A claim for legal services shall be determined by the Court
17 pursuant to the provisions of this subsection.

18 1. A claim for legal services in ~~contested~~ temporary disability
19 cases shall not exceed ten percent (10%) of the amount of the award
20 ~~for temporary disability. Legal service fees paid in uncontested~~
21 ~~cases for temporary total disability shall not exceed ten percent~~
22 ~~(10%) as ordered by the Court~~ in excess of the amount specified in

1 the schedule of compensation set forth in the Workers' Compensation
2 Act.

3 2. A claim for legal services shall not exceed twenty percent
4 (20%) of the amount of the award for permanent disability or death
5 benefits in excess of the amount specified in the schedule of
6 compensation set forth in the Workers' Compensation Act.

7 D. Claims for legal services for temporary disability awards
8 shall be paid periodically. Claims for legal fees for permanent
9 total disability awards shall be paid periodically at the rate of
10 twenty percent (20%) of each weekly check to the claimant until the
11 attorney fee is satisfied, based upon a maximum of four hundred
12 (400) weeks of compensation. The right to any such attorney fee
13 shall be vested at the time the award therefor becomes final.
14 Claims for legal services for permanent partial disability awards
15 may be paid in a lump sum the same to be deducted from the end of
16 the award. Claims for legal services for death awards may be paid
17 in a lump sum which shall be deducted from the periodic compensation
18 payments at a rate of ten percent (10%) per payment until the
19 attorney fee is satisfied.

20 E. In any claim in which the respondent has admitted
21 compensability of an accidental injury within twenty (20) days of
22 the filing of an Employee's First Notice of Accidental Injury and
23 Claim for Compensation, has not disputed medical treatment, and has

1 made a settlement offer in writing within fifteen (15) days after
2 the claimant reaches maximum medical improvement, the attorney fee
3 shall be limited to thirty-five percent (35%) of the amount of any
4 award or settlement of permanent partial disability which is greater
5 than the amount of the offer. In addition, an attorney fee shall be
6 awarded for other contested benefits obtained on behalf of the
7 claimant at any time during the pendency of the claim and shall be
8 based upon a reasonable hourly rate. In no event shall the total
9 attorney fee be in excess of twenty percent (20%) of the total
10 permanent partial disability award or settlement. All attorney fees
11 shall be deducted from the award or settlement to the claimant.

12 F. Claims for legal services for workers' compensation benefits
13 filed on or after November 1, 2010, shall not exceed twenty percent
14 (20%) of the amount in dispute to the employee exclusive of medical
15 and rehabilitation expenses.

16 SECTION 3. The Ballot Title for the proposed act shall be in
17 the following form:

18 BALLOT TITLE
19 Legislative Referendum No. _____ State Question No. _____

20 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

21 This measure amends the Oklahoma Statutes. It would amend
22 Section 30 of Title 85. It would limit claims for legal
23 services for workers' compensation benefits. For temporary

