

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2190

By: Moore

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6 AS INTRODUCED

7 An Act relating to workers' compensation; amending 85
8 O.S. 2001, Section 30, as amended by Section 23,
9 Chapter 1, 1st Extraordinary Session, O.S.L. 2005 (85
10 O.S. Supp. 2008, Section 30), which relates to awards
of compensation; prohibiting lump sum payments to
attorneys for certain services or fees; and providing
an effective date.

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

14 SECTION 1. AMENDATORY 85 O.S. 2001, Section 30, as
15 amended by Section 23, Chapter 1, 1st Extraordinary Session, O.S.L.
16 2005 (85 O.S. Supp. 2008, Section 30), is amended to read as
17 follows:

18 Section 30. A. 1. If the Workers' Compensation Court before
19 which any proceedings for compensation or concerning an award of
20 compensation have been brought, under the Workers' Compensation Act,
21 determines that ~~such~~ the proceedings have not been brought on a
22 reasonable ground, or that denial of benefits has not been based on
23 a reasonable ground, the Court shall assess the total cost of the
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1 proceedings on the party, who has brought them or the party who has
2 unreasonably denied payment of benefits.

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

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

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

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

20 2. A claim for legal services shall not exceed twenty percent
21 (20%) of the amount of the award for permanent disability or death
22 benefits.

23 D. Claims for legal services or legal fees for temporary
24 disability awards shall be paid periodically. Claims for legal

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

14 E. In any claim in which the respondent has admitted
15 compensability of an accidental injury within twenty (20) days of
16 the filing of an Employee's First Notice of Accidental Injury and
17 Claim for Compensation, has not disputed medical treatment, and has
18 made a settlement offer in writing within fifteen (15) days after
19 the claimant reaches maximum medical improvement, the attorney fee
20 shall be limited to thirty-five percent (35%) of the amount of any
21 award or settlement of permanent partial disability which is greater
22 than the amount of the offer. In addition, an attorney fee shall be
23 awarded for other contested benefits obtained on behalf of the
24 claimant at any time during the pendency of the claim and shall be

1 based upon a reasonable hourly rate. In no event shall the total
2 attorney fee be in excess of twenty percent (20%) of the total
3 permanent partial disability award or settlement. All attorney fees
4 shall be deducted from the award or settlement to the claimant.

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

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7 52-1-6307 MMP 12/17/08

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