

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 2911

By: Morgan

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5  
6 AS INTRODUCED

7 An Act relating to workers' compensation; amending 85  
8 O.S. 2001, Section 42, which relates to penalties for  
9 certain failures by employers; prohibiting creation  
10 of new business entity to evade certain claims or  
11 payments; specifying limitations; requiring  
12 affidavit; and declaring an emergency.

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

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

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

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

22 B. If any insurance carrier intentionally, knowingly, or  
23 willfully violates any of the provisions of the Workers'  
24 Compensation Act or any published rules or regulations promulgated

1 thereunder, the Insurance Commissioner, on the request of a judge of  
2 the Court or the Administrator of workers' compensation, shall  
3 suspend or revoke the license or authority of such insurance carrier  
4 to do a compensation business in this state.

5 C. Creation of a new business entity to evade payment of wage  
6 claims, workers' compensation claims or penalties is prohibited.  
7 Any business entity owner holding at least five percent (5%)  
8 ownership in an existing business entity with pending wage claims,  
9 workers' compensation claims, or penalties, shall not hold more than  
10 five percent (5%) of any new business entity. Any individual with  
11 any ownership interest in any business entity with pending wage  
12 claims, workers' compensation claims or penalties shall file an  
13 affidavit attesting to compliance with this subsection with the  
14 Administrator upon the creation of the new business entity.  
15 Providing false information in the affidavit shall be prosecuted  
16 pursuant to Section 491 of Title 21 of the Oklahoma Statutes.

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

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