

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1234

By: Jolley

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6 AS INTRODUCED

7 An Act relating to workers' compensation; amending
8 Section 75, Chapter 264, O.S.L. 2006 (36 O.S. Supp.
9 2008, Section 924.4), which relates to affidavits of
exemption; modifying requirement for certain
affidavit; and providing an effective date.

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

13 SECTION 1. AMENDATORY Section 75, Chapter 264, O.S.L.
14 2006 (36 O.S. Supp. 2008, Section 924.4), is amended to read as
15 follows:

16 Section 924.4 A. Any person who is not required to be covered
17 under a workers' compensation insurance policy or other plan for the
18 payment of workers' compensation may execute an Affidavit of Exempt
19 Status Under the Workers' Compensation Act. The affidavit shall be
20 a form prescribed by the Insurance Commissioner. The affidavit
21 shall be available on the Insurance Department's web site, or shall
22 be mailed to any person upon request and payment by the requestor of
23 a nonrefundable processing fee in an amount to be set by the
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1 Commissioner by rule not to exceed Two Dollars and fifty cents
2 (\$2.50).

3 B. Execution of the affidavit shall establish a rebuttable
4 presumption that the executor is not an employee for purposes of the
5 Workers' Compensation Act.

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

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

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

17 3. The Insurance Commissioner shall immediately notify the
18 Workers' Compensation Fraud Unit in the Office of the Attorney
19 General of any violations or suspected violations of this section.
20 The Commissioner shall cooperate with the Fraud Unit in any
21 investigation involving affidavits executed pursuant to this
22 section.

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

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

52-1-897 MRB 3/6/2009 2:29:53 AM