

1 ENGROSSED SENATE AMENDMENT  
TO  
2 ENGROSSED HOUSE  
BILL NO. 2054

By: Jackson of the House

and

Johnson (Rob) of the Senate

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7 An Act relating to workers' compensation; amending 85  
8 O.S. 2011, Section 312, which relates to  
9 noncompensable injuries; modifying what constitutes a  
noncompensable injury; and providing an effective  
date.

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12 AMENDMENT NO. 1. Page 1, strike the title to read

13 [ workers' compensation - noncompensable injuries -  
14 effective date ]

15 Passed the Senate the 18th day of April, 2013.

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17 \_\_\_\_\_  
18 Presiding Officer of the Senate

19 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
20 2013.

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22 \_\_\_\_\_  
23 Presiding Officer of the House  
24 of Representatives

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8 O.S. 2011, Section 312, which relates to  
9 noncompensable injuries; modifying what constitutes a  
10 noncompensable injury; and providing an effective  
11 date.

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

13 SECTION 1. AMENDATORY 85 O.S. 2011, Section 312, is  
14 amended to read as follows:

15 Section 312. The following shall not constitute a compensable  
16 injury under the Workers' Compensation Code:

17 1. An injury occasioned by the willful intention of the injured  
18 employee to bring about injury to himself or herself, or another;

19 2. An injury resulting directly from the willful failure of the  
20 injured employee to use a guard or protection against accident  
21 furnished for use pursuant to any statute or by order of the  
22 Commissioner of Labor;

23 3. An injury which occurs when an employee's use of illegal  
24 drugs or chemicals or alcohol is the major cause of the injury or

1 accident. ~~The~~ To be eligible for workers' compensation the employee  
2 shall affirmatively prove by a preponderance of the evidence to the  
3 Workers' Compensation Court that the use of drugs, chemicals or  
4 alcohol was not the major cause of the injury or accident. For the  
5 purposes of this paragraph, post-accident alcohol or drug testing  
6 results shall be admissible as evidence. A public or private  
7 employer may require an employee to undergo drug or alcohol testing  
8 if the employee has sustained an injury while at work. For purposes  
9 of workers' compensation, no employee who tests positive for the  
10 presence of substances defined and consumed pursuant to Section  
11 465.20 of Title 63 of the Oklahoma Statutes, alcohol, illegal drugs,  
12 or illegally used chemicals, or refuses to take a drug or alcohol  
13 test required by the employer, shall be eligible for such  
14 compensation;

15 4. Except for innocent victims, an injury caused by a prank,  
16 horseplay, or similar willful or intentional behavior;

17 5. An injury occurring at a time when employment services were  
18 not being performed before the employee was hired or after the  
19 employment relationship was terminated; and

20 6. An injury which occurs outside the course of employment.  
21 Employment shall be deemed to commence when an employee arrives at  
22 the employee's place of employment to report for work and shall  
23 terminate when the employee leaves the employee's place of  
24 employment, excluding areas not under the control of the employer or

1 areas where essential job functions are not performed; provided,  
2 however, when the employee is instructed by the employer to perform  
3 a work-related task away from the employee's place of employment,  
4 the employee shall be deemed to be in the course of employment when  
5 the employee is engaged in the performance of job duties directly  
6 related to the task as instructed by the employer, including travel  
7 time that is solely related and necessary to the employee's  
8 performance of the task. Travel by a policeman, fireman, or a  
9 member of a first aid or rescue squad, in responding to and  
10 returning from an emergency, shall be deemed to be in the course of  
11 employment.

12 SECTION 2. This act shall become effective November 1, 2013.

13 Passed the House of Representatives the 13th day of March, 2013.

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15 \_\_\_\_\_  
16 Presiding Officer of the House  
of Representatives

17 Passed the Senate the \_\_\_ day of \_\_\_\_\_, 2013.

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20 Presiding Officer of the Senate

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