

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 54th Legislature (2013)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2054

By: Jackson

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8                                   COMMITTEE SUBSTITUTE

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

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

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

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

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

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

3 3. An injury which occurs when an employee's use of illegal  
4 drugs or chemicals or alcohol is the major cause of the injury or  
5 accident. ~~The~~ To be eligible for workers' compensation the employee  
6 shall affirmatively prove by a preponderance of the evidence to the  
7 Workers' Compensation Court that the use of drugs, chemicals or  
8 alcohol was not the major cause of the injury or accident. For the  
9 purposes of this paragraph, post-accident alcohol or drug testing  
10 results shall be admissible as evidence. A public or private  
11 employer may require an employee to undergo drug or alcohol testing  
12 if the employee has sustained an injury while at work. For purposes  
13 of workers' compensation, no employee who tests positive for the  
14 presence of substances defined and consumed pursuant to Section  
15 465.20 of Title 63 of the Oklahoma Statutes, alcohol, illegal drugs,  
16 or illegally used chemicals, or refuses to take a drug or alcohol  
17 test required by the employer, shall be eligible for such  
18 compensation;

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

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

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1           6. An injury which occurs outside the course of employment.  
2 Employment shall be deemed to commence when an employee arrives at  
3 the employee's place of employment to report for work and shall  
4 terminate when the employee leaves the employee's place of  
5 employment, excluding areas not under the control of the employer or  
6 areas where essential job functions are not performed; provided,  
7 however, when the employee is instructed by the employer to perform  
8 a work-related task away from the employee's place of employment,  
9 the employee shall be deemed to be in the course of employment when  
10 the employee is engaged in the performance of job duties directly  
11 related to the task as instructed by the employer, including travel  
12 time that is solely related and necessary to the employee's  
13 performance of the task. Travel by a policeman, fireman, or a  
14 member of a first aid or rescue squad, in responding to and  
15 returning from an emergency, shall be deemed to be in the course of  
16 employment.

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

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19 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/20/2013 - DO  
20 PASS, As Amended.  
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