

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

SENATE BILL 1460

By: Jech

AS INTRODUCED

An Act relating to the Oklahoma Occupational Health and Safety Standards Act of 1970; amending 40 O.S. 2011, Section 418, as last amended by Section 1, Chapter 354, O.S.L. 2017 (40 O.S. Supp. 2017, Section 418), which relates to payments to the Oklahoma Tax Commission; increasing required payment; updating language; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 40 O.S. 2011, Section 418, as last amended by Section 1, Chapter 354, O.S.L. 2017 (40 O.S. Supp. 2017, Section 418), is amended to read as follows:

Section 418. (1) Each insurance carrier writing workers' compensation insurance in this state and each self-insured employer authorized to make workers' compensation payments directly to employees shall pay to the Oklahoma Tax Commission up to a sum equal to ~~three-fourths of one percent (3/4 of 1%)~~ one and one half percent (1.5%) of the total workers' compensation losses, excluding medical payments and temporary total disability compensation, based on the records of the Workers' Compensation Court of Existing Claims or the

1 Workers' Compensation Commission, paid out or payable during each
2 quarter-year period of the calendar year, ~~said~~ the percentage to be
3 fixed by the Commissioner of Labor and based upon the Commissioner's
4 certification that the proceeds thereof are reasonable and necessary
5 to accomplish the objectives of the Oklahoma Occupational Health and
6 Safety Standards Act. Such payments to the Oklahoma Tax Commission
7 shall be made not later than the fifteenth day of the month
8 following the close of the quarter-year in which compensation is
9 paid or becomes payable. Payments made, under the provisions of
10 this section, shall be considered losses for the purpose of
11 computing workers' compensation rates.

12 (2) The refund provisions of Sections 227 through 229 of Title
13 68 of the Oklahoma Statutes shall be applicable to any payments made
14 under the provisions of the Oklahoma Occupational Health and Safety
15 Standards Act.

16 (3) In making and entering awards for compensation, the
17 Workers' Compensation Court of Existing Claims or the Workers'
18 Compensation Commission shall determine and fix the amounts that
19 shall be paid to the Oklahoma Tax Commission under the provisions of
20 this section. The total amount so determined and fixed shall have
21 the same force and effect as an award of the Workers' Compensation
22 Court of Existing Claims or the Workers' Compensation Commission for
23 compensation and all provisions of law relating to the collection of
24

1 awards of ~~said~~ the court or Commission shall apply to such judgments
2 or awards.

3 (4) It shall be the duty of the Oklahoma Tax Commission to
4 collect the payments provided for herein, and ~~said~~ the Commission is
5 hereby given authority to bring an action for the recovery of any
6 delinquent and unpaid payment or payments. In the alternative, the
7 Oklahoma Tax Commission may enforce payments by proceeding in
8 accordance with the provisions of Section 79 of Title 85A of the
9 Oklahoma Statutes.

10 (5) The Oklahoma Tax Commission shall, monthly, as the same are
11 collected, pay to the State Treasurer of this state, to the credit
12 of the Special Occupational Health and Safety Fund, all monies
13 collected under the provisions of this section. Monies shall be
14 paid out of ~~said~~ the Fund exclusively for the operation and
15 administration of the Oklahoma Occupational Health and Safety
16 Standards Act and for other necessary expenses of the Department of
17 Labor pursuant to appropriations by the Oklahoma Legislature.

18 (6) The Commissioner shall determine the needs of the program,
19 considering statistical data on disabling work injuries, depth and
20 scope of the program as evidenced by the needs and demands of
21 employers and the present, planned and anticipated budgetary needs
22 of the program, and submit same to the Legislature.

23 SECTION 2. This act shall become effective July 1, 2018.

24

1 SECTION 3. It being immediately necessary for the preservation
2 of the public peace, health or safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

5
6 56-2-2214 QD 1/18/2018 5:16:25 PM
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24