

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3085

By: Hilbert

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8 COMMITTEE SUBSTITUTE

9 An Act relating to workers' compensation; defining
10 terms; authorizing reduction in insurance premiums
11 for workers' compensation policies if the employer is
12 a work-based learning employer; providing
13 qualifications and requirements for reduction in
14 premiums; providing for codification; and providing
15 an effective date.

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

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 42.1 of Title 85A, unless there
19 is created a duplication in numbering, reads as follows:

20 As used in this act:

21 1. "Work-based learning coordinator" means a teacher, as
22 defined by Section 6-101.3 of Title 70 of the Oklahoma Statutes, who
23 coordinates and supervises students in work-based learning
24 placements;

1 2. "Work-based learning employer" means an employer who
2 provides work-based learning placements;

3 3. "Work-based learning placement" or "placement" means an
4 arrangement between a business or industry partner and a local
5 school system in which students are released for a portion of the
6 school day for structured learning at an employer's job site in
7 either a paid or unpaid position while receiving academic credit.
8 Work-based learning placements include, but are not limited to,
9 employability skill development, service learning, cooperative
10 education, internship, youth apprenticeship, and clinical
11 experiences; and

12 4. "Work-based learning student" means a student sixteen (16)
13 years of age or older in a work-based learning placement for an
14 employer.

15 SECTION 2. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 42.2 of Title 85A, unless there
17 is created a duplication in numbering, reads as follows:

18 A. For each policy of workers' compensation insurance issued or
19 renewed in this state on or after November 1, 2020, there may be
20 granted by the insurer a reduction in the premium for such policy,
21 not to exceed five percent (5%), if the insured has been certified
22 by the State Board of Career and Technology Education to the
23 Administrative Workers' Compensation Commission as a work-based
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1 learning employer pursuant to Section 3 of this act and has notified
2 its insurer in writing of such certification.

3 B. If granted, the premium discount provided by this section
4 may be applied to an insured's policy of workers' compensation
5 insurance at the discretion of the insured's insurer pro rata as of
6 the date the insured receives such certification and shall continue
7 for as long as the insured maintains the certification; provided,
8 however, that an insurer shall not be required to credit the actual
9 amount of the premium discount to the account of the insured until
10 the final premium audit under such policy. Certification of an
11 insured shall be required for each year in which a premium discount
12 is granted.

13 C. If it is determined that an insured misrepresented its
14 qualifications for certification pursuant to Section 3 of this act,
15 the workers' compensation insurance policy of such insured may be
16 subject to an additional premium for the purposes of reimbursement
17 of a previously granted premium discount and to cancellation in
18 accordance with the provisions of the policy.

19 D. Each insurer, at the discretion of the insured's insurer if
20 granting a premium reduction, shall make an annual report, in
21 accordance with rules promulgated by the Insurance Commissioner, to
22 the Insurance Commissioner illustrating the total dollar amount of
23 the premium discounts applied pursuant to this section.

1 E. The Insurance Commissioner and the State Board of Career and
2 Technology Education shall conduct a study to determine the impact
3 of the premium discounts provided pursuant to this section in
4 encouraging employers to provide work-based learning opportunities
5 for students sixteen (16) years of age or older.

6 F. The Insurance Commissioner shall be authorized to promulgate
7 rules necessary for the implementation and enforcement of this
8 section.

9 SECTION 3. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 42.3 of Title 85A, unless there
11 is created a duplication in numbering, reads as follows:

12 A. A work-based learning employer that has been certified
13 pursuant to this section may be eligible for a premium discount
14 under the employer's workers' compensation insurance policy pursuant
15 to Section 1 of this act if the State Board of Career and Technology
16 Education certifies to the Administrative Workers' Compensation
17 Commission and the Insurance Commissioner that the work-based
18 learning employer:

19 1. Has entered into a training agreement with one or more work-
20 based learning students, the student's parent or guardian, and the
21 school's work-based learning coordinator;

22 2. Has developed, in conjunction with the school's work-based
23 learning coordinator, a detailed training plan for the work-based
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1 learning student that focuses on development of technical skills and
2 employability skills;

3 3. Assigns a mentor to each work-based learning student and
4 assists in monitoring the progress of the student; provided, a
5 mentor may be assigned to more than one student;

6 4. Provides workers' compensation insurance coverage for each
7 work-based learning student;

8 5. Complies with all federal, state, and local laws and
9 regulations regarding the employment of students; and

10 6. Complies with the rules of the State Board of Career and
11 Technology Education regarding work-based learning placement.

12 B. A self-insured employer or an employer member of a group
13 self-insurance association that provides work-based learning
14 placements for one or more work-based learning students
15 substantially in accordance with this section may be certified by
16 the State Board of Career and Technology Education to the Insurance
17 Commissioner and the Administrative Workers' Compensation Commission
18 as a work-based learning employer in compliance with this act.

19 SECTION 4. This act shall become effective November 1, 2020.
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21 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/06/2020 - DO
22 PASS, As Amended.
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