

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB4146 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Stan May

Adopted: _____

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 4146

By: May

7
8 PROPOSED COMMITTEE SUBSTITUTE

9 An Act relating to workers' compensation; amending
10 85A O.S. 2021, Section 115, which relates to joint
11 petition settlements; imposing duty on employer to
12 provide notice to employee; specifying type of
13 notice; and providing an effective date.

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

15 SECTION 1. AMENDATORY 85A O.S. 2021, Section 115, is
16 amended to read as follows:

17 Section 115. A. If the employee and employer shall reach an
18 agreement for the full, final and complete settlement of any issue
19 of a claim pursuant to this act, a form designated as "Joint
20 Petition" shall be signed by both the employer and employee, or
21 representatives thereof, and shall be approved by the Workers'
22 Compensation Commission or an administrative law judge, and filed
23 with the Workers' Compensation Commission. In cases in which the
24 employee is not represented by legal counsel, the Commission or an

1 administrative law judge shall have jurisdiction to approve a full,
2 final and complete settlement of any issue upon the filing of an
3 Employer's First Notice of Injury. There shall be no requirement
4 for the filing of an Employee's First Notice of Claim for
5 Compensation to effect such settlement in cases in which the
6 employee is not represented by legal counsel.

7 B. In the event all issues of a claim are not fully, finally
8 and completely settled by a Joint Petition, the issues not settled
9 by the parties and subject to the Commission's continuing
10 jurisdiction must be noted by appendix to the Joint Petition or on a
11 form created for such purpose by the Commission. The appendix must
12 be signed by the parties and approved by the Commission as set forth
13 herein.

14 C. In the absence of fraud, a Joint Petition shall be deemed
15 binding upon the parties thereto and a final adjudication of all
16 rights pursuant to this title or the workers' compensation law in
17 effect at the time of the injury or final order of the Workers'
18 Compensation Commission. An official record shall be made by an
19 official Commission reporter of the testimony taken to effect the
20 Joint Petition.

21 D. A good-faith effort shall be made on the part of any
22 insurance carrier or group self-insured plan to notify an insured
23 employer of the possibility of and terms of any settlement of a
24 workers' compensation case pursuant to this section. Written

1 comments or objections to settlements shall be filed with the
2 Commission and periodically shared with the management of the
3 applicable insurer. A written notice shall be made to all
4 policyholders of their right to a good-faith effort by their insurer
5 to notify them of any proposed settlement, if the policyholder so
6 chooses.

7 E. An employer shall provide notice to an employee, either by
8 mail to the last-known address as reflected in the employer's
9 records or by email using an address provided by the employee of any
10 applicable deadline for the employee to file a claim pursuant to the
11 provisions of the Administrative Workers' Compensation Act or to
12 file a claim in the event a settlement is not reached between the
13 employer and the employee.

14 SECTION 2. This act shall become effective November 1, 2022.

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16 58-2-10576 MAH 02/16/22
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