

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2374 \_\_\_\_\_  
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**

Adopted: \_\_\_\_\_

Amendment submitted by: Avery Frix \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

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

3 PROPOSED COMMITTEE  
4 SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2374

By: Kannady

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to workers' compensation; providing  
9 for responsibility for defense of certain civil  
10 actions and payment of defense costs by insurer;  
11 allowing exception for lack of timely notice;  
12 providing that judgments and damages are the  
13 responsibility of the employer unless specifically  
14 provided for in insurance coverage; providing for  
15 codification; and providing 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 5.1 of Title 85A, unless there  
19 is created a duplication in numbering, reads as follows:

20 A. In any civil action not subject to the provisions of the  
21 Administrative Workers' Compensation Act or the Workers'  
22 Compensation Code in effect prior to February 1, 2014, if an  
23 employer is covered by a workers' compensation policy, approved  
24 self-insured coverage, risk pool or any coverage that is statutorily  
compliant with the provisions of Title 85A of the Oklahoma Statutes

1 and an allegation is made that a work-related injury is the result  
2 of an intentional tort, as defined by Section 5 of Title 85A of the  
3 Oklahoma Statutes, or that the employer had knowledge that an injury  
4 was substantially certain to result from the employer's act or  
5 failure to act, the responsibility for defense of the civil action  
6 and for payment of defense costs incurred defending the action shall  
7 be the responsibility of the insurer; provided, the employer shall  
8 provide timely notice to the insurer of the action. If the employer  
9 fails to provide timely notice to the insurer, the court may order  
10 the employer to pay defense costs and be responsible for defense of  
11 the action.

12 B. The insurer shall not be responsible for any judgment  
13 against the employer or any damages awarded to the employee, unless  
14 specifically provided for in the insurance coverage provided by the  
15 insurer.

16 SECTION 2. This act shall become effective November 1, 2020.

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18 57-2-10831 SD 02/12/20  
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