

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 2374

By: Kannady

7 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.

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

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 5.1 of Title 85A, unless there
18 is created a duplication in numbering, reads as follows:

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