

1 ENGROSSED SENATE  
2 BILL NO. 413

By: Daniels of the Senate

3 and

4 Sneed of the House

5  
6 An Act relating to workers' compensation; amending  
7 85A O.S. 2021, Section 69, which relates to statute  
8 of limitations; defining term; and providing an  
9 effective date.

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

11 SECTION 1. AMENDATORY 85A O.S. 2021, Section 69, is  
12 amended to read as follows:

13 Section 69. A. Time for Filing.

14 1. A claim for benefits under this act, other than an  
15 occupational disease, shall be barred unless it is filed with the  
16 Workers' Compensation Commission within one (1) year from the date  
17 of the injury or, if the employee has received benefits under this  
18 title for the injury, six (6) months from the date of the last  
19 issuance of such benefits. For purposes of this section, the date  
20 of the injury ~~shall be defined as~~ means the date an injury is caused  
21 by an accident as set forth in paragraph 9 of Section 2 of this  
22 title, and date of issuance of medical benefits means the date of  
23 service of the medical benefit.  
24

1        2.    a.    A claim for compensation for disability on account of  
2                    injury which is either an occupational disease or  
3                    occupational infection shall be barred unless filed  
4                    with the Commission within two (2) years from the date  
5                    of the last injurious exposure to the hazards of the  
6                    disease or infection.

7            b.    A claim for compensation for disability on account of  
8                    silicosis or asbestosis shall be filed with the  
9                    Commission within one (1) year after the time of  
10                  disablement, and the disablement shall occur within  
11                  three (3) years from the date of the last injurious  
12                  exposure to the hazard of silicosis or asbestosis.

13          c.    A claim for compensation for disability on account of  
14                    a disease condition caused by exposure to X-rays,  
15                    radioactive substances, or ionizing radiation only  
16                    shall be filed with the Commission within two (2)  
17                    years from the date the condition is made known to an  
18                    employee following examination and diagnosis by a  
19                    medical doctor.

20        3.    A claim for compensation on account of death shall be barred  
21 unless filed with the Commission within two (2) years of the date of  
22 such a death.

23        4.    If a claim for benefits has been timely filed under  
24 paragraph 1 of this subsection and the employee does not:

1           a.     make a good-faith request for a hearing to resolve a  
2                 dispute regarding the right to receive benefits,  
3                 including medical treatment, under this title within  
4                 six (6) months of the date the claim is filed, or

5           b.     receive or seek benefits, including medical treatment,  
6                 under this title for a period of six (6) months,  
7 then on motion by the employer, the claim shall be dismissed with  
8 prejudice.

9         B.   Failure to File.   Failure to file a claim within the period  
10         prescribed in subsection A of this section shall not be a bar to the  
11         right to benefits hereunder unless objection to the failure is made  
12         at the first hearing on the claim in which all parties in interest  
13         have been given a reasonable notice and opportunity to be heard by  
14         the Commission.

15         C.   Persons under Disability.

16           1.   Notwithstanding any statute of limitation provided for in  
17         this act, when it is established that failure to file a claim by an  
18         injured employee or his or her dependents was induced by fraud, the  
19         claim may be filed within one (1) year from the time of the  
20         discovery of the fraud.

21           2.   Subsection A of this section shall not apply to a mental  
22         incompetent or minor so long as the person has no guardian or  
23         similar legal representative. The limitations prescribed in  
24         subsection A of this section shall apply to the mental incompetent

1 or minor from the date of the appointment of a guardian or similar  
2 legal representative for that person, and when no guardian or  
3 similar representative has been appointed, to a minor on reaching  
4 the age of majority.

5 D. A latent injury or condition shall not delay or toll the  
6 limitation periods specified in this section. This subsection shall  
7 not apply to the limitation period for occupational diseases  
8 specified in paragraph 2 of subsection A of this section.

9 SECTION 2. This act shall become effective November 1, 2023.

10 Passed the Senate the 22nd day of March, 2023.

11

12

\_\_\_\_\_  
Presiding Officer of the Senate

13

14 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
15 2023.

16

17

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

18

19

20

21

22

23

24