

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. 2374

By: **Frix**

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8 COMMITTEE SUBSTITUTE

9 An Act relating to workers' compensation; providing
10 for responsibility for defense of certain civil
11 actions and payment of defense costs by insurer;
12 allowing exception for lack of timely notice;
13 providing that judgments and damages are the
14 responsibility of the employer unless specifically
15 provided for in insurance coverage; providing for
16 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

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

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

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

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19 COMMITTEE REPORT BY: COMMITTEE ON INSURANCE, dated 02/26/2020 - DO
20 PASS, As Amended and Coauthored.

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