

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 413

By: Daniels

AS INTRODUCED

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

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

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

Section 69. A. Time for Filing.

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

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.

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