



October 22, 2007

BUREAU CIRCULAR NO. 827

To All Members of the Bureau:

Re: DELAWARE WORKERS COMPENSATION LAW
EXECUTIVE OFFICERS/LLC MEMBERS EXCLUSION FORM
APPROVED EFFECTIVE RETROACTIVELY TO JULY 17, 2007

The Bureau has filed and the Insurance Commissioner has approved revisions to the "Agreement By Executive Officer(s)/LLC Member(s) Not To Be Subject To The Delaware Workers' Compensation Law," **effective retroactively as of 12:01 a.m., July 17, 2007** with respect to new and renewal business only.

These revisions respond to those portions of Senate Bill 1, as modified by Senate Substitute 1 for Senate Bill 68, which pertain to the exclusion of construction corporation's executive officers and Limited Liability Company members. That legislation was signed into law to be effective July 17, 2007.

This form will assist the construction community, as well as insurance companies, in documenting coverage requirements and elective exclusions from coverage for workers compensation insurance under this new law.

A copy of the approved form is attached to this circular and available on our website (www.dcrb.com) under "Forms," "Delaware Insurance Plan," and "Basic Manual."

Questions concerning this form should be directed to Betty Ann Campbell, Director of Rating Rules & Policy Reporting, at Extension 4425 or bcampbell@dcrb.com

Timothy L. Wisecarver
President

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Remember to visit our web site at www.dcrb.com for more information about this and other topics.

AGREEMENT BY EXECUTIVE OFFICER(S)/LLC MEMBERS(S) NOT TO BE SUBJECT TO THE DELAWARE WORKERS' COMPENSATION LAW

Executive officers of corporations and members of Limited Liability Companies (LLCs) are covered under the Delaware Workers' Compensation Law. However, up to eight (8) executive officers who are stockholders of a corporation or up to four (4) members of an LLC may elect not to be subject to Delaware Workers' Compensation Law by completing this agreement with their corporation/LLC. **SPECIAL NOTE: - CONSTRUCTION** corporations/LLCs subject to Title 30, Chapter 25 of the Delaware Code may elect to exclude up to four (4) executive officers who are stockholders of a corporation or up to four (4) members of an LLC. Executive Officers are the president, any vice president, secretary, treasurer or any other executive officer(s) elected by the board of directors in accordance with the charter and the regularly adopted by-laws of the corporation. This Executive Officer/LLC member Exclusion Procedure must be repeated each time a corporation/LLC wishes to change the status of any executive officer/LLC member and/or secures coverage from a different carrier group.

Name of business

Federal Employer Identification Number

Business **has** employee(s) (other than those listed below) - please check here ☐

Business **does not have** employee(s) (other than those listed below) - please check here ☐

Please check type of business

- ☐ **Corporation** Not Subject to Title 30, Chapter 25 (non construction) – *Maximum 8 exclusions*
- ☐ **Corporation** Subject to Title 30, Chapter 25 (**construction**) – *Maximum 4 exclusions*
- ☐ **Limited Liability Company** (LLC) – *Maximum 4 exclusions*

Signature of Representative of Corporation or LLC

Title

Date

Named below are the executive officer(s)/LLC member(s) electing not to be subject to the Delaware Workers Compensation Law:

NAME(s) (Print name)	TITLE	MEMBER OFFICER(S) SIGNATURE	STOCKHOLDER YES/NO	DATE

Additional space below limited to officers of corporations not subject to Title 30, Chapter 25. Cannot be used for other corporations or any LLC.

IMPORTANT: If you have workers compensation insurance, you **must** submit the **original** of this completed form to your insurance carrier, together (in the case of a corporation) with the shareholders resolution(s), shareholders agreement(s), and/or shareholders written consent(s) evidencing the executive officer status of the electing executive officer(s), or together (in the case of an LLC) with the operating agreement and/or certificate of formation evidencing the member status of the electing member(s). If you are a subcontractor, you **must** also provide a copy of the same documents to each general contractor by whom you are hired.