



March 10, 2011

BUREAU CIRCULAR NO. 867

To All Members of the Bureau:

Re: **REVISIONS TO WORKERS COMPENSATION & EMPLOYERS LIABILITY
INSURANCE FORMS – EFFECTIVE JULY 1, 2011
BUREAU FILING NO. 1101**

The Delaware Compensation Rating Bureau, Inc. (DCRB) has filed and the Insurance Commissioner has approved revisions to workers compensation and employers liability insurance forms, effective July 1, 2011, which will keep Delaware's approved language in conformance with prevailing countrywide usage.

These revisions are part of the National Council on Compensation Insurance, Inc. (NCCI) Circular – Countrywide – Item P-1408, Revision to Forms Manual of Workers Compensation and Employers Liability Insurance, which NCCI had recommended for adoption in Delaware. After reviewing the variety of changes NCCI proposed countrywide, the DCRB revisions, as approved by the Insurance Commissioner, are wording and other editorial changes to the General Information Section, as well as two currently-approved endorsements, which will maintain consistency with those forms as published by NCCI.

The Delaware Basic Manual amendments to Section 3 – Endorsements are outlined below:

- General Information Section – changes to WC 00 00 00A (which becomes WC 00 00 00**B**) and WC 00 00 01A, as per NCCI Item P-1408
- Table of Contents – Endorsements – WC 00 01 02 title change to Federal Coal Mine Safety & Health Act
- Tables of Contents – Endorsements – WC 00 01 09A, Outer Continental Shelf Lands Act Coverage (which becomes WC 00 01 09**B**), wording changes within the text of the endorsement

Copies of those two endorsements, with deleted wording bracketed and new wording underlined, are attached to this circular for reference. Complete changes to the General Endorsement Notes, Table of Contents and the revised endorsements will be available on our website, www.dcrb.com, at a later date.

Questions concerning these changes should be directed to the Betty Ann Campbell, Director – Rating Rules & Policy Information at 302-654-1435, Extension 4425 or bcampbell@dcrb.com.

Timothy L. Wisecarver
President

kg
D Circ
Attachments

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

Workers Compensation and Employers Liability Insurance Policy

WC 00 01 02 A

**FEDERAL COAL MINE SAFETY AND HEALTH [AND SAFETY] ACT COVERAGE
ENDORSEMENT**

This endorsement applies only to work in a state shown in the Schedule and subject to the Federal Coal Mine Safety and Health [and Safety] Act [of 1969] (30 USC Sections [931-942] 801-945). Part One (Workers Compensation Insurance) applies to that work as though that state were shown in item 3.A. of the Information Page.

The definition of workers compensation law includes the Federal Coal Mine Safety and Health [and Safety] Act [of 1969] (30 USC Sections [931-942]801 – 945) and any amendment to that law that is in effect during the policy period.

Part One (Workers Compensation Insurance), section A.2., How This Insurance Applies, is replaced by the following:

Bodily injury by disease must be caused or aggravated by the conditions of your employment. The employee's last day of last exposure to the conditions causing or aggravating such bodily injury by disease must occur during the policy period or, when the last exposure occurred prior to July 1, 1973, a claim based on that disease must be first filed against you during the policy period shown in item 2 of the Information Page.

Schedule

State

- Note 1:** Use this endorsement when the policy is to cover exposures subject to the Federal Coal Mine Safety and Health [and Safety] Act.
- Note 2:** Federal Black Lung workers compensation insurance is provided in a state (including monopolistic state fund states) by naming the state in the Schedule.
- Note 3:** If this endorsement is used with a policy that does not provide any state workers insurance, the insurer may enter the words "no coverage", or "none", or the equivalent, in item 3.A. of the Information Page.

Workers Compensation and Employers Liability Insurance Policy

WC 00 01 09 [A]B

OUTER CONTINENTAL SHELF LANDS ACT COVERAGE ENDORSEMENT

This endorsement applies only to the work described in Item 4 of the Information Page or in the Schedule as subject to the Outer Continental Shelf Lands Act. The policy will apply to that work as though the location shown in the Schedule were a state named in Item 3.A. of the Information Page.

General Section C. **Workers' Compensation Law** is replaced by the following:

C. Workers Compensation Law

Workers' Compensation Law means the workers or workmen's compensation law and occupational disease law of each state or territory named in Item 3.A. of the Information Page and the Outer Continental Shelf Lands Act (43 USC Sections 1331-1356a). It includes any amendments to those laws that are in effect during the policy period. It does not include any other federal workers or workmen's compensation law, other federal occupational disease law or the provisions of any law that provide non-occupational disability benefits.

Part Two (Employers Liability Insurance), C. Exclusions., exclusion 8, does not apply to work subject to the Outer Continental Shelf Lands Act.

Schedule

Description and Location of Work