

No. **2021-6890**

**Official Order
of the
Texas Commissioner of Insurance**

Date: 07/01/2021

Subject considered:

**National Council on Compensation Insurance Filing
*Item 01-TX-2021—Revisions to the Retrospective Rating Plan Manual Rule 3-A in
Texas***

The subject of this order is the adoption of amendments to the National Council on Compensation Insurance (NCCI) *Retrospective Rating Plan Manual for Workers Compensation and Employers Liability Insurance* (Retrospective Rating Plan Manual), as proposed in *Item 01-TX-2021—Revisions to the Retrospective Rating Plan Manual Rule 3-A in Texas* (TDI ECase No. 27413; SERFF Tracking No. NCCI-132807457).

Background

Item 01-TX-2021 revises the Texas exception to Rule 3-A in the Retrospective Rating Plan Manual to end the requirement to submit a copy of the *Texas Notice of Election of Retrospective Rating Plan* to TDI. Instead, carriers will be required to maintain a copy of this notice and make it available to TDI upon request.

After considering the filing, TDI adopts the following findings of fact and conclusions of law.

Findings of Fact

1. NCCI filed *Item 01-TX-2021* with TDI on April 19, 2021, under the workers' compensation manual rule filing procedure adopted in Commissioner's Order No. 3142, dated March 21, 2014.
2. The Texas exception to Retrospective Rating Plan Manual Rule 3-A requires carriers to submit a copy of the *Texas Notice of Election of Retrospective Rating Plan* for each retrospective rating plan policy to TDI. TDI asked NCCI to file *Item 01-TX-2021* to

2021-6890

Commissioner's Order

NCCI *Item 01-TX-2021*

Page 2 of 3

revise the Texas exception to eliminate this submission because TDI's review of the notice is unnecessary. Instead, *Item 01-TX-2021* requires carriers to maintain a copy of this notice and make it available to TDI upon request.

3. NCCI proposed that the changes in *Item 01-TX-2021* would apply to new and renewal policies that are effective on or after 12:01 a.m. on October 1, 2021.
4. *Item 01-TX-2021* has been available for public inspection in SERFF and at TDI since the filing date.
5. The filing, including exhibits, is incorporated by reference into this order.
6. On May 24, 2021, TDI published notice of the filing on the TDI website and distributed notice of the filing to electronic news subscribers.
7. TDI did not receive any comments on the filing or hearing requests by the June 23, 2021, deadline.

Conclusions of Law

1. TDI has jurisdiction over this matter under Insurance Code Article 5.96 and Insurance Code Sections 2051.002, 2051.201, 2052.002, 2053.002, 2053.011.
2. TDI gave notice in compliance with Commissioner's Order No. 3142.
3. The amendments to the NCCI *Retrospective Rating Plan Manual for Workers Compensation and Employers Liability Insurance* are consistent with Insurance Code Article 5.96 and Insurance Code Chapters 2051, 2052, and 2053.
4. Applying the changes in *Item 01-TX-2021* to new and renewal policies that are effective on or after 12:01 a.m. on October 1, 2021, is reasonable.

2021-6890

Commissioner's Order

NCCI *Item 01-TX-2021*

Page 3 of 3

Order

It is ordered that NCCI's filing, *Item 01-TX-2021—Revisions to the Retrospective Rating Plan Manual Rule 3-A in Texas*, is approved. The changes in *Item 01-TX-2021* apply to new and renewal policies that are effective on or after 12:01 a.m. on October 1, 2021.

DocuSigned by:

Doug Slape

By: _____

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Doug Slape

Chief Deputy Commissioner

Tex. Gov't Code § 601.002

Commissioner's Order No. 2018-5528

Recommended by:

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Mark Worman

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Mark Worman, Deputy Commissioner

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