

**TEXAS DEPARTMENT OF INSURANCE  
EXEMPT FILING NOTIFICATION PURSUANT TO TEXAS INSURANCE CODE  
CHAPTER 5, SUBCHAPTER L, ARTICLE 5.96**

**ADOPTION OF AMENDMENTS TO PART TWO C.8. OF THE WORKERS'  
COMPENSATION AND EMPLOYERS' LIABILITY INSURANCE POLICY, THE  
FEDERAL COAL MINE HEALTH AND SAFETY ACT COVERAGE ENDORSEMENT  
(WC 00 01 02), THE OUTER CONTINENTAL SHELF LANDS ACT COVERAGE  
ENDORSEMENT (WC 00 01 09A) AND THE INFORMATION PAGE (WC 00 00 01)**

The Commissioner of Insurance (Commissioner) adopts the amendments proposed by the staff of the Texas Department of Insurance (Department) in a petition (Reference No. W-0411-02-I) to amend Part Two C. 8. of the Workers' Compensation and Employers' Liability Insurance Policy (the policy), to amend the Federal Coal Mine Health and Safety Act Coverage Endorsement (WC 00 01 02) and the Outer Continental Shelf Lands Act Coverage Endorsement (WC 00 01 09 A), to make minor editorial changes to Part Two B, C, and D of the policy, and to amend the Information Page (WC 00 00 01). The policy, the two endorsements, and the Information Page are contained in the Texas Basic Manual of Rules, Classifications and Experience Rating Plan for Workers' Compensation and Employers' Liability Insurance (Basic Manual). The petition was filed on April 13, 2011. Notice of the proposal was published in the April 29, 2011 issue of the *Texas Register* (36 TexReg 2737). The amendments are subject to the Commissioner's consideration for approval without a hearing. No hearing was requested, and no comments were received on the proposal. The amendments are adopted without changes to the proposed text.

The following amendments are adopted:

Part Two C. 8. of the Workers' Compensation and Employers' Liability Insurance Policy and the Federal Coal Mine Health and Safety Act Coverage Endorsement (WC 00 01 02) are amended to update the statutory references to the Federal Mine Safety and Health Act. The Outer Continental Shelf Lands Act Coverage Endorsement (WC 00 01 09 A) is amended to update the statutory reference to the Outer Continental Shelf Lands Act. Part Two B, C, and D of the policy are also amended to capitalize the first letter of the first word of each subsection, in order to be consistent with other parts of the policy. The Information Page (WC 00 00 01) is amended to replace the words "Blank Insurance Company" with "Insurer" in the space designated to show the name of the insurance company providing the workers' compensation coverage.

The Commissioner has determined that the amendments to the Basic Manual policy, endorsements, and information page are necessary to ensure that the relevant statutes are cited correctly in the policy, to ensure consistency within the policy, and to ensure clarity. The amendments are also necessary to make the policy, endorsements, and information page consistent with the ones in use in most other states.

The staff petition and related exhibits have been on file with the Office of the Chief Clerk of the Department since April 13, 2011, and are incorporated by reference into this Commissioner's Order.

This adoption is made pursuant to Article 5.96 and §2052.002 of the Texas Insurance Code. Article 5.96 exempts action taken under this article from the requirements of the Administrative Procedure Act (Government Code, Title 10, Chapter 2001), authorizing the Department to prescribe, promulgate, adopt, approve, amend, or repeal standard and uniform manual rules, rating plans, classification plans, statistical plans, and policy and endorsement forms for various lines of insurance, including workers' compensation insurance. Section 2052.002 requires the Commissioner to prescribe standard policy forms and a uniform policy for workers compensation insurance.

The Department hereby certifies that the amendments to the Basic Manual policy, endorsements, and information page have been reviewed by legal counsel and found to be a valid exercise of the Department's authority.

Issued in Austin, Texas on May 31, 2011.

Gene C. Jarmon  
General Counsel and Chief Clerk  
Texas Department of Insurance

**IT IS THEREFORE THE ORDER** of the Commissioner of Insurance that the amendments to the Basic Manual proposed by the staff petition (Reference No. W-0411-02-I), as described herein and set forth in the exhibits attached to this Order and

incorporated into this Order by reference, be available for use for policies with an effective date on or after July 1, 2011; and be required for use for policies with an effective date on or after January 1, 2012.

**AND IT IS SO ORDERED.**

Mike Geeslin  
Commissioner of Insurance

Recommended by:

Nancy Moore  
Deputy Commissioner, WC Classification and Premium Calculation Division  
Texas Department of Insurance

ATTEST:

Gene C. Jarmon  
General Counsel and Chief Clerk  
Texas Department of Insurance

Commissioner's Order No. 11-0462