R.C. 2092

To the Members of the Board

RE: New York Workers Compensation
Classification Code 8072 – Book Stores

The Rates Committee has adopted, and the New York State Insurance Department has approved, effective October 1, 2005, for new and renewal business, the establishment of Code 8072 – Book Stores.

Under current classification procedures in New York, the retail sale of items such as books, records, compact discs, software, and video or audio cassettes are assigned to Code 8017. Code 8017 – Retail Stores NOC is a large class that has a variety of operations assigned to it since a specific and credible classification did not exist in the past to cover a particular category. As part of an ongoing review of Code 8017, it is the intent to segregate those operations large enough to establish and maintain a credible classification.

After reviewing the preliminary results of the Code 8017 study and a recent National Council on Compensation Insurance (NCCI) Filing that proposed changes to Code 8072, it has been determined by the Board, on behalf of the membership, to adopt Code 8072 in New York as well. The operations that will be assigned to this class are homogenous in nature and are readily identifiable.

Stores that sell books, records, compact discs, software, videos and audio cassettes have grown and evolved over the years. Today, items such as computer software, video games, DVDs, and laser discs are also sold in the larger book stores. Book stores may also provide food service which includes coffee bars, tables to sit at to consume the foods sold as well as Internet services. Some stores may also have book signings, guest speakers, reading groups and other events. They may also sell miscellaneous items such as CD towers, headphones, and posters.

Due, however, to the food service and the sale of miscellaneous items, at a bookstore, the following footnote is being included with the classification phraseology for Code 8072:

Not applicable to store locations where more than 50% of the gross receipts is in the service of food or the sale of musical instruments, computers and related hardware, household or electronic equipment.
Attached for your reference are Pages C-85 and C-88 from the Classification section and Pages D-64 and D-65 from the Digest of Rulings & Interpretations of the New York Workers Compensation and Employers Liability Insurance Manual which display the adopted classification phraseologies for Code 8072.

The rate for Code 8017 will be used until the new code develops its own experience.

Printed manual pages will be distributed as they soon as they become available.

Very truly yours,

Monte Almer

President

CD:tg
Encl.
STORES:
Refer to the New York Digest of Rulings and Interpretations for detailed description of operations which are subject to all store classifications included in this section.

★ AUDIO or Video Cassette, Book, Record, Compact Disc or Software STORE—Retail 8072
Not applicable to store locations where more than 50% of the gross receipts is in the service of food or the sale of musical instruments, computers or other hardware, or household or electronic equipment.

AUTO PARTS and ACCESSORIES STORE—wholesale 7999

AUTOMOBILE ACCESSORIES STORE NOC—retail—& Drivers 8046

BAGEL SHOPS—retail 8043
Applies to shops engaged in selling bagels with spreads and/or made into sandwiches. Includes the sale of beverages and other food for consumption on or away from the premises.

This class can only be applied if the sale of prepared items is less than 50% of the total receipts.

Bagel manufacturing to be separately rated as Code 2003 "Bakery & Route Salespersons, Route Supervisors, Drivers."

If the gross receipts of prepared items is more than 50% of the total gross receipts, the entire operation, including the bagel manufacturing, shall be rated as Code 9072 “Restaurant–Fast Food & Drivers.”

The retail sale of bagels sold without spreads or made into sandwiches shall be assigned to Code 8017 “Retail Store NOC” provided the majority (more than 50%) of the sales are derived from the sale of NOC items.

★ BOOK, Record, Compact Disc, Software, Video or Audio Cassette STORE—Retail 8072
Not applicable to store locations where more than 50% of the gross receipts is in the service of food or the sale of musical instruments, computers or other hardware, or household or electronic equipment.

CLOTHING or Wearing Apparel STORE—retail 8008

CLOTHING or Wearing Apparel STORE—wholesale 8032

COFFEE, Tea or Spice STORE—retail 8006
No handling of fresh meats.

COFFEE, Tea or Spice STORE—wholesale 8034

★ COMPACT DISC, Book, Record, Software, Video or Audio Cassette STORE—Retail 8072
Not applicable to store locations where more than 50% of the gross receipts is in the service of food or the sale of musical instruments, computers or other hardware, or household or electronic equipment.

DAIRY PRODUCTS STORE—retail 8006
No handling of fresh meats.

DAIRY PRODUCTS STORE—wholesale 8034

DELICATESSEN STORE—retail 8006
No handling of fresh meats.

DEPARTMENT STORE—retail 8039
Includes installation of house furnishings and shall apply to each location of a risk at which all of the following conditions exists:

1. The payroll subject to this classification is at least $400,000 per annum.

Department Store—retail continued on the next page.
STORES: (continued)

RETAIL STORE NOC—INCLUDING SERVICE OF FOOD—not restaurants 8043
Any location at which more than 50% of the sales is derived from the service of food consumed on the premises shall be assigned to Code 9071 “Restaurant–Full-Service—including entertainers and/or musicians”, Code 9072 “Restaurant–Fast Food & Drivers” or Code 9074 “Bar, Dance Club, Lounge, Nightclub or Tavern—including entertainers and/or musicians.” The term food as used in this classification does not include ice cream and soft drinks.

RETAIL STORE NOC—NO SERVICE OF FOOD 8017
The service of ice cream and soft drinks is included under this classification.

★ RECORD, Book, Compact Disc, Software, Video or Audio Cassette STORE—Retail 8072
Not applicable to store locations where more than 50% of the gross receipts is in the service of food or the sale of musical instruments, computers or other hardware, or household or electronic equipment.

SHIP CHANDLER—wholesale 7999

SHOE STORE—retail 8008

SHOE STORE—wholesale 8032

★ SOFTWARE, Book, Record, Compact Disc, Video or Audio Cassette STORE—Retail 8072
Not applicable to store locations where more than 50% of the gross receipts is in the service of food or the sale of musical instruments, computers or other hardware, or household or electronic equipment.

SUPERMARKET—retail 8033
Applicable to a combined retail meat, grocery & provision store provided that the sale of fresh and cured meats, fish or poultry does not exceed 50% of the gross receipts for all merchandise sold by the insured. If the sale of fresh and cured meats, fish or poultry exceeds 50% of the gross receipts for all merchandise sold, such operations shall be assigned to Code 8031 “Meat, Fish or Poultry Store—Retail.”

★ VIDEO or Audio Cassette, Book, Record, Compact Disc or Software STORE—Retail 8072
Not applicable to store locations where more than 50% of the gross receipts is in the service of food or the sale of musical instruments, computers or other hardware, or household or electronic equipment.

WHOLESALE STORE NOC 8018

STORM DOOR, STORM SASH, SCREENS or Weather Stripping INSTALLATION 5428

STOVE MFG. 3169

STREET CLEANING & Drivers 9402

STREET or ROAD CONSTRUCTION:

PAVING or REPAVING & Drivers 5506
Applies to all kinds of paving or repaving, surfacing or resurfacing or scraping, including airport runways or warming aprons. Separately rate: clearing of right of way, earth or rock excavation, filling or grading, tunneling, bridge or culvert building, quarrying and stone crushing.

ROCK EXCAVATION & Drivers 5508
Includes incidental quarrying or stone crushing. No tunneling.

Street or Road Construction continued on the next page.
8017 . . . Retail Store NOC—no service of food
   The service of ice cream and soft drinks is included under this classification.

8017 . . . Drug or Cigar Store—no service of food—retail
   The service of ice cream and soft drinks is included under this classification.

8017  Dry Cleaning or Laundry Collecting or Distributing Store
8017 Laundry or Dry Cleaning Collecting or Distributing Store
   No dry cleaning or laundering at the same location.

8017 . . . Dry Cleaning or Laundry Store—self-service
8017 . . . Laundry or Dry Cleaning Store—self-service
   No dry cleaning or laundering at the same location.

Operations Covered

This classification applies to stores which are principally engaged in the retail selling of merchandise that is not described by any other specialty retail store classification. Stores assigned to this classification sell items such as:

- Art supplies
- Giftware
- Pets and related supplies
- Bakery products
- Greeting cards
- Photographic supplies and equipment
- Beer and soft drinks
- Household appliances, e.g.
- Pocketbooks
- Cellular phones
- Refrigerators
- Radios
- Cigars and cigarettes
- Washing machines
- Stationery and related items
- Computers
- Stoves
- Sick room supplies
- Confectionery
- Housewares
- Televisions
- Cosmetics and toilet items
- Lamps and Lighting fixtures
- Toys
- Drugs and medicines
- Musical instruments, other than pianos and organs
- Typewriters and office machines
- Floor coverings
- Paint and related supplies
- Wines and liquors

This classification also includes stores that serve ice cream and soft drinks, as well as specialty stands or stores which sell frozen custard or yogurt.

Other types of operations assigned to this classification are:

1. Demonstrators in retail stores.
2. Concessions such as those which provide doorkeepers, cigarette vendors, parcel or luggage checkroom and washroom attendants, rolling chairs on boardwalks, beach chairs, and beach umbrellas.
3. Amusement device operations such as those in "penny arcades," skee ball alleys and similar games.
4. Businesses that are engaged in providing shoppers to check the attentiveness, personality and honesty of sales personnel in stores that are owned and operated by others.
SECTION III

8017 Retail Store NOC—no service of food (continued)
8017 Drug or Cigar Store—no service of food—Retail (continued)
8017 Dry Cleaning or Laundry Collecting or Distributing Store (continued)
8017 Dry Cleaning or Laundry Store—self-service (continued)

Operations Not Covered

1. Code 8017 does not apply to any retail store that is described by any other specialty retail store classification.

2. Stores principally engaged in mail order sales of merchandise to individuals, such as the merchandise described above. Assign Code 8018 "Wholesale Store NOC."

3. Retail stores and drug or cigar stores otherwise assignable to this classification but which are also engaged in serving food (other than ice cream and soft drinks). Assign Code 8043 "Retail Store NOC—including service of food—not restaurants" provided that the receipts from the service of food do not exceed 50% of the store's gross receipts. If the receipts from service of food exceeds 50% of the gross receipts, assign either Code 9071 "Restaurant—Full-Service—including entertainers and/or musicians", Code 9072 "Restaurant—Fast Food & Drivers" or Code 9074 "Bar, Dance Club, Lounge, Nightclub or Tavern—including entertainers and/or musicians."

4. The installation, service or repair of household appliances by a retail store. Assign Code 9519 "Household Appliances—Electrical—Installation, Service or Repair—& Drivers."

5. The installation of carpets, linoleum and non-ceramic floor tile by a retail store. Assign Code 9521 "House Furnishings Installation NOC."

6. Hat or coat checkroom concessions. Assign Code 8008 "Clothing or Wearing Apparel Store—retail."

7. Stores principally engaged in selling audio or video cassettes, books, records, compact discs or software principally to private individuals. Assign Code 8072 "Audio or Video Cassette, Book, Record, Compact Disc or Software Store—retail."

8018 Wholesale Store NOC

Operations Covered

This classification applies to stores which are principally engaged in the wholesale selling of merchandise not described by any other specialty wholesale store classification. Stores assigned to this classification sell items such as:

- Art supplies
- Audio cassettes
- Books
- Candy
- Carpets and linoleum
- Cellular phones
- Cigars and cigarettes
- Compact discs
- Computers
- Computer software
- Cosmetics and toilet items
- Fur skins
- Giftware
- Hotel supplies
- Household appliances
- Housewares
- Ice
- Lamps and Lighting fixtures
- Musical instruments, other than pianos and organs
- Pagers
- Paint and related supplies
- Photographic supplies and equipment
- Pocketbooks
- Radios
- Records
- Sheet music
- Sick room supplies
- Soft drinks
- Stationery and related items
- Televisions
- Tires—no installation
- Toys
- Video tapes and games
- Wines and liquors

Stores principally engaged in the wholesale or retail mail order sales of merchandise such as the merchandise described above are also included in this classification.