To: The Members of the Board

Terrorism Risk Insurance Program Reauthorization Act – 2015 Endorsements
Effective Date: January 1, 2015

In accordance with approval by the New York State Department of Financial Services (DFS) and authorization by the NYCIRB Underwriting Committee, amendments to the New York Workers Compensation and Employers Liability Manual are being provided which contain updated endorsement forms regarding the Terrorism Risk Insurance Program. The mandatory use of these endorsements is retroactively approved for new and renewal business with effective dates on or after January 1, 2015.

This approval is in response to the reauthorization of the Terrorism Risk Insurance Act (TRIA) and the release of revised national endorsements per the National Council on Compensation Insurance, Inc., (NCCI), Filing Circular P-1412. The amended mandatory endorsement forms are as follows:

- WC 00 04 22B – Terrorism Risk Insurance Program Reauthorization Act Disclosure Endorsement
- WC 00 04 21D – Catastrophe (Other Than Certified Acts of Terrorism) Premium Endorsement

These endorsements replace prior versions, specifically WC 00 04 22A and WC 00 04 21C. In addition to the above revisions, endorsement WC 00 01 14, Notification Endorsement of Pending Law Change to Terrorism Risk Insurance Program Reauthorization Act of 2007, has been withdrawn.

To accommodate the updated endorsement forms, a number of pages in the New York Workers Compensation and Employers Liability Manual have been modified. The following is a listing of the manual pages, attached with this bulletin and reflecting this change, in the order in which they would appear in the manual:

- Rule I, Page R-1 – an update of the endorsement numbering within the listing of mandatory endorsements.
- Rule II, Pages R-5 and R-6 – updated endorsement numbering within the Description of Coverage for Volunteer Firefighters Coverage and Volunteer Ambulance Coverage.
- Alphabetical and Numerical Indexes – updated to reflect endorsement numbering changes.
Please note that these changes are also included in an updated version of the New York Workers Compensation & Employers Liability Manual, which is available via the Board’s website at: www.nycirb.org.

Very truly yours,

Monte Almer

President

WVT:tg
Encl.
PART ONE—RULES

RULE I - GENERAL

A. WORKERS COMPENSATION

Workers Compensation as used in this manual means workmen's compensation, workers compensation or occupational disease.

B. STANDARD POLICY

Standard Policy means the standard provisions Workers Compensation and Employers Liability Insurance Policy and the Information Page approved by the New York State Department of Financial Services. Every policy affording coverage under the New York Workers’ Compensation Law must have the following endorsements attached:

- WC 31 03 08 - New York Limit of Liability Endorsement;
- WC 31 03 19G - New York Construction Classification Premium Adjustment Program Explanatory Endorsement;
- WC 31 06 18 - New York Policyholder Notice of Right to Appeal
- WC 00 04 14 - Notification of Change in Ownership
- WC 00 04 19 - Premium Due Date Endorsement;
- WC 00 04 21 D - Catastrophe (Other Than Certified Acts of Terrorism) Premium Endorsement
- WC 00 04 22 B - Terrorism Risk Insurance Program Reauthorization Act Disclosure Endorsement

Exception: The Standard Policy (WC 00 00 00C) shall not be used to provide coverage for employees subject to the New York Volunteer Firefighters' Benefit Law or the New York Volunteer Ambulance Workers' Benefit Law. Such coverage can be afforded only by means of a Volunteer Firefighters' Benefit Law Policy (WC 31 00 00A) or a Volunteer Ambulance Workers' Benefit Law Policy (WC 31 00 02A), respectively.

C. ENDORSEMENT FORMS

Endorsement forms means authorized endorsements listed in the Alphabetical List of Endorsements in Part Four of this manual. All endorsements must be used in the form prescribed in this manual.

D. POLICY AND ENDORSEMENT FORMS

Refer to the Policy Forms and Authorized Endorsement section of this manual for a complete description of coverages and instructions on use of policy and endorsement forms.

E. APPLICATION OF MANUAL RULES

Rules apply separately to each policy, except as allowed by Rule VII - Premium Discount.

F. EFFECTIVE DATE

1. Manual

This manual applies only from the anniversary rating date which occurs on or after the effective date of this manual.
D. VOLUNTARY COMPENSATION INSURANCE

1. Description of Coverage

Voluntary compensation insurance shall not provide compensation, medical or other benefits in excess of the statutory requirements in the workers compensation law designated in the Voluntary Compensation and Employers Liability Coverage Endorsement (WC 00 03 11A).

2. How Provided

Voluntary compensation insurance is provided by attaching the Voluntary Compensation and Employers Liability Coverage Endorsement (WC 00 03 11A) to the Standard Policy. Refer to Rule VIII for rules and to Section I.H.9 of the Digest of Rulings and Interpretations.

E. FOREIGN VOLUNTARY COMPENSATION AND EMPLOYERS LIABILITY INSURANCE

1. Description of Coverage

Foreign voluntary compensation and employers liability insurance provides workers compensation, employers liability, repatriation expense and endemic disease coverage to employees temporarily working outside the United State of America, its territories or possession or Canada.

2. How Provided

Foreign voluntary compensation and employers liability coverage is provided by attaching the New York Foreign Voluntary Compensation and Employers Liability Coverage Endorsement (WC 31 06 17A) to the Standard Policy. Refer to Rule VIII.D for premium determination.

F. VOLUNTEER FIREFIGHTERS COVERAGE

1. Description of Coverage

The Volunteer Firefighters’ Benefit Law Policy provides coverage for the statutory obligations required under the New York Volunteer Firefighters’ Benefit Law. In addition, this special policy must provide employers liability coverage comparable to Part Two of the Standard Policy. The Catastrophe (Other Than Certified Acts of Terrorism) Premium Endorsement (WC 00 04 21D) and Terrorism Risk Insurance Program Reauthorization Act Disclosure Endorsement (WC 00 04 22B) must also be attached to each policy.

2. Group Insurance

The Volunteer Firefighters’ Benefit Law (VFBL) contains provisions that allow for group insurance. Under Section 32.1 of the VFBL, any town may obtain a single policy covering all fire protection districts and fire alarm districts within the town. Under Section 32.2, a group policy may be issued to a group of cities, villages, fire districts or town boards located within one county. Section 32.2 group insurance requires that:

a. the governing board of each member fire district resolves to be insured under the group policy, and that each such resolution be filed with the chairman of the county board of supervisors;

b. the group file with the chairman of the county board of supervisors an agreement executed by each member fire district agreeing to the effective date of the policy and the population of each fire district;
c. the chairman of the county board of supervisors contract for a policy of insurance covering the group’s members;

d. the cost of such insurance be apportioned among the group’s members based on population; and

e. the county treasurer pay for the cost of such insurance.

The New York Insurance Law also contains provisions for group insurance under Section 3435 provided group members are either public entities or Type B not-for-profit organizations. The Insurance Law and Regulations require:

a. the group to be homogenous in nature;

b. the group to be formed for purposes other than obtaining insurance; and

c. the group to consist of at least ten members; or a smaller group of at least five members provided that each member generates at least $5 million in annual revenue or the annual premiums for all lines of such group exceed $500,000.

Refer to Section 32 of the Volunteer Firefights’ Benefit Law, Section 3435 of the New York Insurance Law and 11 NYCRR 153 of the New York Insurance Law Regulations for all provisions required for group insurance.

3. Premium

The premium for the Volunteer Firefighters Benefit Law Policy is a flat charge which varies on the basis of the population of the area(s) served when a single policy is issued or when a single policy of group insurance is issued covering all fire protection districts and fire alarm districts within the town. When a group policy is issued covering a group of cities, villages, fire districts or town boards located within one county, the population of all members of the group may be aggregated to determine the group policy premium. Refer to the volunteer firefighters section in Part Three – Loss Costs for an explanation of procedures and charges for this coverage.

G. VOLUNTEER AMBULANCE WORKERS COVERAGE

1. Description of Coverage

The Volunteer Ambulance Workers’ Benefit Law Policy provides coverage for the statutory obligations required under the New York Volunteer Ambulance Workers’ Benefit Law. In addition, this special policy must provide employers liability coverage comparable to Part Two of the Standard Policy. The Catastrophe (Other Than Certified Acts of Terrorism) Premium Endorsement (WC 00 04 21D) and the Terrorism Risk Insurance Program Reauthorization Act Disclosure Endorsement (WC 00 04 22B) must also be attached to each policy.

2. Group Insurance

The Volunteer Ambulance Workers’ Benefit Law (VAWBL) contains provisions that allow for group insurance. Under Section 32.1 of the VAWBL, any town may obtain a single policy covering all ambulance districts within the town. Under Section 32.2, a group policy may be issued to a group of cities, villages, ambulance districts or town boards located within one county. Section 32.2 group insurance requires that:
N. CATASTROPHE PROVISIONS

1. Terrorism

Premium for terrorism is calculated on the basis of total payroll. A risk’s total payroll is divided by units of $100 and multiplied by the carrier terrorism rate. The calculation is expressed as (Payroll/100 x Terrorism Rate = Premium). For non-payroll classes the premium for terrorism is calculated as a percentage, multiplied by the non-payroll class premium. The terrorism premium is not subject to any other modifications including, but not limited to, carrier premium discount, experience rating or retrospective rating.

Unless an “If Any” policy develops premium during the policy term or at audit, policies issued on an “If Any” basis will not be charged this premium.

Attach the Terrorism Risk Insurance Program Reauthorization Act Disclosure Endorsement (WC 00 04 22B).

2. Natural Disasters and Catastrophic Industrial Accidents

Premium for Natural Disasters and Catastrophic Industrial Accidents is calculated on the basis of total payroll. A risk’s total payroll is divided by units of $100 and multiplied by the carrier rate for Natural Disasters and Catastrophic Industrial Accidents. The calculation is expressed as (Payroll/100 x Rate = Premium). For non-payroll classes the premium is calculated as a percentage, multiplied by the non-payroll class premium. This premium is not subject to any other modifications including, but not limited to, carrier premium discount, experience rating or retrospective rating.

Unless an “If Any” policy develops premium during the policy term or at audit, policies issued on an “If Any” basis will not be charged this premium.

Attach the Catastrophe (Other Than Certified Acts of Terrorism) Premium Endorsement (WC 00 04 21D)
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NOTIFICATION ENDORSEMENT OF PENDING LAW CHANGE TO TERRORISM RISK INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007

This endorsement is being sent to you with respect to your workers compensation and employers liability insurance policy. This endorsement does not replace the separate Terrorism Risk Insurance Program Reauthorization Act Disclosure Endorsement (WC 00 04 22 A) that is attached to your current policy and which remains in effect as applicable.

The Terrorism Risk Insurance Act of 2002 (TRIA) as previously amended and extended by the Terrorism Risk Insurance Program Reauthorization Act of 2007 (TRIPRA), provides for a program under which the federal government will share in the payment of insured losses caused by certain acts of terrorism. In the absence of affirmative US Congressional action to extend, update, or otherwise reauthorize TRIPRA, in whole or in part, TRIPRA is scheduled to expire December 31, 2014.

Since the timetable for any further Congressional action respecting TRIPRA is unknown at this time, and exposure to acts of terrorism remains, we are providing our policyholders with relevant information concerning their workers compensation policies in effect on or after January 1, 2014 in the event of TRIPRA’s expiration.

Your policy provides coverage for workers compensation losses caused by acts of terrorism or war, including workers compensation benefit obligations dictated by state law, except in Pennsylvania where injuries or deaths resulting from certain war-related activities are excluded from workers compensation coverage. Coverage for such losses is still subject to all terms, definitions, exclusions, and conditions in your policy.

The premium charge for the coverage your policy provides for terrorism or war losses is shown in Item 4 of the Information Page or the Schedule in the Terrorism Risk Insurance Program Reauthorization Act Disclosure Endorsement (WC 00 04 22 A) that is attached to your policy, and this amount may continue or change for new, renewal, and in-force policies in effect on or after December 31, 2014 in the event of TRIPRA’s expiration, subject to regulatory review in accordance with applicable state law.

You need not do anything further at this time.
CATASTROPHE (OTHER THAN CERTIFIED ACTS OF TERRORISM)
PREMIUM ENDORSEMENT

This endorsement is notification that your insurance carrier is charging premium to cover the losses that may occur in the event of a Catastrophe (other than Certified Acts of Terrorism) as that term is defined below. Your policy provides coverage for workers compensation losses caused by a Catastrophe (other than Certified Acts of Terrorism).

This premium charge does not provide funding for Certified Acts of Terrorism contemplated under the Terrorism Risk Insurance Program Reauthorization Act Disclosure Endorsement (WC 00 04 22B), attached to this policy.

For purposes of this endorsement, the following definitions apply:

- **Catastrophe (other than Certified Acts of Terrorism)**: Any single event, resulting from an Earthquake, Noncertified Act of Terrorism, or Catastrophic Industrial Accident, which results in aggregate workers compensation losses in excess of $50 million.

- **Earthquake**: The shaking and vibration at the surface of the earth resulting from underground movement along a fault plane or from volcanic activity.

- **Noncertified Act of Terrorism**: An event that is not certified as an Act of Terrorism by the Secretary of Treasury pursuant to the Terrorism Risk Insurance Act of 2002 (as amended) but that meets all of the following criteria:
  a. It is an act that is violent or dangerous to human life, property, or infrastructure;
  b. The act results in damage within the United States, or outside of the United States in the case of the premises of United States missions or air carriers or vessels as those terms are defined in the Terrorism Risk Insurance Act of 2002 (as amended); and
  c. It is an act that has been committed by an individual or individuals as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

- **Catastrophic Industrial Accident**: A chemical release, large explosion, or small blast that is localized in nature and affects workers in a small perimeter the size of a building.

The premium charge for the coverage your policy provides for workers compensation losses caused by a Catastrophe (other than Certified Acts of Terrorism) is shown in Item 4 of the Information Page or in the Schedule below.
<table>
<thead>
<tr>
<th>State</th>
<th>Rate</th>
<th>Premium</th>
</tr>
</thead>
</table>

**Note:** For non-payroll classes in New York, the charge is a % of the non-payroll class manual premium.
TERRORISM RISK INSURANCE PROGRAM REAUTHORIZATION ACT DISCLOSURE ENDORSEMENT

This endorsement addresses the requirements of the Terrorism Risk Insurance Act of 2002 as amended and extended by the Terrorism Risk Insurance Program Reauthorization Act of 2015. It serves to notify you of certain limitations under the Act, and that your insurance carrier is charging premium for losses that may occur in the event of an Act of Terrorism.

Your policy provides coverage for workers compensation losses caused by Acts of Terrorism, including workers compensation benefit obligations dictated by state law. Coverage for such losses is still subject to all terms, definitions, exclusions, and conditions in your policy, and any applicable federal and/or state laws, rules, or regulations.

Definitions
The definitions provided in this endorsement are based on and have the same meaning as the definitions in the Act. If words or phrases not defined in this endorsement are defined in the Act, the definitions in the Act will apply.


“Act of Terrorism” means any act that is certified by the Secretary of the Treasury, in consultation with the Secretary of Homeland Security, and the Attorney General of the United States as meeting all of the following requirements:
   a. The act is an act of terrorism.
   b. The act is violent or dangerous to human life, property or infrastructure.
   c. The act resulted in damage within the United States, or outside of the United States in the case of the premises of United States missions or certain air carriers or vessels.
   d. The act has been committed by an individual or individuals as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

“Insured Loss” means any loss resulting from an act of terrorism (and, except for Pennsylvania, including an act of war, in the case of workers compensation) that is covered by primary or excess property and casualty insurance issued by an insurer if the loss occurs in the United States or at the premises of United States missions or to certain air carriers or vessels.

“Insurer Deductible” means, for the period beginning on January 1, 2015, and ending on December 31, 2020, an amount equal to 20% of our direct earned premiums, during the immediately preceding calendar year.
Limitation of Liability
The Act limits our liability to you under this policy. If aggregate Insured Losses exceed $100,000,000,000 in a calendar year and if we have met our Insurer Deductible, we are not liable for the payment of any portion of the amount of Insured Losses that exceeds $100,000,000,000; and for aggregate Insured Losses up to $100,000,000,000, we will pay only a pro rata share of such Insured Losses as determined by the Secretary of the Treasury.

Policyholder Disclosure Notice

1. Insured Losses would be partially reimbursed by the United States Government. If the aggregate industry Insured Losses exceed:
   a. $100,000,000, with respect to such Insured Losses occurring in calendar year 2015, the United States Government would pay 85% of our Insured Losses that exceed our Insurer Deductible.
   b. $120,000,000, with respect to such Insured Losses occurring in calendar year 2016, the United States Government would pay 84% of our Insured Losses that exceed our Insurer Deductible.
   c. $140,000,000, with respect to such Insured Losses occurring in calendar year 2017, the United States Government would pay 83% of our Insured Losses that exceed our Insurer Deductible.
   d. $160,000,000, with respect to such Insured Losses occurring in calendar year 2018, the United States Government would pay 82% of our Insured Losses that exceed our Insurer Deductible.
   e. $180,000,000, with respect to such Insured Losses occurring in calendar year 2019, the United States Government would pay 81% of our Insured Losses that exceed our Insurer Deductible.
   f. $200,000,000, with respect to such Insured Losses occurring in calendar year 2020, the United States Government would pay 80% of our Insured Losses that exceed our Insurer Deductible.

2. Notwithstanding item 1 above, the United States Government will not make any payment under the Act for any portion of Insured Losses that exceeds $100,000,000,000.

3. The premium charge for the coverage your policy provides for Insured Losses is included in the amount shown in Item 4 of the Information Page or in the Schedule below.

<table>
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Note: For non-payroll classes in New York, the charge is a % of the non-payroll class manual premium.