

DEPARTMENT OF INSURANCE

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August 28, 2014

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INVITATION TO PRE-NOTICE PUBLIC DISCUSSION ON CONTEMPLATED REGULATIONS GOVERNING THE SUBMISSION, REVIEW, AND APPROVAL OF WORKERS' COMPENSATION POLICY FORMS

Pursuant to Government Code Section 11346.45, Insurance Commissioner Dave Jones will hold pre-notice public discussions regarding contemplated changes to California Code of Regulations, Title 10, Chapter 5, Subchapter 2, Article 1 ("Document Submission and Approval Procedures; Fees") and Article 7 ("Workers' Compensation Policy Forms"). California Insurance Code Sections 1855.5, 11590, 11657, 11658, 11659, 11660, 11750.3, 11751.1, 11751.4, 11751.5, 11752.6, 11752.8, and 12921(a); *CalFarm Ins. Co. v. Deukmejian*, 48 Cal.3d 805 (1989); and *20th Century Ins. Co. v. Garamendi*, 8 Cal. 4th 216 (1994) authorize the Commissioner to promulgate these regulations. The proposed regulations will serve to implement, interpret and make specific the provisions of California Insurance Code Section 11650 et seq. and 11750 et seq.

You are hereby invited to participate in this pre-notice public discussion. The purpose of the discussion is to provide certain interested and affected persons an opportunity to present statements or comments with respect to the attached draft text of regulations.

Public Discussion Date, Time and Location

Date: Wednesday, September 24, 2014

Time: 10:00 a.m. to 3:00 p.m., or as soon thereafter as all those wishing to speak have spoken, whichever is earlier. If it is necessary for the discussion to exceed two hours, there will likely be a one hour break from 12:00 to 1:00 p.m.

Location: California Department of Insurance
300 Capitol Mall, 6th floor (Conference Room 635)
Sacramento, California 95814

The facility to be used for these public discussions is accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify Randi Wood on or before September 18, 2014, in order to make special arrangements.

For purposes of promoting discussion, a draft of the text of the proposed regulations is attached. Participants should be prepared to present specific comments on, and alternate language for, the attached draft regulation text during the public discussion. Participants are also invited to submit written statements and are encouraged to provide supporting documents and materials as well.

Please be advised that participation in these pre-notice public discussions will be in addition to, and not in substitution for, any participation in the formal rulemaking process. This is an invitation to a pre-notice public discussion and does not constitute a Notice of Proposed Action under the Administrative Procedure Act. Consequently, comments (oral or written) received in connection with this pre-notice public discussion will not be included in the rulemaking file, which will not be opened until the time formal notice is issued. Similarly, the Department is not required to respond to comments received before the Notice of Proposed Action has been issued and the rulemaking file opened. For this reason, if you wish to have comments included in the rulemaking file, or for the California Department of Insurance to respond to them as part of the process by which it adopts this regulation, you must present your comments during the formal public comment period according to the procedures outlined in the Notice of Proposed Action at the time that document is issued, regardless of whether the comments have been made in connection with these pre-notice public discussions. The Commissioner welcomes your participation in this discussion, and hopes that the regulation that may subsequently be proposed will benefit from your input.

All substantive questions and concerns regarding the contemplated regulation and/or this public discussion should be directed to Patricia Hein.

Participants are requested to RSVP no later than September 18, 2014. Please RSVP by providing your name, the name of the organization you represent (if any), your mailing address, telephone number, and email address to Randi Wood. Space is limited, so we ask that you RSVP in order to ensure that all participants are properly accommodated.

RSVP's and Logistical Inquiries:

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**STATE OF CALIFORNIA
DEPARTMENT OF INSURANCE
300 CAPITOL MALL, 17th Floor
Sacramento, CA 95814**

**Proposed Amendments to
Chapter 5. Insurance Commissioner
Subchapter 2. Policy Forms and Other Documents
Article 7. Workers' Compensation Policy Forms and
Article 1. Document Submission and Approval Procedures; Fees**

In the following, underline indicates new text and ~~striketrough~~ indicates deleted text.

PROPOSED REGULATION TEXT

Section 2250. ~~Dividend Clause~~ Definitions.

The following definitions shall apply to this Article.

- (a) "Policy form" means a form that an insurer issues to provide workers' compensation insurance coverage to an employer after the form is approved by the Insurance Commissioner.
- (b) "Endorsement" or "endorsement form" means a form or document that, among other purposes, amends, adds to, subtracts, supplements, or revises an insurance policy and is attached to an insurance policy to be effective.
- (c) "Attached" means that a writing is part of the policy of insurance by (1) being physically connected to the policy or (2) including a statement in the writing that it is incorporated by reference into the policy.
- (d) "Attachment clause" means a provision in an endorsement identifying the policy of insurance and incorporating the endorsement by providing blank spaces for the insertion of a policy number, policy effective date, endorsement number, endorsement effective date, name of policyholder, and if applicable, a countersignature.
- (e) "Limiting and restricting endorsement" means an endorsement that excludes from coverage some portion of workers' compensation liability for which the employer is required to secure payment pursuant to the Labor Code that, after approval by the Insurance Commissioner, may be endorsed to a workers' compensation policy.
- (f) "Collateral agreement" means an endorsement that is a supplementary or ancillary writing or contract relating to an insurance policy that modifies the obligations of either the insured or the insurer regarding any terms of an insurance policy, other than arrangements to finance deductible and/or premium payments.

(g) “Customized limiting and restricting endorsement” means an endorsement unique to a specific policy used (1) When the employer’s business is conducted in such a manner that it is impossible or impracticable to determine the nature, scope, and extent of employment covered by the insurer, or (2) To prevent the performance of work in such an extremely hazardous manner or under such hazardous conditions as would reflect a reckless disregard by the employer for the welfare of its employees, or (3) To prevent the issuance of an unrestricted policy if it would encourage an operation that is contrary to law or to the rules of a regulatory agency

(h) “Rating organization” means a workers’ compensation rating organization as defined by Insurance Code section 11750.1(b), and licensed pursuant to Insurance Code section 11751.1.

(i) “Advisory organization” means a workers’ compensation advisory organization as defined by Insurance Code section 11750.1(e), and registered pursuant to Insurance Code section 11753.

(j) “Standard policy form” or “standard endorsement form” means a policy or endorsement form submitted to the Insurance Commissioner by a rating organization on behalf of its insurer members for use by any of its insurer members to issue as an insurance policy or endorsement.

(k) “Non-standard policy form” or “non-standard endorsement form” means a policy or endorsement form that a rating organization submits to the Insurance Commissioner on behalf of a single insurer member.

~~Note: ss 2250 and 2251 issued under authority contained in ss 11630 to 11742, Insurance Code.~~

Note: Authority cited: Insurance Code sections 1855.5, 11657, 11658, 11659, 11660, and 12921(a); *CalFarm Ins. Co. v. Deukmejian*, 48 Cal.3d 805 (1989); *20th Century Ins. Co. v. Garamendi*, 8 Cal. 4th 216 (1994). Reference: Insurance Code sections 676.8, 733, 1855.5, 11650, 11651, 11652, 11653, 11654, 11655, 11656, 11656.7, 11657, 11658, 11659, 11660, 11661, 11662, 11663, 11735(e), 11750.3(e), 11751.1, 11751.4, 11752.6(h), and 11752.8.

~~Section 2251. Orthodox Limitations on Dividends Which Need Not Be Stated. Policy and Endorsement Forms; General Procedures.~~

(a) An insurer shall submit all policy and endorsement forms to the Insurance Commissioner through the rating organization prior to their use as part of a workers’ compensation policy. A non-standard policy or endorsement form, other than a limiting and restricting form or a customized limiting and restricting form, is deemed approved if the Insurance Commissioner does not take any action on the form within 30 days after submission to the Insurance Commissioner.

(b) An insurer shall not issue or use policy forms, endorsements, or collateral agreements unless submitted to and approved by the Insurance Commissioner, except as provided in Subdivision(a).

Note: Authority cited: Insurance Code sections 1855.5, 11657, 11658, 11659, 11660, 11750.3 and 12921(a); *CalFarm Ins. Co. v. Deukmejian*, 48 Cal.3d 805 (1989); *20th Century Ins. Co. v. Garamendi*, 8 Cal. 4th 216 (1994). Reference: Insurance Code sections 676.8, 733, 1855.5, 11650, 11651, 11652, 11653, 11654, 11655, 11656, 11656.7, 11656.8, 11656.9, 11657, 11658, 11659,

11660, 11661, 11661.5, 11661.6, 11662, 11663, 11734, 11735(e), 11737, 11750.3(e) and 11751.5; Labor Code section 3700.

Section 2252. Limiting and Restricting ~~Endorsements~~ Coverage.

Sections 2253 through 2268 shall govern the policy and endorsement submission process and the limitation or restriction of coverage for liability under the workers' compensation laws of the State of California. However, there shall be no limitations or restrictions on the workers' compensation coverage provided on a policy that also provides comprehensive personal liability insurance.

Note: Authority cited: Sections 11590 and 11751.5, Insurance Code. Reference: Section 11590; Articles 2 and 3 of Chapter 3, Part 3, Division 2, Insurance Code. Additional authority cited: Sections 11650 to 11663, Insurance Code.

Section 2253. Endorsements: Attachment ~~To Insurance Policies and Detachment: Printed or Typed.~~

~~Approved forms of endorsement may be attached or detached from any policy at an time. Any approved endorsement may be printed or typewritten provided that wherever the specifications enumerated in Section 2257 require bold face type, any typewritten forms shall indicate these sections in typewritten caps.~~

Every endorsement form shall contain an Attachment Clause, as defined in Section 2250, which states it is part of a workers' compensation insurance policy, with blank spaces to be filled in if the endorsement is attached to a policy after the policy inception date.

~~Note: Additional authority cited: Sections 11650 to 11663, Insurance Code.~~

Note: Authority cited: Insurance Code sections 11658, 11750.3(e), 11751.4 and 12921(a); *CalFarm Ins. Co. v. Deukmejian*, 48 Cal.3d 805 (1989); *20th Century Ins. Co. v. Garamendi*, 8 Cal. 4th 216 (1994). Reference: Insurance Code sections 11657, 11658, 11659, 11660, 11750.3(e) and 11751.4.

Section 2254. ~~Same: Changes in Approved Endorsements~~ Submission of Policy Forms and Endorsements.

~~Except as provided in Section 2257, approved endorsement forms must not be changed in any particular but may be combined on one page.~~

(a) Only a rating organization shall submit policy and endorsement forms on behalf of its insurer members. The Insurance Commissioner shall not act upon any policy or endorsement forms directly submitted by an insurer and the form shall not be effective for issuance.

(b) California Code of Regulations, title 10, section 2216 notwithstanding, a rating organization shall transmit policy or endorsement forms electronically, unless not technically feasible. The rating organization shall include a copy of the proposed policy or endorsement form and a detailed cover letter that explains the necessity for and purpose of the proposed form.

(c) Standard Policy Forms and Endorsements.

A rating organization may submit a proposed standard policy or endorsement form to the Insurance Commissioner for approval for use by all members of the rating organization.

(d) Non-standard Policy Forms and Endorsements.

(1) An insurer shall file all proposed non-standard policy or endorsement forms with its rating organization. The insurer shall include a detailed cover letter explaining the necessity for and purpose of the proposed form and a copy of the proposed form.

(2) An insurer shall cite one or more of the grounds enumerated in Sections 2259 of this Article in its cover letter as a basis for use of limiting and restricting endorsements or customized limiting and restricting endorsements.

(3) The rating organization shall review each insurer's filing for compliance with these regulations and California law and shall either:

(A) Submit the entire filing to the Insurance Commissioner if the filing is sufficient and in compliance with these regulations and California law, or

(B) Notify the insurer in writing with sufficient detail setting forth that the filing is incomplete or not in compliance with these regulations or California law and provide the insurer with the following options:

(i) Amend the filing so that it is complete or in compliance and submit it to the Insurance Commissioner, or

(ii) Withdraw the filing without submission to the Insurance Commissioner, or

(iii) Submit the filing with a written explanation to the Insurance Commissioner. The insurer shall identify the reasons why the rating organization determined that the filing is incomplete or does not comply with the regulations or California law, and the insurer shall state why it believes the filing does comply with the regulations or California law.

~~Note: Authority cited: Section 11659, Insurance Code.~~

~~Note: Authority cited: Insurance Code sections 1855.5, 11657, 11658, 11659, 11660 and 12921(a); *CalFarm Ins. Co. v. Deukmejian*, 48 Cal.3d 805 (1989); *20th Century Ins. Co. v. Garamendi*, 8 Cal. 4th 216 (1994). Reference: Insurance Code sections 11650, 11651, 11652, 11653, 11654, 11655, 11656, 11656.7, 11656.8, 11656.9, 11657, 11660, 11661, 11661.5, 11661.6, 11662, 11663, 11664, 11734, 11736 and 11751.5.~~

~~Section 2255. Same: When Restrictions Printed in Policy: Removal.~~

~~Limitations or restrictions of coverage, when stated in the printed body of an approved policy form, may be removed provided the provision removing such limitations or restrictions shall be clearly set forth in an endorsement forming a part of the policy.~~

~~Note: Additional authority cited: Sections 11650 to 11663, Insurance Code.~~

~~Section 2256. Blanks in Approved Forms: Completion and Change. Amendment, Alteration, Variable Text, and Blanks in Policy Forms and Endorsements.~~

(a) An insurer may not substantively alter or amend a form after it was approved by the Insurance Commissioner other than adding variable text.

(b) Substantive amendments or alterations do not include: Preprinting or changing officers' signatures, or preprinting the insurer's name on a form.

(c) An insurer may include blank portions on a policy or endorsement form where variable text, numbers, or data will be inserted. The blank portions shall be clearly identified as having variable text, numbers, or data, or be enclosed with brackets.

(1) An insurer shall fill in any blank portion that is not self-explanatory with sample material which indicates how the blanks will be used, or

(2) An insurer shall include complete lists of variable wording or accurate descriptions of the material to be inserted into submissions containing blanks.

(3) An insurer shall complete approved policy or endorsement forms by inserting text, numbers, or data in any of the blanks spaces. Insurers may amend or change such inserted provisions without in any way affecting the approval of such ~~form~~ of policy or endorsement form.

Note: Authority cited: Insurance Code sections 1855.5, 11658(a), 11659 and 12921(a); *CalFarm Ins. Co. v. Deukmejian*, 48 Cal.3d 805 (1989); *20th Century Ins. Co. v. Garamendi*, 8 Cal. 4th 216 (1994). Reference: Insurance Code sections 11650, 11651, 11652, 11653, 11654, 11655, 11656, 11656.7, 11656.8, 11656.9, 11657, 11660, 11661, 11661.5, 11661.6, 11662, 11663, 11664, 11734, 11736 and 11751.5.

Section 2257. ~~Limiting and Restricting Endorsements: Specifications for Endorsements.~~ Use of Policy Forms and Endorsements.

(a) An insurer may use a standard policy or endorsement form after receiving notice from the rating organization that the form is ready for use.

(b) An insurer may use a non-standard policy or endorsement form, other than a limiting and restricting form or a customized limiting and restricting form, after filing it in accordance with Section 2254(d) and receiving approval by either:

(1) The Insurance Commissioner; or

(2) Operation of law pursuant to Section 2251(a)..

(c) An insurer shall not use a limiting and restricting form or a customized limiting and restricting form unless the Insurance Commissioner approves it in writing.

~~Each limiting and restricting endorsement shall conform to the following specifications:~~

~~(a) It shall have printed in bold face type (or typewritten caps) at the top thereof~~

~~"ENDORSEMENT AGREEMENT LIMITING AND RESTRICTING THIS INSURANCE."~~

~~(b) The opening statement shall contain the following language:~~

~~"The insurance under this policy is limited as follows: It is AGREED that, anything in this policy to~~

~~the contrary notwithstanding, this policy (or "such insurance as is afforded by the policy by reason of the designation of California in Item 3 of the declarations ") DOES NOT INSURE" (or "DOES NOT EXTEND TO OR COVER" or DOES NOT APPLY");~~

(c) ~~It shall have a marginal notation printed in bold face type (or typewritten caps) indicating the character of the limitation or restriction stated in the endorsement.~~

(d) ~~It shall have printed in bold face type (or typewritten caps) the following footnote:~~

~~"FAILURE TO SECURE THE PAYMENT OF FULL COMPENSATION BENEFITS FOR ALL EMPLOYEES AS REQUIRED BY LABOR CODE SECTION 3700 IS A VIOLATION OF LAW AND MAY SUBJECT THE EMPLOYER TO THE IMPOSITION OF A WORK STOP ORDER, LARGE FINES, AND OTHER SUBSTANTIAL PENALTIES (Labor Code Section 3710. 1, et seq.)"~~

(e) ~~If the policy does not by its terms provide that remuneration when used as a premium basis shall not include the remuneration of an employee with respect to whom coverage is not afforded, Endorsement Forms Nos. 4, 10 and 11 shall include the following provision:~~

~~"It is further agreed that 'remuneration' when used as a premium basis for such insurance as is afforded by this policy (or "by the policy by reason of the designation of California in Item 3 of the declarations") shall not include the remuneration of any person excluded from coverage in accordance with the foregoing."~~

(f) ~~When appropriate, the words, "the insured" maybe substituted in any of the approved endorsements for "this employer," "the insured employer," "the employer," "the named employer."~~

(g) ~~The wording and the form for that portion of each California Approved Form endorsement commencing with "Applicable to and forming a part of" and continuing to and including the signature lines are optional and may be rearranged to suit the needs of each insurer; provided that if the endorsement is not attached to the policy at original issuance it shall include provisions adequate to clearly identify the insurer, insured and policy involved, the date of the endorsement and be executed with sufficient authentication to establish its genuineness.~~

~~Note: Authority cited: Sections 11732, 11732. 1, and 11734, Insurance Code. Reference: Articles 2 and 3 of Chapter 3, Part 3, Division 2, Insurance Code. Section 2258. Form Numbers Required. Identification of Forms.~~

~~Each limiting and restricting endorsement form must bear the appropriate California Approved Form number. In addition, all workmen's compensation policy and endorsement forms must bear the insurer's identifying form number and imprint date.~~

(a) All policy and endorsement forms shall have a unique identifying form number consisting of no more than 11 characters comprised of letters or numbers or a combination of letters and numbers excluding spaces and punctuation, and the month and the year shall be separated from the form number by at least one space.

(b) Non-standard policy and endorsement forms: The insurer shall assign a form number to each form and the rating organization shall verify the number as being unique and capable of electronic processing prior to submission to the Insurance Commissioner.

(c) Standard policy forms and endorsements: The rating organization shall assign a form number prior to submission to the Insurance Commissioner.

~~—Note: Authority cited: Section 11659, insurance Code.~~

~~Section 2259. Grounds and Manner for the Use of Limiting and Restricting Endorsements.~~

~~A limiting and restricting endorsement other than California Approved Form Endorsement No. 11 may be used only under one or more of the following circumstances:~~

(a) An insurer may use a limiting and restricting endorsement upon one or more of the following grounds:

(1) To limit insurance coverage for liability for compensation to employees of the specific entity named as the insured in the policy.

(2) To exclude an individual who is related by blood or marriage to the insured.

(3) To negate an “election” under Labor Code section 4151 by those who are excluded from the definition of “employee” by Section 3352 and other provisions of Article 2 of Chapter 2 of Part 1 of Division 4 of the Labor Code.

(4) To provide notice to the employer that liability is uninsurable for any of the following: Additional compensation payable to his or her employee due to the employer’s serious and willful misconduct; the illegal employment of a minor under 16 years of age; or the employer’s reimbursement to the insurer for the amount of increase in indemnity payments as provided by Labor Code section 4650(e). (Insurance Code sections 11661 and 11661.5).

(5) To exclude only such liability of the employer if the employer affirms in writing to the insurer that other coverage is secured or the entity is lawfully uninsured (e.g., liability of the State and its political subdivisions and institutions).

(6) To exclude an employee who is covered for workers’ compensation benefits on a policy also affording comprehensive personal liability insurance.

(7) To exclude liability of an employer for employees who are covered under another employer’s workers’ compensation policy pursuant to an agreement made under Labor Code section 3602(d).

(8) To exclude liability when the employer’s business is conducted in such a manner that it is impossible or impracticable to determine the nature, scope, and extent of employment covered by the insurer without the use of a limiting and restricting endorsement.

(9) To prevent the performance of work in such an extremely hazardous manner or under such hazardous conditions as would reflect a reckless disregard by the employer for the welfare of its employees.

(10) To prevent the issuance of an unrestricted policy if it would serve to encourage an operation that is contrary to law or to the rules of a regulatory agency.

(b) An insurer shall use the Customized Limiting and Restricting Endorsement form set forth in Section 2269.11 only if the limitation and restriction is based upon one or more of the grounds enumerated in subsections (8) through (10). An insurer shall submit and obtain approval to use a Customized Limiting and Restricting Endorsement pursuant to Sections 2266 and 2267 before attaching it to a policy.

~~Note: Authority cited: Sections 11732, 11732.1, 11734 and 11751.5, Insurance Code. Reference: Articles 2 and 3 of Chapter 3, Part 3, Division 2, Insurance Code.~~

Note: Authority cited: Insurance Code sections 11657, 11658, 11659 and 12921(a); *CalFarm; Ins. Co. v. Deukmejian*, 48 Cal.3d 805 (1989); *20th Century Ins. Co. v. Garamendi*, 8 Cal. 4th 216 (1994). Reference: Insurance Code sections 11650, 11651, 11652, 11653, 11654, 11655, 11656, 11656.7, 11656.8, 11656.9, 11657, 11660, 11661, 11661.5, 11661.6, 11662, 11663, 11664, 11734, 11736 and 11751.5; Labor Code sections 3602(d) and 3700.

~~Section 2260. California Approved Form Endorsements. Limiting and Restricting Forms— Specifications.~~

~~Endorsement Forms Nos. 1C, 4, 7, 10, 11, 13 and 14, copies of which appear in Sections 2269.1 to 2269.14, inclusive, are California Approved Form Endorsements.~~

Each limiting and restricting form shall conform to the following specifications:

(a) It shall have **bold** and/or CAPITALIZED text at the top of the form:

“ENDORSEMENT AGREEMENT LIMITING AND RESTRICTING THIS NSURANCE”

(b) The opening statement shall contain the following language:

“The insurance under this policy is limited as follows: It is AGREED that, to the contrary notwithstanding, this policy (or “such insurance as is afforded by the policy by reason of the designation of California in Item 3 of the declarations”) DOES NOT INSURE” (or “DOES NOT COVER” or “DOES NOT APPLY TO”).”

(c) It shall have a marginal notation prominently displayed and printed in **bold** or capital letters indicating the character of the limitation or restriction stated in the endorsement.

(d) It shall have in **bold** and/or CAPITALIZED letters the following footnote:

“FAILURE TO SECURE THE PAYMENT OF FULL COMPENSATION BENEFITS FOR ALL EMPLOYEES AS REQUIRED BY LABOR CODE

SECTION 3700 IS A VIOLATION OF LAW AND MAY SUBJECT THE EMPLOYER TO THE IMPOSITION OF A WORK STOP ORDER, LARGE FINES, AND OTHER SUBSTANTIAL PENALTIES (Labor Code section 3710.1, et seq.).”

(e) The words “the insured” may be substituted in any of the approved endorsements for “this employer,” “the insured employer,” “the employer,” or “the named employer.”

Note: Authority cited: Sections 11732,11732.1, and 11734, Insurance Code. Reference: Articles 2- and 3 of Chapter 3, Part 3, Division 2, Insurance Code

Note: Authority cited: Insurance Code sections 11657 ,11658, 11559 and 12921(a); *CalFarm; Ins. Co. v. Deukmejian*, 48 Cal.3d 805 (1989); *20th Century Ins. Co. v. Garamendi*, 8 Cal. 4th 216 (1994).Reference: Insurance Code sections 11650, 11656.7, 11656.8, 11656.9, 11657, 11660, 11661, 11661.5, 11661.6, 11662, 11663, 11664, 11734, 11736 and 11751.5; Labor Code section 3700.

~~Section 2261. Same: Submission Requirements:~~

~~Each insurer must submit its California Approved Form limiting and restricting endorsement forms to the Workers' Compensation Insurance Rating Bureau of California in duplicate for examination by the Bureau.~~

~~Note: Authority cited: Sections 11732,11732.1, and 11734, Insurance Code. Reference: Articles 2- and 3 of Chapter 3, Part 3, Division 2, Insurance Code.~~

~~Section 2262. Other Limiting and Restricting Endorsements: Approval.~~

~~All other limiting or restricting endorsement forms must be drafted in accordance with and subject to the specifications enumerated in Section 2257, and must be submitted in duplicate to the Workers' Compensation Insurance Rating Bureau of California for its examination and transmittal to the Insurance Commissioner. After consultation with the Workers' Compensation Appeals Board as required by law, the insurer will be notified of approval or disapproval of any such form.~~

~~Note: Authority cited: Sections 11732, 11732.1, and 11734, Insurance Code. Reference: Articles 2- and 3 of Chapter 3, Part 3, Division 2, Insurance Code.~~

~~Section 2263. Limiting and Restricting Provisions in Policy Forms:~~

~~Each limiting or restricting provision which is incorporated as an integral part of policy form is subject to the standards stated in Section 2259 (a) through (f) of these rules.~~

~~Note: Authority cited: Sections 11732, 11732.1, and 11734, Insurance Code. Reference: Articles 2- and 3 of Chapter 3, Part 3, Division 2, Insurance Code~~

~~Section 2264. Options for Form No. 10:~~

~~California Approved Form Endorsement No. 10 may be completed by the insertion of one of the following options and none other:~~

~~(a) (Insert only the names of persons to be specifically excluded.)~~

~~(b) "Any employee engaged in any work other than directly in connection with the operation specifically described in the policy schedule ("information page" or "declarations") or amendment of such schedule ("information page" or "declarations") by endorsement."~~

~~(c) "Any employees engaged in any work not directly connected with operations conducted at (or "in") . . ." (Insert here a careful description of the location to be excluded.)~~

~~(d) "Any employee engaged in any work directly connected with operations conducted at (or "in.") . . ." (Insert here a careful description of the location to be excluded.)~~

~~(e) "Any employee engaged in the following operations . . ." (Insert here a careful description of the operations to be excluded and the manual classification and code number applicable to such operations.)~~

~~(f) "Any employee engaged in the following operations: . . ." (Insert here a careful description of the operations and manual classification and code number applicable thereto) "at or from.." (Insert here a careful description of location to be excluded.)~~

~~(g) "Any employees other than those engaged in the following operations " (Insert here a careful description of operations and manual classification and code number applicable thereto) "at or from.. ." (Insert here a careful description of the location to be covered.)~~

~~(h) "Any employee who is covered for workers' compensation benefits on a policy also affording comprehensive personal liability insurance which has been issued to this insured."~~

~~Note: Authority cited: Sections 11659 and 11751.5, Insurance Code. Reference: Sections 11657, 11658 and 11659, and Articles 2 and 3 of Chapter 3, Part 3, Division 2, Insurance Code. Section 2265. Use of Form No. 11 Restricted.~~

~~California Approved Form Endorsement No. 11 may be used only in those cases where other California Approved Form Endorsements are not applicable or may not be used. It shall accurately and unambiguously state the limitations or restriction and shall bear an appropriate side note descriptive of the limitations or restriction. It may be used only under one or more of the following circumstances:~~

~~(a) Where use of the Form No. 11 Endorsement is in accordance with one or more of the guiding standards set forth in Section 2259 of these rules.~~

~~(b) Where the employer's business is conducted in such a manner that it is impossible or impracticable to determine the nature, scope and extent of employment covered by the insurer without the use of a limiting and restricting endorsement.~~

~~(c) Where the use of the Form No. 11 Endorsement is for the intended purpose of preventing performance of work in such an extremely hazardous manner or under such hazardous conditions as would reflect a reckless disregard by the employer for the welfare of his employees.~~

~~(d) Where the issuance of an unrestricted policy would serve to encourage an operation which is illegal, clearly contrary to public interest, or contrary to the rules or practices of a public regulatory. Section 2266 Use of Form No. 11; Notification to Insured. Submission of the Customized Limiting and Restricting Endorsement.~~

~~Upon issuance of any completed California Approved Form Endorsement No.11 the insurer must~~

~~submit such endorsement in triplicate to the Workers' Compensation Insurance Rating Bureau of California. Upon receipt of such Form No. 11 endorsement, the Bureau shall notify the insured in writing, with duplicate copy to be furnished the Division or Industrial Accidents, of the nature of the limitation or restriction. Such notification shall also inform the insured that in the event of a claim arising within the scope of the limitations, which the Division of Industrial Accident should hold to be compensable, the employer would be directly liable under the law and not protected by the policy. Such endorsement shall then be transmitted to the Insurance Commissioner. Each such endorsement shall be deemed to be approved by the Insurance Commissioner unless, within 30 days from the date of submission by the Workers' Compensation Insurance Rating Bureau of California the Insurance Commissioner shall in writing notify the insurer submitting the endorsement that same is disapproved. If such notification of disapproval is not given within said 30 days, all such endorsements shall be deemed to be approved until 10 days after the date of written notification of disapproval.~~

An insurer shall file the Customized Limiting and Restricting Endorsement pursuant to Section 2269.11 with the rating organization along with a detailed cover letter that identifies:

(a) The policy to which the endorsement will be attached upon approval, and

(b) The circumstances that justify use of the endorsement.

The rating organization shall submit the endorsement to the Insurance Commissioner for approval or disapproval upon receipt of all required documents and shall forward copies of the endorsement and cover letter to the policyholder and to the Department of Industrial Relations,

~~Note: Authority cited: Sections 11659 and 11650-11663, Insurance Code. Reference: Section 11690-11742, Insurance Code.~~

Note: Authority cited: Insurance Code sections 11657, 11658, 11659 and 12921(a); *CalFarm; Ins. Co. v. Deukmejian*, 48 Cal.3d 805 (1989); *20th Century Ins. Co. v. Garamendi*, 8 Cal. 4th 216 (1994). Reference: Insurance Code sections 11650, 11651, 11652, 11653, 11654, 11655, 11656, 11656.7, 11656.8, 11656.9, 11657, 11660, 11661, 11661.5, 11661.6, 11662, 11663, 11664, 11734, 11736 and 11751.5.

Section 2267. Extension of Coverage to New Insured: Not Limiting Endorsement. Approval of the Customized Limiting and Restricting Endorsement.

~~The extension of the policy by endorsement to cover the liability of anyone in addition to the original named insured, shall, unless otherwise stipulated in the endorsement, extend the same coverage as that provided by the policy to the original named insured. It shall not be necessary to set out in such endorsement the restrictions or limitations, if any, of the policy, nor shall such endorsements be considered limiting or restricting endorsements.~~

An insurer shall not use a limiting and restricting form, or a customized limiting and restricting form, as part of a workers' compensation policy unless the Insurance Commissioner approves it in writing. The Commissioner may give subsequent notice of disapproval of any policy or endorsement form effective 10 days after the notice.

Note: Authority cited: Insurance Code sections 11657, 11658, 11659 and 12921(a); *CalFarm; Ins. Co. v. Deukmejian*, 48 Cal.3d 805 (1989); *20th Century Ins. Co. v. Garamendi*, 8 Cal. 4th 216 (1994).Reference: Insurance Code sections 11650, 11651, 11652, 11653, 11654, 11655, 11656, 11656.7, 11656.8, 11656.9, 11657, 11660, 11661, 11661.5, 11661.6, 11662, 11663, 11664, 11734, 11736 and 11751.5.

Section 2268. ~~Section 2268 Collateral Agreements Prohibited Unless Made Part of Policy~~
Unlawful Use of Collateral Agreements.

(a) An insurer shall not use collateral agreements modifying the obligation of either the insured or the insurer unless attached to and made a part of the policy. If an insurer attaches an agreement that restricts or limits the coverage of the policy, it shall conform in all respects with these rules.

(b) An insurer shall not make or issue an agreement, policy, or endorsement except those filed and approved by the Commissioner in accordance with these regulations.

(c) An insurer may not use or issue a collateral agreement that does not conform to the regulations set forth in this Article or Insurance Code section 11658. An insurer that fails to comply with this Section is in violation of the Insurance Code including, but not limited to, Section 1011(e), and the Commissioner may issue orders pursuant to the Insurance Code, including but not limited to Section 1065.1. Each occurrence of a violation to each insured shall constitute a separate and distinct violation for purposes of this section.

Note: Authority cited: Insurance Code sections 11658, 1011(e), 1065.1, 11752.6, 11752.8 and 12921(a); *CalFarm Ins. Co. v. Deukmejian*, 48 Cal.3d 805 (1989); *20th Century Ins. Co. v. Garamendi*, 8 Cal. 4th 216 (1994).Reference: Insurance Code sections 790.3, 11658, 11752.6 and 11752.8; 10 C.C.R., sections 2509.43(d) and 2509.77.

Section 2269. Confidentiality of Policy and Endorsement Form Submissions

An insurer or a rating organization may submit a written request to prevent public access to a policy or endorsement form, endorsement, or other related writing which has been submitted to the Insurance Commissioner.

(a) The insurer or the rating organization shall provide the basis upon which each document submitted should be withheld from public access, along with the time period during which each document should be withheld.

(b) The Insurance Commissioner will base the determination on the nature of the information, including, but not limited to information that is proprietary, privileged, or contains trade secrets.

(c) The Insurance Commissioner shall issue a written decision and send it to the person or entity submitting the request, and it will be final.

(d) The written request and the Insurance Commissioner's written determination shall be confidential and not open to public inspection.

Authority: Reference: CIC 12956

Section 2269.1. California Approved Form Endorsement No. 1C.

CALIFORNIA
APPROVED FORM NO. 1C

Endorsement Agreement Limiting and Restricting This Insurance

~~WORKMEN'S COMPENSATION AND EMPLOYERS' LIABILITY POLICY-
AMENDATORY ENDORSEMENT CALIFORNIA~~

~~It is AGREED that such insurance as is afforded by the policy by reason of the designation of California in Item 3 of the declarations is subject to the following provisions:~~

~~1. Serious and Willful Misconduct and Additional Compensation for Minor's Illegal Employment not Insured~~

~~The policy does not apply to liability for additional compensation imposed on the insured under Sections 4553 and 4557, Division IV, Labor Code of the State of California, by reason of the serious and willful misconduct of the insured or any representative of the insured or by reason of injury to an employee under sixteen years of age and illegally employed at the time of injury.~~

~~2. Application of Policy~~

~~With respect to Coverage A, Insuring Agreement IV, "Application of Policy" is amended to read as follows:~~

~~This policy applies only to injury (1) by accident occurring during the policy period, or (2) by disease caused or aggravated by exposure during the policy period to conditions in the course of employment by the insured.~~

~~3. Exclusion under Coverage B - Employers' Liability~~

~~Exclusion (b) of the policy is amended to read as follows:~~

~~This policy does not apply under coverage B with respect to any employee employed in domestic employment not described in the declarations unless the policy applies under coverage A with respect to such employee.~~

~~It is further agreed that the policy, including all endorsements forming a part thereof, constitutes the entire contract of insurance. No condition, provision, agreement, or understanding not set forth in the policy or such endorsement shall affect such contract or any rights, duties, or privileges arising therefrom.~~

Applicable to and forming part of Policy No. _____

Issued by the _____

To _____ of _____

Dated at _____ this _____ day of _____ 199_____

Countersigned _____

~~FAILURE TO SECURE THE PAYMENT OF FULL
COMPENSATION BENEFITS FOR ALL EMPLOYEES AS
REQUIRED BY LABOR CODE SECTION 3700 IS A VIOLATION
OF LAW AND MAY SUBJECT THE EMPLOYER TO THE IMPOSITION
OF A WORK STOP ORDER, LARGE FINES AND OTHER
SUBSTANTIAL PENALTIES~~

~~(Labor Code Section 3710.1, et seq.)~~

~~<General Materials (GM) References, Annotations, or Tables>~~

~~Note: Authority cited: Sections 11732, 11732.1, and 11734, Insurance Code. Reference: Articles 2 and 3 of Chapter 3, Part 3, Division 2, Insurance Code.~~

~~Section 2269.2. California Approved Form Endorsement No. 2.~~

~~Section 2269.3. California Approved Form Endorsement No. 3.~~

~~Section 2269.4. California Approved Form Endorsements No. 4.~~

~~CALIFORNIA
APPROVED FORM NO. 4~~

~~Endorsement Agreement Limiting and Restricting This Insurance~~

~~If this policy is issued to an individual or to a husband and wife either as individuals or as a partnership, the insurance under this policy is limited as follows:~~

~~It is AGREED that, anything in this policy to the contrary notwithstanding, this policy DOES NOT INSURE:~~

~~Relatives Not Insured~~

~~As respects injury (or death resulting therefrom) sustained by any of the following relatives of the employer and spouse, or of either, i.e., spouse, child by birth or adoption, stepchild, grandchild, son in law, daughter in law, parent, stepparent, parent in law, grandparent, brother, sister, stepbrother,~~

~~step-sister, half-brother, half-sister, brother-in-law, sister-in-law, uncle, aunt, nephew or niece. If at the time of injury such relative (1) resides in the household of the employer and spouse or of either, or (2) is a child under the age of 12 years, unless such relative is included specifically by name in the schedule of operations of the declarations or is specifically insured by name in an endorsement attached to this policy.~~

~~Nothing in this endorsement contained shall be held to vary, alter, waive or extend any of the terms, conditions, agreements, or limitations of this policy other than as above stated. Nothing elsewhere in this policy shall be held to vary, alter, waive or limit the terms, conditions, agreements or limitations of this endorsement.~~

Applicable to and forming part of Policy No. _____

Issued by the _____

To _____ of _____

Dated at _____ this _____ day of _____ 199 _____

Countersigned _____

~~FAILURE TO SECURE THE PAYMENT OF FULL
COMPENSATION BENEFITS FOR ALL EMPLOYEES AS
REQUIRED BY LABOR CODE SECTION 3700 IS A VIOLATION
OF LAW AND MAY SUBJECT THE EMPLOYER TO THE IMPOSITION
OF A WORK STOP ORDER, LARGE FINES AND OTHER
SUBSTANTIAL PENALTIES~~

~~(Labor Code Section 3710.1, et seq.).~~

~~Note: Authority cited: Sections 11732, 11732.1, and 11734, Insurance Code. Reference: Articles 2 and 3 of Chapter 3, Part 3, Division 2, Insurance Code.~~

~~Note: Authority cited: Sections 11732, 11732.1 and 11734, Insurance Code. Reference: Articles 2 and 3 of Chapter 3, Part 3, Division 2, Insurance Code.~~

~~Section 2269.7. California Approved Form Endorsement No. 7.~~

~~CALIFORNIA~~

~~APPROVED FORM NO. 7~~

~~Endorsement Agreement Limiting and Restricting This Insurance~~

~~The insurance under this policy is limited as follows:~~

It is ~~AGREED~~ that, anything in this policy to the contrary notwithstanding, this policy ~~DOES NOT INSURE~~:

~~Medical Benefits Not Insured~~

To any employee any medical, surgical and hospital treatment, nursing, medicines, medical and surgical supplies, crutches and apparatus, artificial limbs and transportation charges required by Section 4600 of the Labor Code. It is agreed that said benefits shall be provided by the employer at his own expense.

It is further understood and agreed that said treatment shall be provided by the employer in accordance with the provisions of the said Labor Code, and /or rulings and orders of the Workmen's Compensation Appeals Board of the State of California, and also to the satisfaction of the said _____ COMPANY.

It is further understood and agreed that notwithstanding this exclusion, the employer named in this policy expressly agrees, authorizes and grants to the _____ Company, at the expense of the employer, the right to control, direct, change, supplement or modify, the medical, surgical or hospital treatment to be furnished by the employer to injured employees.

Nothing in this endorsement contained shall be held to vary, alter, waive or extend any of the terms, conditions, agreements, or limitations of this policy other than as above stated. Nothing elsewhere in this policy shall be held to vary, alter, waive or limit the terms, conditions, agreements or limitations of this endorsement.

Applicable to and forming part of Policy No. _____

Issued by the _____

To _____ of _____

Dated at _____ this _____ day of _____ 199 _____

Countersigned _____

~~FAILURE TO SECURE THE PAYMENT OF FULL
COMPENSATION BENEFITS FOR ALL EMPLOYEES AS
REQUIRED BY LABOR CODE SECTION 3700 IS A VIOLATION
OF LAW AND MAY SUBJECT THE EMPLOYER TO THE IMPOSITION
OF A WORK STOP ORDER, LARGE FINES AND OTHER
SUBSTANTIAL PENALTIES~~

~~(Labor Code Section 3710.1, et seq.)~~

Note: Authority cited: Sections 11659, 11732, 11732.1 and 11734, Insurance Code. Reference: Sections 11657, 11658 and 11659 and, Articles 2 and 3 of Chapter 3, Part 3, Division 2, Insurance Code.

~~Section 2269.9. California Approved Form Endorsement No. 9.~~

~~Section 2269.10. California Approved Form Endorsement No. 10.~~

~~CALIFORNIA
APPROVED FORM NO. 10~~

~~Endorsement Agreement Limiting and Restricting This Insurance~~

~~The insurance under this policy is limited as follows:~~

~~It is AGREED that, anything in this policy to the contrary notwithstanding, this policy DOES NOT INSURE~~

~~Employees and/or As respects injury (or death resulting Operations and/or therefrom) sustained by Locations (Insert here option filler; See Section 2264) Not insured~~

~~Nothing in this endorsement contained shall be held to vary, alter, waive or extend any of the terms, conditions, agreements, or limitations of this policy other than as above stated. Nothing elsewhere in this policy shall be held to vary, alter, waive or limit the terms, conditions, agreements or limitations of this endorsement.~~

~~Applicable to and forming part of Policy No. _____~~

~~Issued by the _____~~

~~To _____ of _____~~

~~Dated at _____ this _____ day of _____ 199 _____~~

~~Countersigned _____~~

~~FAILURE TO SECURE THE PAYMENT OF FULL
COMPENSATION BENEFITS FOR ALL EMPLOYEES AS
REQUIRED BY LABOR CODE SECTION 3700 IS A VIOLATION
OF LAW AND MAY SUBJECT THE EMPLOYER TO THE IMPOSITION
OF A WORK STOP ORDER, LARGE FINES AND OTHER
SUBSTANTIAL PENALTIES~~

(Labor Code Section 3710.1, et seq.).

Note: Authority cited: Sections 11732, 11732.1, and 11734, Insurance Code. Reference: Articles 2 and 3 of Chapter 3, Part 3, Division 2, Insurance Code.

Section 2269.11. Approved Form Endorsement No. 11. California Customized Limiting and Restricting Endorsement .

~~Nothing in this endorsement contained shall be held to vary, alter, waive or extend any of the terms, conditions, agreements, or limitations of this policy other than as above stated. Nothing elsewhere in this policy shall be held to vary, alter, waive or limit the terms, conditions, agreements or limitations of this endorsement.~~

Applicable to and forming part of Policy No. _____

Issued by the _____

To _____ of _____

Dated at _____ this _____ day of _____ 199 _____

Countersigned _____

~~FAILURE TO SECURE THE PAYMENT OF FULL
COMPENSATION BENEFITS FOR ALL EMPLOYEES AS
REQUIRED BY LABOR CODE SECTION 3700 IS A VIOLATION
OF LAW AND MAY SUBJECT THE EMPLOYER TO THE IMPOSITION
OF A WORK STOP ORDER, LARGE FINES AND OTHER
SUBSTANTIAL PENALTIES~~

(Labor Code Section 3710.1, et seq.).

CALIFORNIA CUSTOMIZED LIMITING AND RESTRICTING ENDORSEMENT

Endorsement Agreement Limiting and Restricting This Insurance

The insurance under this policy is limited as follows:

It is AGREED that, anything in this policy to the contrary notwithstanding, this policy DOES NOT INSURE:

Nothing contained in this endorsement shall be held to vary, alter, waive or extend any of the terms, conditions, agreements, or limitations of this policy other than as above stated. Nothing elsewhere in this policy shall be held to vary, alter, waive or limit the terms, conditions, agreements or limitations of this endorsement. It is further agreed that 'remuneration' when used as a premium basis for such insurance as is afforded by this policy (or "by the policy by reason of the designation of California in Item 3 of the declarations") shall not include the remuneration of any person excluded from coverage in accordance with the foregoing.

FAILURE TO SECURE THE PAYMENT OF FULL COMPENSATION BENEFITS FOR ALL EMPLOYEES AS REQUIRED BY LABOR CODE SECTION 3700 IS A VIOLATION OF LAW AND MAY SUBJECT THE EMPLOYER TO THE IMPOSITION OF A WORK STOP ORDER, LARGE FINES AND OTHER SUBSTANTIAL PENALTIES (Labor Code section 3710.1, et seq.).

This endorsement changes the policy to which it is attached and is effective on the date issued unless otherwise stated.

(The information below is required only when this endorsement is issued subsequent to preparation of the policy.)

<u>Endorsement Effective</u>	<u>Policy No.</u>	<u>Endorsement No.</u>
<u>Insured</u>	<u>Insurance Company</u>	<u>Countersigned By</u>

Note: Authority cited: Sections 11732, 11732.1, and 11734, Insurance Code. Reference: Articles 2- and 3 of Chapter 3, Part 3, Division 2, Insurance Code.

Note: Authority cited: Insurance Code sections 11657, 11658, 11659 and 12921(a); *CalFarm Ins. Co. v. Deukmejian*, 48 Cal.3d 805 (1989); *20th Century Ins. Co. v. Garamendi*, 8 Cal. 4th 216 (1994). Reference: Insurance Code sections 11650, 11651, 11652, 11653, 11654, 11655, 11656, 11656.7, 11656.8, 11656.9, 11657, 11660, 11661, 11661.5, 11661.6, 11662, 11663, 11664, 11734, 11736 and 11751.5.

Section 2269.12. California Approved Form Endorsement No. 12.

Section 2269.13. California Approved Form Endorsement No. 13.

CALIFORNIA

APPROVED FORM NO. 13

Endorsement Agreement Limiting and Restricting This Insurance

If this policy is issued to a partnership, the insurance under this policy is limited as follows:

It is ~~AGREED~~ that, anything in this policy to the contrary notwithstanding, this policy ~~DOES NOT INSURE~~

Liability Any liability the named employer may have or Not Insured acquire other than as a partnership, "jointly and not severally."

Nothing in this endorsement contained shall be held to vary, alter, waive or extend any of the terms, conditions, agreements, or limitations of this policy other than as above stated. Nothing elsewhere in this policy shall be held to vary, alter, waive or limit the terms, conditions, agreements or limitations of this endorsement.

Applicable to and forming part of Policy No. _____

Issued by the _____

To _____ of _____

Dated at _____ this _____ day of _____ 199 _____

Countersigned _____

~~FAILURE TO SECURE THE PAYMENT OF FULL
COMPENSATION BENEFITS FOR ALL EMPLOYEES AS
REQUIRED BY LABOR CODE SECTION 3700 IS A VIOLATION
OF LAW AND MAY SUBJECT THE EMPLOYER TO THE IMPOSITION
OF A WORK STOP ORDER, LARGE FINES AND OTHER
SUBSTANTIAL PENALTIES~~

~~(Labor Code Section 3710.1, et seq.).~~

Note: Authority cited: Sections 11732, 11732.1, and 11734, Insurance Code. Reference: Articles 2 and 3 of Chapter 3, Part 3, Division 2, Insurance Code Section 2269.14. California Approved Form Endorsement No. 14.

CALIFORNIA
APPROVED FORM NO. 14

Endorsement Agreement Limiting and Restricting This Insurance

The insurance under this policy is limited as follows:

It is ~~AGREED~~ that, anything in this policy to the contrary notwithstanding, this policy ~~DOES NOT INSURE~~

Liability Any liability which the named employer may Not Insured have arising out of operations conducted joint ly by said named employer with any other per son, firm or corporation, except as specifically set forth in Item (1) of the declarations or by en dorsement attached to this policy.

Nothing in this endorsement contained shall be held to vary, alter, waive or extend any of the terms,

conditions, agreements, or limitations of this policy other than as above stated. Nothing elsewhere in this policy shall be held to vary, alter, waive or limit the terms, conditions, agreements, or limitations of this endorsement.

Applicable to and forming part of Policy No. _____

Issued by the _____

To _____ of _____

Dated at _____ this _____ day of _____ 199 _____

Countersigned _____

~~FAILURE TO SECURE THE PAYMENT OF FULL
COMPENSATION BENEFITS FOR ALL EMPLOYEES AS
REQUIRED BY LABOR CODE SECTION 3700 IS A VIOLATION
OF LAW AND MAY SUBJECT THE EMPLOYER TO THE IMPOSITION
OF A WORK STOP ORDER, LARGE FINES AND OTHER
SUBSTANTIAL PENALTIES~~

(Labor Code Section 3710.1, et seq.).

~~Note: : Authority cited: Sections 11732, 11732.1, and 11734, Insurance Code. Reference: Articles 2 and 3 of Chapter 3, Part 3, Division 2, Insurance Code.~~

**Proposed Amendments to
Chapter 5. Insurance Commissioner
Subchapter 2. Policy Forms and Other Documents
Article 1. Document Submission and Approval Procedures; Fees
Section 2218. Workers' Compensation Forms and Rates.**

(a) ~~All workers' compensation insurance forms must be submitted in duplicate to the Workers' Compensation Insurance Rating Bureau of California for preliminary inspection. The Bureau shall review such forms and submit them to the Commissioner for final action. Workers' compensation policy and endorsement forms that are submitted to the Insurance Commissioner are excluded from the requirements of Sections 2204, 2205, 2216, and 2217 of these regulations. Sections 2250 et seq., govern the submission, approval and use of workers' compensation forms, endorsements and notices.~~

(b) Workers' compensation rates shall be filed as provided in Section 2509.30, et seq. of this Chapter.

~~—Note: Authority cited: Sections 11658 and 11659 Insurance Code. Reference: Sections 11658, 11659 and 11735, Insurance Code; and Section 2509.30, et seq, Code of Regulations, Title 10.~~

Note: Authority cited: Insurance Code sections 11657, 11658, 11659 and 12921(a); *CalFarm Ins. Co. v. Deukmejian*, 48 Cal.3d 805 (1989); *20th Century Ins. Co. v. Garamendi*, 8 Cal. 4th 216 (1994). Reference: Insurance Code sections 11650, 11651, 11652, 11653, 11654, 11655, 11656, 11656.7, 11656.8, 11656.9, 11657, 11660, 11661, 11661.5, 11661.6, 11662, 11663, 11664, 11734, 11736 and 11751.5; 10 C.C.R sections 2250, 2251, 2253, 2254, 2256, 2259, 2260, 2266, 2267, 2268, and 2269.11.

~~Section 2218.1. Effective Date.~~

~~Sections 2200 through 2218 as amended in 1997 will govern all initial submissions and resubmissions of the documents described in Section 2202 of this Article received by the Commissioner on or after March 13, 1997.~~

~~Note: Authority cited: Sections 742.43, 779.21, 9080.1, 10163.3, 10195.1, 10234, 10327, 10489.93, 10506, 10704, 11027, 11029, 11066, 11069, 11521.5, 11658, 12250 and 12973.9, Insurance Code. Reference: Sections 742.42, 779.8, 795.5, 1320, 9080.1, 10112.5, 10163.3, 10195.1, 10195.45, 10195.65, 10205, 10225, 10231.6, 10232, 10270, 10270.1, 10270.2, 10270.3, 10270.5, 10270.507, 10270.57, 10270.9, 10270.93, 10290, 10292, 10436, 10489.93, 10506, 10705, 10717, 11027, 11029, 11066, 11069, 11522, 11658 and 12250, Insurance Code.~~