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MEMORANDUM

TO: Rules Review Subcommittee of the Senate Commerce & Human Resources Committee and the House Commerce & Human Resources Committee
FROM: Division Manager - Mike Nugent
DATE: October 7, 2013
SUBJECT: Two Sets of Industrial Commission Proposed Rules

IDAPA 17.02.10 - Rules Pertaining To The Administrative Rules of the Industrial Commission Under the Workers' Compensation Law - Security for Compensation - Insurance Carriers (Docket No. 17-0210-1301)

IDAPA 17.02.11 - Rules Pertaining To The Administrative Rules of the Industrial Commission Under the Workers' Compensation Law - Security for Compensation - Self-Insured Employers (Docket No. 17-0211-1301)

The Industrial Commission is proposing to promulgate two sets of proposed rules relating to security for compensation for insurance carriers and relating to security for compensation for self insured employers. The first proposed rule establishes an annual deductible policy reporting period of March 3rd to coincide with the premium tax due date and requires the mandatory data elements in the proof of coverage reporting. This proposed rule also removes the Appendices B and C reporting forms from the rule but directs insurance carriers to the Commission's address or website to obtain report forms.

The second proposed rule allows the Industrial Commission to require a self-insured employer to provide a guaranty resolution that confirms the agreement of joint venturers or a parent corporation to guarantee the payment of all Idaho workers' compensation claims of employees of the self-insured employer. The proposed rule also provides no credit for excess insurance coverage provided by a surplus lines carrier. The proposed rule also allows the Industrial Commission to presume that the most recent proof of coverage information contained in the Industrial Commission's database is correct for purposes of determining coverage by a self-insured employer. The proposed rule also removes reporting forms from the rule and provides that the forms are available from the Commission or on the Commission's website.

It appears that both sets of proposed rules have been promulgated within the scope of statutory authority granted to the Industrial Commission.

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