

No. 2024-9013

**Official Order
of the
Texas Commissioner of Insurance**

Date: 12/10/2024

Subject Considered:

**National Council on Compensation Insurance Filing
*Item E-1411—NCCI's Experience Rating Plan Manual for Workers Compensation
and Employers Liability Insurance***

The subject of this order is the adoption of amendments to the National Council on Compensation Insurance (NCCI) manual, as proposed in *Item E-1411—NCCI's Experience Rating Plan Manual for Workers Compensation and Employers Liability Insurance* (TDI ECase No. 35351; SERFF Tracking No. NCCI-134188223).

Background

NCCI filed *Item E-1411* to amend the NCCI *Experience Rating Plan Manual for Workers Compensation and Employers Liability Insurance* (Experience Rating Plan), NCCI *Basic Manual for Workers Compensation and Employers Liability Insurance* (Basic Manual), and *Statistical Plan for Workers Compensation and Employers Liability Insurance* (Statistical Plan).

This filing eliminates the national manual with state exceptions and replaces it with a complete Texas Experience Rating Plan that has all Texas rules in one place. NCCI is creating standalone manuals for every NCCI state.

After considering the filing, the commissioner of insurance adopts the following findings of fact and conclusions of law.

Findings of Fact

1. NCCI filed *Item E-1411* with TDI on July 24, 2024, under the workers' compensation manual rule filing procedure adopted in Commissioner's Order No. 3142, dated March 21, 2014.

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2. *Item E-1411* introduces a new edition of the Experience Rating Plan as a Texas-specific manual, rather than a national manual with state specific exceptions. This new edition has an updated structure and format for improved online use.
3. This filing also amends the Basic Manual and Statistical Plan to make conforming changes and update references to the Experience Rating Plan. The filing does not make any changes that would result in a premium impact.
4. NCCI proposed that the changes in *Item E-1411* apply to new and renewal workers' compensation policies issued on or after 12:01 a.m. on July 1, 2025.
5. *Item E-1411* has been available for public inspection in SERFF and at TDI since the filing date.
6. The filing, including exhibits, is incorporated by reference into this order.
7. On August 20, 2024, TDI published notice of the filing on the TDI website at www.tdi.texas.gov/rules/2024/nccimannual.html and distributed notice of the filing to electronic news subscribers.
8. The notice was posted on August 20, 2024, with comments due by October 21, 2024. TDI received one comment letter from Texas Mutual Insurance Company (TMIC). TMIC believed that the filing proposes eliminating a rule for liability-over claims in the Experience Rating Plan. TMIC suggested additional changes related to removing the rule.
9. While the rule is being removed from the Experience Rating Plan, the filing moves the rule to the Statistical Plan. Making the changes TMIC proposed would materially change how liability-over claims are reported, which is beyond the scope of this filing. TDI declines to make a change in response to this comment.

Conclusions of Law

1. TDI has jurisdiction over this matter under Insurance Code, §§ 2051.002, 2051.201, 2053.052, 2053.054, and 2053.101 and Article 5.96.
2. TDI gave notice in compliance with Commissioner's Order No. 3142.

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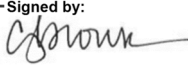
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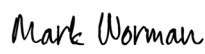
3. The amendments to the NCCI Experience Rating Plan, NCCI Basic Manual, and Statistical Plan are consistent with Insurance Code Chapters 2051 and 2053, and Article 5.96
4. Applying the changes in *Item E-1411* to new and renewal workers' compensation policies issued on or after 12:01 a.m. on July 1, 2025, is reasonable.

Order

It is ordered that NCCI's filing, *Item E-1411—NCCI's Experience Rating Plan Manual for Workers Compensation and Employers Liability Insurance*, is approved. The changes in *Item E-1411* apply to new and renewal workers' compensation policies issued on or after 12:01 a.m. on July 1, 2025.

Signed by:

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Cassie Brown
Commissioner of Insurance

Recommended and reviewed by:

Signed by:

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Mark Worman, Deputy Commissioner

Signed by:

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Jessica Barta, General Counsel