

Advisory California Rules for the Recording and Reporting of United States Longshore and Harbor Workers' Compensation Act Coverage

Published October 23, 2014

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Table of Contents

Part 1 – General Provisions	1
Section I – Introduction	1
1. Scope	1
2. Effective Date	1
3. Purpose	1
4. Policies Covering Both USL&H Act and California Workers' Compensation Exposures	1
Section II – General Definitions	1
1. Uniform Statistical Reporting Plan (Plan)	1
2. USL&H Act	1
3. USL&H Act Coverage	1
Section III – Corrections or Amendments	2
Part 2 – Policy Reporting Requirements	3
Part 3 – General Classification Procedures	4
Section I – General Classification Procedures	4
1. Payroll Reported for Statistical Purposes under the USL&H Act	4
2. Employer with Both California and USL&H Operations	4
3. USL&H Act Coverage Provided in California Standard Classifications	4
4. Employer with Multiple USL&H Operations	4
5. Boat or Ship Building	4
6. Stevedoring	4
7. Classifications Applicable Only to USL&H Act Coverage	5
8. Overtime Remuneration	7
9. Payroll Records	7
10. Administration of Classification System	7
Part 4 – Unit Statistical Reporting Requirements	8
Section I – General Instructions	8
Section II – Definitions	8
1. USL&H Act Claim(s)	8
2. California Workers' Compensation Claim(s)	8
3. Permanent Partial	8
4. Temporary	8
Section III – Link Data, Header Record, Name Record, and Address Record Information	8
1. Carrier Code	8
2. Policy Number Identifier	8
3. Exposure State Code	8
4. Policy Effective Date	8
5. Report Level Code/Report Number	8
6. Correction Sequence Number	9
7. Policy Expiration or Cancellation Date	9
8. Correction Type Code	9
9. Federal Employer Identification Number (FEIN)	9
10. Estimated Audit Code	9
11. Type of Coverage ID Code	9
12. Type of Plan ID Code	9
13. Type of Non-Standard ID Code	9
14. Name of Insured	9
15. Address of Insured	9

Table of Contents

Section IV – Exposure Information	9
1. Classification Code	9
2. Rate Effective Date	9
3. Exposure Amount	9
4. Update Type Code	9
5. Exposure Act / Exposure Coverage Code	9
Section V – Loss Information	9
A. General Loss Reporting Instructions	9
B. Loss Data Elements	9
1. Classification Code	10
2. Claim Count	10
3. Accident Date	10
4. Claim Number	10
5. Claim Status Code	10
6. Injury Code (Injury Type)	10
7. Catastrophe Number	10
8. Incurred Indemnity Amount	10
9. Incurred Medical Amount	10
10. Update Type Code	10
11. Loss Coverage Act Code	10
12. Type of Loss Code	10
13. Type of Recovery Code	10
14. Type of Claim Code	10
15. Vocational Rehabilitation Indicator	10
C. Special Loss Reporting Instructions	11
Section VI – Unit Total Record Data	11
1. Exposure – Payroll Total	11
2. Final Premium Total (Standard Premium Total)	11
3. Claim Count Total	11
4. Incurred Indemnity Amount Total	11
5. Incurred Medical Amount Total	11
Section VII – Subsequent Reports, Correction Reports, and Reporting Methods	11

Part 1 – General Provisions

Section I – Introduction

Part 1 – General Provisions

Section I – Introduction

1. Scope

These *Advisory California Rules for the Recording and Reporting of United States Longshore and Harbor Workers' Compensation Act Coverage* (Advisory Rules) contain the necessary instructions for filing policy documents and reporting experience in connection with the direct business written by insurers who are members of the WCIRB affording coverage in California under the USL&H Act. This includes coverage by endorsement on a policy primarily providing other insurance coverage, and also includes coverage under the Outer Continental Shelf Lands and Non-Appropriated Fund Instrumentalities extensions of the USL&H Act.

Except as modified by these Advisory Rules, all of the provisions of, and instructions contained in, the Uniform Statistical Reporting Plan shall apply to the filing of policy documents and unit statistical report data for every insurance policy covering USL&H exposure in California.

These Advisory Rules are issued in accordance with Sections 1851.1 and 11753.3 of the California Insurance Code.

2. Effective Date

These Advisory Rules are applicable to the reporting of USL&H experience developed under all policies with effective dates on or after January 1, 2015.

3. Purpose

The purpose of these Advisory Rules is to facilitate the collection of data that is as statistically meaningful as possible. It is essential that the greatest possible care be taken to furnish complete and accurate information and that the information be filed at the time and in the manner specified in the Uniform Statistical Reporting Plan and in these Advisory Rules. These Advisory Rules are not meant to instruct whether or not an employee or group of employees is subject to the provisions of the USL&H Act.

4. Policies Covering Both USL&H Act and California Workers' Compensation Exposures

When both California workers' compensation and USL&H Act experience are developed under a single policy, the entire experience shall be reported on one unit statistical report. The California workers' compensation portion of the report shall be completed in accordance with Part 4, *Unit Statistical Reporting Requirements*, of the Uniform Statistical Reporting Plan.

Section II – General Definitions

1. Uniform Statistical Reporting Plan (Plan)

The *California Workers' Compensation Uniform Statistical Reporting Plan—1995*, approved by the Insurance Commissioner of the State of California, Title 10, California Code of Regulations, Section 2318.6.

2. USL&H Act

The *United States Longshore and Harbor Workers' Compensation Act*, Title 33, United States Code, Sections 901 *et seq.*

3. USL&H Act Coverage

Insurance affording coverage in California under the USL&H Act.

Part 1 – General Provisions
Section III – Corrections or Amendments

Section III – Corrections or Amendments

The WCIRB will not evaluate USL&H Act Coverage on policies to determine whether it complies with the provisions of the Uniform Statistical Reporting Plan, nor will the WCIRB require its conformance to the provisions of the Plan. Therefore, that portion of Part 1, *General Provisions*, Section IV, *Corrections or Amendments*, of the Uniform Statistical Reporting Plan that describes such activities is not applicable to USL&H Act Coverage.

Part 2 – Policy Reporting Requirements

Part 2 – Policy Reporting Requirements

Insurers that report USL&H Act Coverage to the WCIRB shall provide the WCIRB with all Policy Documents as required below. Policy Documents shall be filed with the WCIRB via either (1) hard copy or (2) electronic submission in accordance with the reporting requirements for California described in the Workers Compensation Insurance Organizations' (WCIO) Workers Compensation Policy Reporting Specifications (WCPOLS) except as noted in Part 2, *Policy Reporting Requirements*, Section III, *Additional Electronic Reporting Requirements* of the Uniform Statistical Reporting Plan.

The hard copy information page (and any extensions thereto) and all annual rating endorsements, renewal certificates/renewal agreements, rewrites, and/or cancellations or reinstatements, or the electronic records of the data included therein, of USL&H Act Coverage shall be submitted to the WCIRB, and shall conform to the data requirements as stated in Part 2, Section I, *General Instructions*, Rule 1, *Policies*, and Rule 3, *Cancellations or Reinstatements*, of the Uniform Statistical Reporting Plan, except that experience modifications are not required to be reported.

Part 3 – General Classification Procedures

Section I – General Classification Procedures

Part 3 – General Classification Procedures

Section I – General Classification Procedures

1. Payroll Reported for Statistical Purposes under the USL&H Act

For purposes of reporting USL&H data, employees engaged in maritime employment, as defined in the USL&H Act, shall be assigned, for statistical gathering purposes, to the appropriate USL&H insurance classification when such operations are performed on navigable waters, in an area adjoining navigable waters or in an area adjacent thereto.

2. Employer with Both California and USL&H Operations

If the employer does not have complete and accurate payroll records that can be used to apportion payroll developed under USL&H Act Coverage and payroll developed under California workers' compensation insurance, payroll shall be apportioned based upon a reasonable estimate.

3. USL&H Act Coverage Provided in California Standard Classifications

If any part of the operations of an employer is covered by USL&H Act Coverage and is assignable to a California standard classification and not to any of the classifications listed in Rule 7, *Classifications Applicable Only to USL&H Experience*, the remuneration resulting from operations covered under USL&H Act Coverage shall be segregated from the remuneration developed from operations covered under California workers' compensation insurance. The remuneration and any claims developed under the USL&H Act Coverage shall be assigned to the applicable California standard classification with an indication that the remuneration developed is covered under USL&H Act Coverage.

4. Employer with Multiple USL&H Operations

Except as provided in Rule 5, *Boat or Ship Building*, if the employer does not have complete and accurate payroll records that can be used to apportion the payroll developed under each classification, the payroll shall be apportioned based upon a reasonable estimate.

5. Boat or Ship Building

Exposure developed in connection with boat building or repairing and/or shipbuilding, repairing or conversion operations shall be reported in accordance with the following rule:

If the operations are assignable to two or more of the following classifications, and complete and accurate payroll records are not maintained, the entire exposure developed under such operations shall be assigned to the classification that applies to the largest vessel built, repaired or converted:

- | | |
|--|------|
| a. Boat Building – commercial – wood – N.O.C. – including shop and yard work | 6801 |
| b. Boat Building or Repairing – including shop and yard work | 6824 |
| c. Ship Building – vessels over 150 ft. in length overall – including fabrication or assembling of ship plates or frames; shop and yard work | 6843 |
| d. Ship Repair or Conversion – vessels over 150 ft. in length overall – all operations | 6872 |

6. Stevedoring

Any or all of the following operations conducted by employees who are not members of the crews of vessels shall be classified as stevedoring:

- a. Loading or unloading, stowing, shifting or trimming of cargo, supplies and materials on board vessels.

Part 3 – General Classification Procedures
Section I – General Classification Procedures

- b. Transfer of cargo, supplies and material between vessels and pier, irrespective of the necessity of work on board vessels by employees of the employer.
- c. Transfer between stringpiece and point of deposit on any adjoining pier, wharf, dry dock, terminal, building way, marine railway or other adjoining areas customarily used by an employer in loading or unloading a vessel – including tiering, sorting, breaking down, stripping and stuffing.
- d. Operation and maintenance of all equipment, including containers and chassis in connection with the above.

7. Classifications Applicable Only to USL&H Act Coverage

a. Boat or Ship Building or Repairing

Refer to Rule 5, *Boat or Ship Building*, for special provisions pertaining to the following classifications applicable only to USL&H experience:

- (1) Boat Building – commercial – wood – N.O.C. – including shop and yard work 6801

This classification is applicable to the construction or repair of wooden commercial type craft of any length. It also applies to the manufacture of wooden floating dry docks.

- (2) Boat Building or Repairing – including shop and yard work 6824

This classification is applicable to the construction or repair of wood, metal, fiberglass or plastic yachts, motorboats, sailboats or rowboats not exceeding 150 ft. in length overall.

- (3) Ship Building – vessels over 150 ft. in length overall – including fabrication or assembling of ship plates or frames; shop and yard work 6843

This classification does not include repair work performed on board ship, whether afloat or in dry dock. Such work shall be separately classified as Classification 6872, *Ship Repair or Conversion*.

- (4) Ship Repair or Conversion – vessels over 150 ft. in length overall – all operations 6872

This classification shall apply to concerns that perform ship repair or conversion work and that undertake such operations as a usual part of their business. This classification shall also include all shop or yard work, as well as the operations of dry docks and marine railways.

This classification is not applicable to other concerns engaged in miscellaneous operations such as, but not limited to, laying of floor covering, painting of cabins, repair of galley equipment or adjustment of instruments. Such operations shall be assigned to the appropriate California standard classification describing the work.

- (5) Ship Scaling or Painting – ship hulls 6874

This classification shall not be used for division of payroll in connection with any other classification (other than the Standard Exceptions or General Exclusions) unless the operations described by Classification 6874 constitute a separate and distinct enterprise having no connection with the operations covered by any other applicable classification.

Part 3 – General Classification Procedures
Section I – General Classification Procedures

b. Marine Wrecking

- (1) Marine Wrecking – all operations – including salvage operations 7394(1)

This classification shall include any operations involving the wrecking and salvaging of boats or vessels on or adjacent to navigable waters, including dry docks, scrap yards and marine railways in connection therewith.

c. Diving

- (1) Diving – submarine – all operations 7394(2)

This classification shall include any underwater diving operations, including rope-persons and tenders in connection therewith, performed in navigable waters.

d. Steamship Lines or Agencies

- (1) Steamship Lines or Agencies – port employees – superintendents, captains, engineers, stewards or their assistants and pay clerks 8726

- (2) Steamship Lines or Agencies – port employees – talliers, checking clerks and employees engaged in mending and repacking of damaged containers 8709(3)

e. Stevedoring

Refer to Rule 6, *Stevedoring*, for special provisions pertaining to the following classifications applicable only to USL&H Act Coverage:

- (1) Stevedoring – by hand or by means of hand trucks exclusively – including the incidental use of power-driven escalators or conveyors, or operation of tractors and trailers through side ports – no use of hoisting equipment 7317

This classification shall not be used for division of payroll with any other stevedoring classification in connection with a single vessel.

- (2) Stevedoring – containerized freight 7327

This classification shall not be used for division of payroll with any other stevedoring classification in connection with a single vessel.

Loading and unloading ships designed for freight-carrying containers.

- (3) Stevedoring – N.O.C. 7309

This classification shall not be used for division of payroll with any other stevedoring classification in connection with a single vessel.

- (4) Stevedoring – talliers and/or checking clerks engaged in connection with stevedore work 8709(1)

- (5) Weighers, samplers or inspectors of merchandise on docks or at railway stations or warehouses – including mending or repacking of damaged containers 8709(2)

Stevedoring shall be separately classified.

Part 3 – General Classification Procedures
Section I – General Classification Procedures

- f. Dredging
 - (1) Dredging – all types 7393
- g. Freight Handling
 - (1) Freight Handling – N.O.C. 7350

This classification includes freight checkers. Stevedoring shall be separately classified.

8. Overtime Remuneration

Part 3, *Standard Classification System*, Section V, *Payroll – Remuneration*, Rule 1, *Payroll – Remuneration*, Subrule c, *Overtime Remuneration*, of the Uniform Statistical Reporting Plan shall not apply to any classification appearing in Rule 7, *Classifications Applicable Only to USL&H Experience*, Subrule e, *Stevedoring*, above.

9. Payroll Records

- a. If payroll segregation is not maintained between operations covered under USL&H Act Coverage and California workers' compensation insurance, the payroll shall be apportioned based upon a reasonable estimate. This provision is also applicable to the payroll of each employee who has duties insured under both USL&H Act Coverage and California workers' compensation insurance.
- b. If payroll segregation is not maintained between two or more USL&H Act Coverage operations, the payroll shall be apportioned based upon a reasonable estimate unless otherwise specifically provided in these Advisory Rules. Boat building or repairing and ship building, repairing or conversion shall be assigned in accordance with the provisions of Rule 5 above.

10. Administration of Classification System

- a. Part 3, Section VI, *Administration of Classification System*, Rule 4, *Audit of Payroll*, of the Uniform Statistical Reporting Plan, which indicates that the audit and assignment of payroll shall be governed by, among other things, pure premium rates, is not applicable to the reporting of USL&H data, since pure premium rates are not established for USL&H classifications.
- b. Test Audits will not be performed on USL&H Act Coverage.

Part 4 – Unit Statistical Reporting Requirements

Section I – General Instructions

Part 4 – Unit Statistical Reporting Requirements

Section I – General Instructions

For purposes of reporting USL&H data:

1. References in the Uniform Statistical Reporting Plan to the “workers’ compensation laws of California” should instead be replaced with “laws applicable to USL&H.”
2. Certain references in the Uniform Statistical Reporting Plan to California statutory provisions and elements contained therein may be inapplicable.
3. References in the Uniform Statistical Reporting Plan to “standard classification(s)” refer to both the standard classifications as well as those classifications listed in Part 3, *General Classification Procedures*, Rule 7, *Classifications Applicable Only to USL&H Experience*, of these Advisory Rules, applicable to USL&H experience only.
4. References in the Uniform Statistical Reporting Plan to experience modifications are inapplicable.

Section II – Definitions

1. USL&H Act Claim(s)

A claim for which the injured worker’s payroll is assigned to USL&H Act exposure.

2. California Workers’ Compensation Claim(s)

A claim for which the injured worker’s payroll is assigned to California workers’ compensation exposure, and shall not include a claim for which benefits have been paid or reserves established under the USL&H Act.

3. Permanent Partial

An injury that results in a permanent but not total disability. (USL&H Act claims need not be segregated into Major or Minor injuries, as are California workers’ compensation claims.)

4. Temporary

A compensable injury that is not classified as permanent and that extends beyond the waiting period specified by the USL&H Act.

Section III – Link Data, Header Record, Name Record, and Address Record Information

Refer to Part 4, *Unit Statistical Reporting Requirements*, Section III, *Link Data and Header Record Information*, of the Uniform Statistical Reporting Plan and if no specific instructions are provided, refer to the WCIO Workers Compensation Statistical Reporting Specifications (WCSTAT) for reporting instructions.

Report the following data elements:

1. **Carrier Code**
2. **Policy Number Identifier**
3. **Exposure State Code**
4. **Policy Effective Date**
5. **Report Level Code/Report Number**

Part 4 – Unit Statistical Reporting Requirements

Section IV – Exposure Information

- 6. Correction Sequence Number**
- 7. Policy Expiration or Cancellation Date**
- 8. Correction Type Code**
- 9. Federal Employer Identification Number (FEIN)**
- 10. Estimated Audit Code**
- 11. Type of Coverage ID Code**
- 12. Type of Plan ID Code**
- 13. Type of Non-Standard ID Code**
- 14. Name of Insured**
- 15. Address of Insured**

Section IV – Exposure Information

Unless other instructions are specified in these Advisory Rules, refer to Part 4, Section IV, *Exposure Information*, of the Uniform Statistical Reporting Plan for reporting instructions.

Report the following data elements:

1. Classification Code

Report the appropriate 4-digit classification code, which shall be either a:

- a. California standard classification code; or
- b. classification code applicable to USL&H experience listed in Part 3, Rule 7, of these Advisory Rules.

2. Rate Effective Date

3. Exposure Amount

4. Update Type Code

5. Exposure Act / Exposure Coverage Code

Report Code 02 to identify the type of exposure coverage as USL&H.

Section V – Loss Information

A. General Loss Reporting Instructions

Refer to Part 4, Section V, *Loss Information*, Subsection A, *General Loss Reporting Instructions*, of the Uniform Statistical Reporting Plan for general loss reporting instructions, except that supplemental claim information, as defined in Part 4, Section V, Subsection A, Rule 3, *Supplemental Claim Information*, is not required to be reported.

B. Loss Data Elements

Unless other instructions are specified in these Advisory Rules, refer to Part 4, Section V, Subsection B, *Loss Data Elements*, of the Uniform Statistical Reporting Plan and if no specific instructions are provided, refer to the WCIO WCSTAT for reporting instructions.

Report the following data elements:

Part 4 – Unit Statistical Reporting Requirements

Section V – Loss Information

1. Classification Code

Report the appropriate 4-digit classification code, which shall be either a:

- a. California standard classification code; or
- b. classification code applicable to USL&H experience listed in Part 3, Rule 7, of these Advisory Rules.

2. Claim Count

3. Accident Date

4. Claim Number

5. Claim Status Code

6. Injury Code (Injury Type)

Report the 2-digit numeric code that identifies the injury type giving rise to the claim. All claims shall be assigned to an injury type even if the data in the file on the date of valuation is not sufficient to form a conclusive determination of the duration or extent of disability.

Code	Description
01	Death
02	Permanent Total
03	Permanent Partial
05	Temporary
06	Medical Only
07	Contract Medical

(See Part 4, Section II, *Definitions*, of these Advisory Rules and Part 4, Section II, *Definitions*, of the Uniform Statistical Reporting Plan for assistance in determining the "Injury Type".)

7. Catastrophe Number

8. Incurred Indemnity Amount

9. Incurred Medical Amount

10. Update Type Code

11. Loss Coverage Act Code

Report "02" for the Loss Coverage Act (Act) code to identify the Act as the USL&H Act.

Reporting of Type of Settlement code is not required.

12. Type of Loss Code

13. Type of Recovery Code

14. Type of Claim Code

15. Vocational Rehabilitation Indicator

Part 4 – Unit Statistical Reporting Requirements

Section VI – Unit Total Record Data

C. Special Loss Reporting Instructions

For purposes of reporting USL&H data on subrogation or joint coverage claims, reporting the “Gross Incurred” amount is not required. Refer to Part 4, Section V, Subsection C, *Special Loss Reporting Instructions*, of the Uniform Statistical Reporting Plan for instructions on reporting incurred indemnity and incurred medical for these claims.

Section VI – Unit Total Record Data

Report the following data elements:

1. Exposure – Payroll Total

Report the sum of the exposure for the California workers' compensation coverage and the USL&H Act Coverage in whole dollars. The sum of the California workers' compensation exposure and the USL&H Act exposure shall not exceed the policyholder's actual total exposure.

2. Final Premium Total (Standard Premium Total)

Report the sum of the final premium for the California workers' compensation coverage and the USL&H Act Coverage in whole dollars. The sum of the California workers' compensation final premium and the USL&H Act Coverage final premium shall not exceed the policyholder's actual total final premium.

3. Claim Count Total

Report the sum of the number of California workers' compensation coverage and USL&H Act Coverage claims as of the valuation date. The sum of the number of California workers' compensation claims and the USL&H Act Coverage claims shall not exceed the total number of claims.

4. Incurred Indemnity Amount Total

Report the sum of the incurred indemnity amounts for the California workers' compensation claims and the USL&H Act Coverage claims as of the valuation date. The sum of the California workers' compensation incurred indemnity amounts and the USL&H Act Coverage incurred indemnity amounts shall not exceed the policyholder's actual total incurred indemnity amounts.

5. Incurred Medical Amount Total

Report the sum of the incurred medical amounts for the California workers' compensation claims and the USL&H Act Coverage claims as of the valuation date. The sum of the California workers' compensation incurred medical amounts and the USL&H Act Coverage incurred medical amounts shall not exceed the policyholder's actual total incurred medical amounts.

Section VII – Subsequent Reports, Correction Reports, and Reporting Methods

Refer to Part 4, Section VII, *Subsequent Reports, Correction Reports, and Reporting Methods*, of the Uniform Statistical Reporting Plan for instructions on how and when to file subsequent reports and correction reports.

Note

Pursuant to Part 4, Section VII, Rule 2, *Correction Reports*, Subrule b, *Exposure, Standard Classification, Experience Modification and Final Premium Corrections*, paragraph (1), of the Uniform Statistical Reporting Plan, as modified by these Advisory Rules, whenever exposure amounts, standard

Part 4 – Unit Statistical Reporting Requirements
Section VII – Subsequent Reports, Correction Reports, and Reporting Methods

classification(s), USL&H classification(s) or the final premium previously reported is changed, a correction report must be submitted as soon as the revised figures are available.

As indicated in Part 4, Section VII, Rule 2, Subrule c, *Loss Corrections*, of the Uniform Statistical Reporting Plan, subsequent to the first reporting, a loss correction, when required, must be filed between two valuation dates or within thirty (30) months after the final valuation of losses. Except for loss corrections due to mistake other than error of judgment, should a loss correction coincide with a normal valuation of losses, only the normal valuation of losses should be filed. If a loss correction is not required, losses shall be revalued, and subsequent reports filed, in accordance with Part 4, Section I, *General Instructions*, Rule 5, *Date of Valuation*, and Rule 3, *Date of Reporting*, of the Uniform Statistical Reporting Plan.

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