



**B U L L E T I N**

**December 21, 2009**

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**R.C. 2221**

**To: The Members of the Board**

**RE: New York Workers Compensation & Employers Liability Manual  
Establishment of Classification Code 7364  
Independent Livery Drivers Benefit Fund**

The Underwriting Committee of the New York Compensation Insurance Rating Board has authorized, and the New York State Insurance Department has approved amendments to the New York Workers Compensation & Employers Liability Manual regarding the creation of a new Classification Code 7364 to reflect enacted New York legislation (Senate Bill 8715) for the establishment of the “Independent Livery Driver Benefit Fund.” The effective date of this change is January 1, 2010, which complies with the effective date of the legislation.

It was determined by the Rating Board, in conjunction with the Insurance Department, that, in order to properly implement the above legislation, it is necessary to create an independent and unique classification code. Language for this new classification code contains the following phraseology and footnote within the classification section of the NY WC & EL Manual:

- **Code and Phraseology: Code 7364 – Independent Livery Drivers**
- **Classification Footnote: This classification applies only to independent livery drivers that are members of and subject to the Independent Livery Drivers Benefit Fund.**

The Loss Cost for Classification Code 7364, effective January 1, 2010, will be \$2.70 per \$100 of payroll. This was derived by the Rating Board from the current loss cost for the similar classification “Livery (Taxicab) Classification Code 7368,” which has comparable exposure to loss but more expanded coverage.

Attached are the amended NY WC & EL Manual pages, as follows: **PART THREE – LOSS COSTS, Page 2 and 3; and Classification Section pages C-52 and C-90** illustrating the new phraseology and use of the new classification code 7364 – Independent Livery Driver.

These amendments are also included in an updated version of the New York Workers Compensation & Employers Liability Manual which is available via our website at: [www.nycirb.org](http://www.nycirb.org).

Very truly yours,

Monte Almer

President

WVT:tg  
Encl.

Effective October 1, 2009

Code Number	Loss Cost	Code Number	Loss Cost	Code Number	Loss Cost	Code Number	Loss Cost	Code Number	Loss Cost
3632	3.78 .	4250	4.70 .	4710	3.87 .	5507	7.55 .	6874	F 35.05 .
3634	3.06 .	4251	2.66 .	4712	2.05 .	5508	8.83 .	6875	F 52.23 .
3635	2.07 .	4263	2.98 .	4720	3.25 .	5536	5.69 .	6882	4.94 .
3638	2.22 .	4273	3.49 .	4751	2.91 .	5538	6.87 .	6884	30.84 .
3642	1.41 .	4279	4.91 .	4767	g 5.67 .	5545	23.66 .	6885	42.94 .
3643	2.97 .	4282	0.34 .	4771	m 9.60 .	5547	23.11 .	7016	5.21 .
3647	4.14 .	4298	1.58 .	4825	0.91 .	5606	3.48 .	7024	5.80 .
3648	3.31 .	4299	2.57 .	4828	2.40 .	5610	4.11 .	7038	2.13 .
3681	1.99 .	4301	3.90 .	4829	2.57 .	5645	9.95 .	7046	3.47 .
3685	1.29 .	4304	3.94 .	4902	2.89 .	5648	9.64 .	7047	10.99 .
3686	1.33 .	4307	2.40 .	4923	2.28 .	5651	11.08 .	7050	4.08 .
3724	5.46 .	4310	3.04 .	5000	30.40 .	5701	7.30 .	7090	2.37 .
3726	11.91 .	4312	2.50 .	5022	10.84 .	5703	10.43 .	7098	3.85 .
3737	3.93 .	4351	1.57 .	5037	17.10 .	5709	(a) .	7099	6.59 .
3807	4.66 .	4352	0.96 .	5040	19.13 .	5951	1.28 .	7133	3.49 .
3808	3.65 .	4360	0.27 .	5057	14.06 .	5954	2.45 .	7197	4.83 .
3821	15.41 .	4361	0.95 .	5059	36.21 .	6003	9.97 .	7201	3.73 .
3823	5.71 .	4362	0.27 .	5069	40.73 .	6005	2.76 .	7207	2.40 .
3824	4.06 .	4410	6.84 .	5102	9.70 .	6017	2.45 .	7219	7.48 .
3826	2.07 .	4420	9.34 .	5160	5.88 .	6018	12.49 .	7231	6.83 .
3827	5.46 .	4431	4.48 .	5183	5.56 .	6045	3.39 .	7242	8.20 .
3830	3.08 .	4432	1.50 .	5184	4.60 .	6204	11.90 .	7309	F 11.66 .
3832	3.62 .	4439	1.22 .	5188	3.75 .	6216	4.49 .	7313	F 1.40 .
3865	2.19 .	4452	3.46 .	5190	4.04 .	6217	6.82 .	7317	FD 13.41 .
3881	(a) .	4459	4.54 .	5191	1.21 .	6229	4.99 .	7327	F 16.01 .
4000	4.18 .	4470	5.20 .	5192	3.76 .	6233	7.50 .	7333	5.18 .
4024	3.14 .	4475	3.46 .	5193	11.14 .	6235	9.34 .	7335	5.75 .
4034	6.76 .	4476	2.24 .	5213	12.86 .	6251	12.87 .	7337	9.93 .
4038	2.55 .	4479	2.44 .	5221	9.50 .	6252	5.01 .	7364	★ # 2.70 .
4053	7.29 .	4491	5.57 .	5222	11.70 .	6260	(a) .	7366	F 10.12 .
4061	4.12 .	4493	3.75 .	5223	5.79 .	6306	9.67 .	7367	6.90 .
4062	4.64 .	4511	0.66 .	5348	4.90 .	6319	5.95 .	7368	4.03 .
4101	2.96 .	4557	2.13 .	5402	9.53 .	6325	5.39 .	7370	c .
4111	2.96 .	4558	3.11 .	5403	10.79 .	6400	8.98 .	7377	4.00 .
4112	2.01 .	4561	5.05 .	5428	6.45 .	6504	4.58 .	7380	* 5.76 .
4114	3.54 .	4568	3.83 .	5429	4.88 .	6701	11.38 .	7390	6.30 .
4130	6.40 .	4583	6.11 .	5443	8.35 .	6801	FD 20.41 .	7394	4.96 .
4131	2.94 .	4597	2.76 .	5445	6.59 .	6811	D 7.02 .	7395	5.52 .
4133	1.50 .	4611	1.84 .	5462	9.66 .	6824	F 6.62 .	7398	8.56 .
4150	1.58 .	4628	1.30 .	5473	19.44 .	6826	F 2.17 .	7403	4.28 .
4207	1.17 .	4635	2.82 .	5474	8.31 .	6834	3.54 .	7405	h 1.16 .
4239	4.01 .	4653	1.87 .	5479	5.10 .	6836	3.03 .	7421	1.60 .
4240	4.17 .	4665	7.94 .	5480	4.79 .	6843	FD 3.00 .	7422	1.26 .
4243	2.95 .	4692	0.74 .	5491	2.45 .	6854	D 2.18 .	7431	i 0.67 .
4244	4.17 .	4693	2.46 .	5506	10.60 .	6872	F 26.20 .	7445	j 0.39 .

★ # 7364 - Class established effective January 1, 2010

\* 7380 - Ex-Medical Loss Cost (not Rate) for this classification is 3.82

For Non-Ratable portion of Loss Cost (not Rate), refer to:  
g 0767 m 0771

Non-Ratable Code and Loss Cost (not Rate) to be used with:  
j 7405 k 7431

For Non-Ratable portion of Loss Cost (not Rate), refer to:  
h 7445 i 7453

*Effective October 1, 2009*

Code Number	Loss Cost	Code Number	Loss Cost	Code Number	Loss Cost	Code Number	Loss Cost	Code Number	Loss Cost
7453 k	0.37 .	8039	2.91 .	8392	1.89 .	8901	0.41 .	9160	1.29 .
7502	0.91 .	8043	1.26 .	8394	4.08 .	9014	3.79 .	9178	2.63 .
7515	1.20 .	8044	3.29 .	8500	5.85 .	9015	1.90 .	9179	3.06 .
7520	4.15 .	8046	3.53 .	8601 D	0.62 .	9016	5.37 .	9180	1.62 .
7536	6.42 .	8047	1.13 .	8709 F	9.75 .	9019	1.48 .	9182	1.50 .
7538	12.17 .	8048	5.80 .	8719	1.92 .	9025	15.04 .	9186	10.60 .
7539	1.35 .	8072	1.26 .	8720	1.39 .	9026	3.13 .	9220	4.87 .
7542	2.00 .	8090	0.64 .	8726 F	1.46 .	9027	r .	9402	4.38 .
7570	1.48 .	8102	6.66 .	8731	1.18 .	9028	2.69 .	9403	8.71 .
7580	3.17 .	8103	3.58 .	8742	0.31 .	9029	4.80 .	9410	1.93 .
7590	4.08 .	8105	3.26 .	8745	4.66 .	9030	3.52 .	9501	1.90 .
7600	3.92 .	8106	5.33 .	8747	0.31 .	9040 #	5.00 .	9505	2.21 .
7601	12.17 .	8107	4.09 .	8748	0.82 .	9044	1.89 .	9519	2.65 .
7610	0.35 .	8111	5.27 .	8751	3.51 .	9048 §	3.07 .	9521	3.55 .
7710	2.32 .	8116	1.72 .	8755	0.53 .	9051	2.36 .	9522	2.43 .
7711	e .	8199	2.91 .	8800	1.48 .	9052	2.92 .	9526	13.63 .
7716	e .	8209	4.40 .	8802	0.95 .	9055	0.80 .	9527	13.40 .
7720	1.03 .	8215	8.22 .	8803	0.12 .	9058	1.75 .	9534	14.51 .
7723	1.74 .	8227 D	8.00 .	8809	0.23 .	9059	3.83 .	9539	7.08 .
7855	8.35 .	8232	5.41 .	8810 &	0.20 .	9060	1.43 .	9545	11.15 .
7998	2.65 .	8235	7.16 .	8820	0.13 .	9061	1.64 .	9549	3.83 .
7999	1.86 .	8263	7.62 .	8829	2.69 .	9063	1.02 .	9552	14.24 .
8001	1.53 .	8264	9.00 .	8831	1.33 .	9065	0.56 .	9553	8.29 .
8006	1.41 .	8265	9.08 .	8832	0.42 .	9071	1.66 .	9585	0.78 .
8008	1.11 .	8280	6.49 .	8833 @	0.76 .	9072	1.89 .	9586	0.54 .
8012	0.76 .	8288	2.44 .	8838	0.34 .	9074	1.38 .	9600	1.04 .
8013	0.40 .	8291	7.26 .	8840	0.52 .	9088	5.68 .	9610	0.60 .
8016	0.25 .	8292	4.60 .	8854	1.75 .	9089	0.41 .	9620	0.76 .
8017	1.26 .	8293	6.82 .	8857	1.10 .	9093	1.36 .		
8018	2.92 .	8350	6.50 .	8864	2.09 .	9101	3.83 .		
8021	5.24 .	8353	3.30 .	8865	2.41 .	9102	2.61 .		
8031	2.42 .	8381	3.42 .	8866	3.05 .	9149	1.40 .		
8032	1.11 .	8382	2.66 .	8868	0.50 .	9157	3.11 .		
8033	2.40 .	8385	6.42 .	8869	0.50 .	9158	1.73 .		
8034	6.64 .	8391	3.35 .	8871	0.50 .	9159	0.82 .		

& 8810 - Ex-Medical Loss Cost (not Rate) for this classification is .13

@ 8833 - Ex-Medical Loss Cost (not Rate) for this classification is .52

# 9040 - Ex-Medical Loss Cost (not Rate) for this classification is 3.42

§ 9048 - Camps: Any adjustment in tuition fee made in consideration of services rendered shall not be considered as remuneration.

**DOMESTIC WORKERS - RESIDENCES CLASSIFICATIONS**

	Code No.	Per Capita Loss Cost
Domestic Workers - Inside .....	0913	176.88 .
Domestic Workers - Inside - Occasional .....	0908	77.14 .
Domestic Workers - Outside - including private chauffeurs .....	0912	542.01 .
Domestic Workers - Outside - Occasional - including occasional private chauffeurs .....	0909	80.62 .

**BUILDINGS**

Code No.	Per Location Loss Cost
9027	9.83

<b>LINOLEUM MFG.</b>	<b>4491</b>
<b>LINOTYPE or Hand COMPOSITION—ALL EMPLOYEES—&amp; Drivers</b> <i>Shall not be assigned to a risk engaged in operations described by another classification unless the operations subject to Code 4361 are conducted as a separate and distinct business.</i>	<b>4361</b>
<b>LIQUEFIED PETROLEUM GAS—See "GAS DEALER—L.P.G."</b>	
<b>LITHOGRAPHING</b> <i>Includes incidental assembling, stapling or binding of circulars, pamphlets or catalogues. Separately rate artists or designers engaged exclusively in creative work or original design, proofreaders, editors or clerical office employees or pre-press operators using desktop computers as Code 8810. Separately rate reporters, advertising or circulation solicitors as Code 8742.</i> <i>Refer to Code 8012 for quick print shops and Code 8016 for photocopy shops.</i>	<b>4299</b>
<b>LIVERY or Boarding STABLE—not sales stable—&amp; Drivers</b>	<b>7201</b>
★ <b>LIVERY—INDEPENDENT LIVERY DRIVERS BENEFIT FUND —See "TAXICAB"</b>	
<b>LIVERY SERVICE—PRIVATE—See "LIMOUSINE or Livery SERVICE—PRIVATE"</b>	
<b>LIVERY SERVICE—PUBLIC—See "TAXICAB or Livery SERVICE—PUBLIC"</b>	
<b>LIVESTOCK DEALER or Commission Merchant &amp; Outside Salespersons, Drivers</b> <i>Not operating farms or ranches.</i>	<b>8288</b>
<b>LIVESTOCK SALES CO. &amp; Outside Salespersons, Drivers</b>	<b>8288</b>
<b>LOCOMOTIVE WORKS</b>	<b>3507</b>
<b>LOGGING or LUMBERING &amp; Drivers</b> <i>Includes transportation of logs to mill, construction, operation, maintenance or extension of logging roads or logging railroads. Separately rate mill operations as Code 2710.</i>	<b>2702</b>
<b>LOOM HARNESS or Reed MFG.</b>	<b>3515</b>
<b>LOOSE-LEAF LEDGER or Notebook MFG.</b> <i>Separately rate the manufacturing of metal rings, posts, screws, separators or fittings as Code 3146.</i>	<b>4251</b>
<b>LOUNGE, Bar, Dance Club, Nightclub or Tavern—including entertainers and/or musicians</b> <i>Applies to the operation of a bar, dance club, lounge, nightclub or tavern where the gross receipts of alcoholic beverages exceed 50% of the total receipts of food and non-alcoholic beverages.</i> <i>Refer to Section III of the Digest of Rulings and Interpretations to determine the application of the appropriate restaurant and/or bar classification.</i>	<b>9074</b>
<b>LUGGAGE MFG.</b> <i>Applies to the manufacturing of traveling bags, luggage and trunk manufacturing. Separately rate the manufacturing of metal frames and hardware as Code 3146.</i>	<b>2683</b>

**TAXICAB or Livery SERVICE—PUBLIC:**

*Code 7368 applies to risks engaged in providing taxicab or public livery service where vehicles are available for immediate hire or cruise to solicit business with fares that are determined by zone, mileage or meter. Such vehicles are radio dispatched and operated from a base station, stand, hotel, dock, highway or other public place.*

*If a risk is engaged in providing services as described above and is also engaged in providing private limousine or livery services subject to Code 7377 "Limousine or Livery Service—Private," the entire operations of such a risk shall be assigned to Code 7368.*

**GARAGE EMPLOYEES** 8385

**ALL OTHER EMPLOYEES & Drivers** 7368

★ **INDEPENDENT LIVERY DRIVERS** 7364

*This classification applies only to independent livery drivers that are members of and subject to the Independent Livery Driver Benefit Fund.*

**TAXIDERMIST** 9600

**TAXIMETER or Speedometer MFG.** 3685

*Applies to professional or scientific instruments.*

**TELECOMMUTER CLERICAL EMPLOYEES** 8871

*Subject to the standard exception manual rule.*

**TELECOMMUTER DRAFTING EMPLOYEES** 8871

*Subject to the standard exception manual rule.*

**TELEPHONE or TELEGRAPH CO.:**

**OFFICE or Exchange EMPLOYEES & Clerical** 8901

**ALL OTHER EMPLOYEES & Drivers** 7600

*Includes operation, maintenance, extension of lines and making of service connection.*

**TELEPHONE, Telegraph or Fire Alarm LINE CONSTRUCTION & Drivers** 7601

*Shall not be assigned to a risk engaged in operations described by Code 7600 "Telephone or Telegraph Co.—All Other Employees & Drivers."*

**TELEPHONE, Television, Radio or Telecommunications Device MFG. NOC** 3681

**TELEPHONE SALES—Exclusively** 8810

**TELEVISION or Radio BROADCASTING STATION—ALL EMPLOYEES—& Clerical, Outside Salespersons, Drivers** 7610

*Includes players, entertainers or musicians. The entire remuneration of all employees shall be included in computing premium, subject, however, to the maximum average weekly wage per employee shown in the "Miscellaneous Values" pages as "Maximum Remuneration."*

**TELEVISION or Radio SET INSTALLATION, SERVICE or REPAIR & Drivers** 9519

*Includes shop or outside employees, incidental parts department employees, erection of antennae. Separately rate electrical wiring as Code 5190. Separately rate tower erection as Code 5040.*

**TELEVISION, Radio, Telephone or Telecommunications Device MFG. NOC** 3681