

BULLETIN

July 19, 2010

Contact: Ms. Annmarie Visciano
Manager, Underwriting Services
Ext. 161, avisciano@nycirb.org

R.C. 2238

To: The Members of the Board

RE: New York Workers Compensation & Employers Liability Manual
Classification Code 8025 – “Bicycle Store – retail”
Effective October 1, 2010

The Underwriting Committee of the New York Compensation Insurance Rating Board has authorized, and the New York State Insurance Department has approved, effective for use October 1, 2010, the institution of a new classification code and phraseology for “Bicycle Store – retail,” code number 8025.

The basis for this new classification follows the completion of a classification study, conducted by the Rating Board, regarding the retail bicycle sales industry. The study indicated that the experience for these risks was sufficiently different from the average risk for Code 7998 and that it contained sufficient credibility to justify a new class. The loss cost for Code 8025 will utilize the results of the study relative to the loss costs for Code 7998 “Hardware Store – retail” until such time as Code 8025 develops its own experience.

The pages modified and affected by this change, in the NY WC & EL Manual, are attached for your reference, as follows: 1) Classification Section (C-84), and 2) Digest of Rulings and Interpretations (D-61, D-69 and D-69a). These pages are updated, as well, in the on-line version of the Board’s manual.

Very truly yours,

Monte Almer

President

WVT:tg
Encl.

STORES:

Refer to the New York Digest of Rulings and Interpretations for detailed description of operations which are subject to all store classifications included in this section.

| | |
|---|-------------|
| AUDIO or Video Cassette, Book, Record, Compact Disc or Software STORE–Retail | 8072 |
| <i>Not applicable to store locations where more than 50% of the gross receipts is in the service of food or the sale of musical instruments, computers or other hardware, or household or electronic equipment.</i> | |
| AUTO PARTS and ACCESSORIES STORE–wholesale | 7999 |
| AUTOMOBILE ACCESSORIES STORE NOC–retail–& Drivers | 8046 |
| BAGEL SHOPS–retail | 8043 |
| <i>Applies to shops engaged in selling bagels with spreads and/or made into sandwiches. Includes the sale of beverages and other food for consumption on or away from the premises.</i> | |
| <i>This class can only be applied if the sale of prepared items is less than 50% of the total receipts.</i> | |
| <i>Separately rate bagel manufacturing as Code 2003.</i> | |
| <i>If the gross receipts of prepared items is more than 50% of the total gross receipts, the entire operation, including the bagel manufacturing, shall be assigned to Code 9072.</i> | |
| <i>Separately rate the retail sale of bagels sold without spreads or made into sandwiches as Code 8017 provided the majority (more than 50%) of the sales are derived from the sale of NOC items.</i> | |
| ★ BICYCLE STORE-retail-including rental and incidental bicycle repair and service | 8025 |
| BICYCLE STORE-wholesale-including rental and incidental repair work | 7999 |
| BOOK STORE–Retail | 8072 |
| <i>Not applicable to store locations where more than 50% of the gross receipts is in the service of food or the sale of musical instruments, computers or other hardware, or household or electronic equipment.</i> | |
| CLOTHING or Wearing Apparel STORE–retail | 8008 |
| CLOTHING or Wearing Apparel STORE–wholesale | 8032 |
| COFFEE, Tea or Spice STORE–retail | 8006 |
| <i>No handling of fresh meats.</i> | |
| COFFEE, Tea or Spice STORE–wholesale | 8034 |
| COMPACT DISC, Record, Video or Audio Cassette STORE–Retail | 8072 |
| <i>Not applicable to store locations where more than 50% of the gross receipts is in the service of food or the sale of musical instruments, computers or other hardware, or household or electronic equipment.</i> | |
| DAIRY PRODUCTS STORE–retail | 8006 |
| <i>No handling of fresh meats.</i> | |
| DAIRY PRODUCTS STORE–wholesale | 8034 |
| DELICATESSEN STORE–retail | 8006 |
| <i>No handling of fresh meats.</i> | |

7998.....Hardware Store—retail**Operations Covered**

This classification applies to retail dealers *principally* engaged in selling articles such as nails, screws, bolts, washers, gaskets, brackets, locks, hinges, electrical outlet boxes, switches, fuses, plugs, sockets, hand or machine tools, portable electric tools, plumbing fittings and garden tools and equipment including lawn mowers and snow plows.

In addition, hardware stores may also sell a variety of "non-hardware" items which include paint, wallpaper and allied supplies, household electrical appliances, radios and television sets, kitchenware, china and glassware, sporting goods and automobile accessories or parts.

These stores may also rent floor scraping or polishing machines, rug or upholstery cleaning machines and similar equipment.

Other types of retail stores or operations assigned to this classification are:

1. Stores selling parts and supplies for radio and television equipment.
- ★ 2. Locksmiths—including installation, repair or replacement of locks in existing buildings.

Operations Not Covered

1. Stores *principally* engaged in the retail selling of paint, wallpaper and allied supplies, household electrical appliances, radios and television sets, kitchenware, china and glassware, or sporting goods. Assign Code 8017 "Retail Store NOC."
 2. Stores *principally* engaged in the retail selling of automobile accessories or parts. Assign Code 8046 "Automobile Accessories Store NOC—retail—& Drivers."
 3. Repair or installation of household electrical appliances, radios and television sets by separate employees, at or away from the store. Assign Code 9519 "Household Appliances—Electrical—Installation, Service or Repair—& Drivers."
 4. A store which has separate employees engaged in sharpening or repairing ice skates, lawn mowers or cutlery. Assign Code 3632 "Machine Shop NOC."
 5. Stores *principally* engaged in mail order sales of hardware to individuals. Assign Code 7999 "Hardware Store—wholesale."
-

8018..... Wholesale Store NOC – Operations Covered (continued)**Operations Not Covered**

1. This classification does not apply to any wholesale store that is described by any other specialty store classification.
 2. Wholesale dealers ***principally*** engaged in selling drugs and medicines. Assign Code 8047 "Drug Store-wholesale."
 3. Wholesale dealers in greeting cards. Assign Code 4310 "Greeting Card Dealer-wholesale."
 4. Wholesale distribution of newspapers and magazines. Assign Code 8745 "News Agent or Distributor of Magazines or Other Periodicals-not retail dealer-& Salesperson, Drivers."
 5. Wholesale dealers ***principally*** engaged in selling beer and ale in bottles, cans or kegs. Assign Code 7390 "Beer or Ale Dealer-wholesale-& Drivers."
 6. Installation of carpets, linoleum or non-ceramic floor tile by a wholesale store. Assign Code 9521 "House Furnishings Installation NOC."
-

8021..... Meat, Fish or Poultry Dealer-wholesale

Code 8021 and Code 2089 "Packing House" shall not be assigned to the same risk unless the operations described by these classifications are conducted as separate and distinct businesses.

Operations Covered

This classification applies to dealers ***principally*** engaged in the wholesale distribution of fresh and cured meat, fish or poultry. Some of these dealers may cut the meat, fish or poultry into steaks, chops, roasts, fillets or poultry parts for sale to hotels, restaurants, clubs, hospitals, institutions and stores.

Meat, fish or poultry dealers may also distribute a minor and incidental amount of other miscellaneous products such as groceries, dairy products, fresh fruits or vegetables.

Operations Not Covered

The slaughtering, processing and distribution of meat as performed by a packing house. Assign Code 2089 "Packing House-All Operations."

★ **8025** **Bicycle Store** – retail – including rental and incidental bicycle repair and service

Operations Covered

This classification applies to retail dealers *principally* engaged in sales and rental of foot powered bicycles, tricycles, and unicycles including the incidental repair and service of foot powered cycles. Also, included is the incidental sale of parts such as but not limited to brakes, chains, pedals, tires and rims.

In addition, bicycles stores may also sell a variety of bicycle accessories such as baskets, bells, horns, sporting, exercise or recreational equipment, and clothing or shoes.

Operations Not Covered

1. Stores *principally* engaged in the retail selling of bicycle accessories, sporting equipment, exercise, or recreational equipment. Assign Code 8017 "Retail Store NOC."
2. Stores *principally* engaged in the retail selling of clothing or shoes. Assign Code 8008 "Clothing or Wearing Apparel – retail."
3. Stores principally engaged in the retail selling of bicycle parts or bicycle tires. Assign Code 7998 "Hardware Store – retail."
4. Stores principally engaged in the wholesale selling of foot powered bicycles, tricycles, unicycles, or bicycle parts. Assign Code 7999 "Bicycle Store – wholesale."
5. Stores principally engaged in the wholesale selling of bicycle tires. Assign Code 8018 "Wholesale Store NOC."
6. A store which has separate employees engaged in sharpening or repairing ice skates. Assign those employees' payroll to Code 3632 "Machine Shop NOC."
7. The manufacturing, assembling and/or repairing bicycles in a shop not by a dealer. Assign Code 3865 "Bicycle Mfg. or Assembly."

8031..... Meat, Fish or Poultry Store—retail

Includes incidental preparation of meats and produce. Slaughtering operations are separately rated as Code 2081.

8031..... Cold Storage Locker—frozen foods

Includes incidental preparation of meats and produce. Slaughtering operations are separately rated as Code 2081.