

HOUSE BILL No. 2637

By Committee on Commerce and Economic Development

2-6

1 AN ACT concerning workers in shared employment arrangements;
2 amending K.S.A. 2011 Supp. 40-955 and repealing the existing section.

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4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 2011 Supp. 40-955 is hereby amended to read as
6 follows: 40-955. (a) Every insurer shall file with the commissioner, except
7 as to inland marine risks where general custom of the industry is not to use
8 manual rates or rating plans, every manual of classifications, rules and
9 rates, every rating plan, policy form and every modification of any of the
10 foregoing which it proposes to use. Every such filing shall indicate the
11 proposed effective date and the character and extent of the coverage
12 contemplated and shall be accompanied by the information upon which the
13 insurer supports the filings. A filing and any supporting information shall
14 be open to public inspection after it is filed with the commissioner, except
15 that disclosure shall not be required for any information contained in a
16 filing or in any supporting documentation for the filing when such
17 information is either a trade secret or copyrighted. For the purposes of this
18 section, the term "trade secret" shall have the meaning ascribed to it in
19 K.S.A. 60-3320, and amendments thereto. An insurer may satisfy its
20 obligations to make such filings by authorizing the commissioner to accept
21 on its behalf the filings made by a licensed rating organization or another
22 insurer. Nothing contained in this act shall be construed to require any
23 insurer to become a member or subscriber of any rating organization.

24 (b) Certificate of insurance forms must be filed with the
25 commissioner of insurance and approved prior to use. Notwithstanding the
26 "large risk" filing exemption in subsection (j), a certificate of insurance
27 cannot be used to modify, alter or amend the insurance policy it describes.
28 The certificate of insurance shall contain the following or similar
29 language: The certificate of insurance neither affirmatively nor negatively
30 amends, extends or alters the coverage afforded by the policies listed
31 thereon. An industry standard setting organization may be authorized by
32 the commissioner of insurance to file certificate of insurance forms on
33 behalf of authorized insurers.

34 (c) Any rate filing for the basic coverage required by K.S.A. 40-3401
35 *et seq.*, and amendments thereto, loss costs filings for workers
36 compensation, and rates for assigned risk plans established by article 21 of

Proposed Amendment for HB 2637
Change in date of applicability to workers
compensation policies
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Office of Revisor of Statutes
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1 master policy and the commissioner is satisfied that the insurer is able to
2 track and report individual client experience to the advisory organization
3 in an acceptable fashion. If the commissioner determines that the master
4 policy or the insurer cannot track and report individual client experience
5 to the advisory organization in an acceptable fashion, the commissioner
6 shall disapprove such master policy and shall notify the insurer in writing.
7 Any insurer who issues a policy which is disapproved under this statute
8 shall be entitled to a hearing before the commissioner.
9 (3) The commissioner of insurance shall be authorized to adopt such
10 rules and regulations as are reasonable and necessary to carry out the
11 purpose and the provisions of this subsection.
12 (4) *The provisions of this subsection shall not apply to any workers*
13 *compensation policies purchased on or before ~~December 31, 2013.~~* March 31
14 Sec. 2. K.S.A. 2011 Supp. 40-955 is hereby repealed.
15 Sec. 3. This act shall take effect and be in force from and after its
16 publication in the statute book.
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