

**State:** Missouri **Filing Company:** NCCI  
**TOI/Sub-TOI:** 16.0 Workers Compensation/16.0004 Standard WC  
**Product Name:** 04-MO-2013 Revisions to NCCI Manuals Resulting from the Enactment of Missouri Senate Bill 1 (SB 1)  
**Project Name/Number:** /

## Filing at a Glance

**Company:** NCCI  
**Product Name:** 04-MO-2013 Revisions to NCCI Manuals Resulting from the Enactment of Missouri Senate Bill 1 (SB 1)  
**State:** Missouri  
**TOI:** 16.0 Workers Compensation  
**Sub-TOI:** 16.0004 Standard WC  
**Filing Type:** Form/Rule  
**Date Submitted:** 10/15/2013  
**SERFF Tr Num:** NCCI-129249377  
**SERFF Status:** Closed-APPROVED  
**State Tr Num:** 15  
**State Status:** APPROVED  
**Co Tr Num:** 04-MO-2013 (LB)

**Effective Date:** 01/01/2014  
**Requested (New):**  
**Effective Date:** 01/01/2014  
**Requested (Renewal):**

**Author(s):** Lesley O'Brien, Alison Herwig, Frank Gnolfo, Roy Wood, Robert Dalton  
**Reviewer(s):** Patrick Lennon (primary)  
**Disposition Date:** 10/17/2013  
**Disposition Status:** APPROVED  
**Effective Date (New):** 01/01/2014  
**Effective Date (Renewal):** 01/01/2014

**State Filing Description:**

**State:** Missouri **Filing Company:** NCCI  
**TOI/Sub-TOI:** 16.0 Workers Compensation/16.0004 Standard WC  
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## General Information

Project Name:	Status of Filing in Domicile:
Project Number:	Domicile Status Comments:
Reference Organization:	Reference Number:
Reference Title:	Advisory Org. Circular:
Filing Status Changed: 10/17/2013	
State Status Changed: 10/17/2013	Deemer Date:
Created By: Frank Gnolfo	Submitted By: Frank Gnolfo
Corresponding Filing Tracking Number:	
State TOI: 16.0 Workers Compensation	State Sub-TOI: 16.0004 Standard WC

### Filing Description:

This item:

- Revises the Missouri Workers Compensation Premium Algorithm in the Missouri Misc rules section of NCCI's Basic Manual for Workers Compensation and Employers Liability Insurance (Basic Manual).

## Company and Contact

### Filing Contact Information

Roy Wood, State Relations Executive	roy_wood@ncci.com
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Suite 310	314-842-3188 [FAX]
St. Louis, MO 63126	

### Filing Company Information

NCCI	CoCode:	State of Domicile: Florida
901 Peninsula Corporate Circle	Group Code:	Company Type:
Boca Raton, FL 33487	Group Name:	State ID Number:
(561) 893-3186 ext. [Phone]	FEIN Number: 65-0439698	

## Filing Fees

Fee Required? No

Retaliatory? No

Fee Explanation:

## State Specific

NAIC Number: RO99985

Have you reviewed the General Instructions document? (yes/no)(General Instructions updated 9/14/07): Yes

If this is a rate filing, was rate data added on the rate/rule schedule? (yes/no): No

State: Missouri Filing Company: NCCI  
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Product Name: 04-MO-2013 Revisions to NCCI Manuals Resulting from the Enactment of Missouri Senate Bill 1 (SB 1)  
Project Name/Number: /

## Correspondence Summary

### Dispositions

Status	Created By	Created On	Date Submitted
APPROVED	Patrick Lennon	10/17/2013	10/17/2013

**State:** Missouri  
**TOI/Sub-TOI:** 16.0 Workers Compensation/16.0004 Standard WC  
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**Project Name/Number:** /

**Filing Company:** NCCI

## Disposition

Disposition Date: 10/17/2013

Effective Date (New): 01/01/2014

Effective Date (Renewal): 01/01/2014

Status: APPROVED

Comment:

Rate data does NOT apply to filing.

Schedule	Schedule Item	Schedule Item Status	Public Access
Supporting Document	Filing Memorandum	APPROVED	Yes
Supporting Document	Form Exhibits	APPROVED	Yes
Form	Missouri Notification of Additional Mesothelioma Benefits Endorsement	APPROVED	Yes
Form	Missouri Exclusion of Additional Mesothelioma Benefits Endorsement	APPROVED	Yes
Rate	Exhibit 1	APPROVED	Yes
Rate	Exhibit 2	APPROVED	Yes

**State:** Missouri  
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**Project Name/Number:** /

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## Form Schedule

Item No.	Schedule Item Status	Form Name	Form Number	Edition Date	Form Type	Form Action	Action Specific Data	Readability Score	Attachments
1	APPROVED 10/17/2013	Missouri Notification of Additional Mesothelioma Benefits Endorsement	WC 24003 02	01/2014	END	New			Exh 3 Clean Page 04-MO-2013.pdf
2	APPROVED 10/17/2013	Missouri Exclusion of Additional Mesothelioma Benefits Endorsement	WC 24 03 03	01/2014	END	New			Exh 4 Clean Page 04-MO-2013.pdf

### Form Type Legend:

<b>ABE</b>	Application/Binder/Enrollment	<b>ADV</b>	Advertising
<b>BND</b>	Bond	<b>CER</b>	Certificate
<b>CNR</b>	Canc/NonRen Notice	<b>DEC</b>	Declarations/Schedule
<b>DSC</b>	Disclosure/Notice	<b>END</b>	Endorsement/Amendment/Conditions
<b>ERS</b>	Election/Rejection/Supplemental Applications	<b>OTH</b>	Other

*Effective January 1, 2014*

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**MISSOURI NOTIFICATION OF ADDITIONAL MESOTHELIOMA BENEFITS ENDORSEMENT**

This endorsement applies only to insurance provided by the policy because Missouri is shown in Item 3.A. of the Information Page.

Section 287.200.4, subdivision (3), of the Missouri Revised Statutes provides additional benefits in the case of occupational diseases due to toxic exposure that are diagnosed to be mesothelioma and result in permanent total disability or death. Your policy provides insurance for these additional benefits.

If you reject liability for mesothelioma additional benefits provided under Section 287.200.4, subdivision (3), of the Missouri Revised Statutes, you must notify us of this election. Once you notify us, we will endorse this policy to exclude insurance for these additional benefits. If you reject liability for mesothelioma additional benefits, the exclusive remedy provisions under Missouri Revised Statutes Section 287.120 shall not apply to your liability for mesothelioma additional benefits.

*Effective January 1, 2014*

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### **MISSOURI EXCLUSION OF ADDITIONAL MESOTHELIOMA BENEFITS ENDORSEMENT**

This endorsement applies only to insurance provided by the policy because Missouri is shown in Item 3.A. of the Information Page.

Part One (Workers Compensation Insurance), A. How This Insurance Applies, of the policy is changed by adding the following:

3. Section 287.200.4, subdivision (3), of the Missouri Revised Statutes provides additional benefits in the case of occupational diseases due to toxic exposure that are diagnosed to be mesothelioma and result in permanent total disability or death. You have elected to reject these additional benefits; accordingly, this policy does not provide insurance for these additional benefits, and the exclusive remedy provisions under Section 287.120 of the Missouri Revised Statutes shall not apply to your liability for mesothelioma additional benefits.

Part Two (Employers Liability Insurance), C. Exclusions, exclusion 4., of the policy is replaced by the following:

4. Any obligation imposed by a workers compensation, occupational disease, unemployment compensation, or disability benefits law, or any similar law, including your liability for the payment of additional benefits in the case of occupational diseases due to toxic exposure that are diagnosed to be mesothelioma and result in permanent total disability or death as provided for in Section 287.200.4, subdivision (3), of the Missouri Revised Statutes;

**State:** Missouri **Filing Company:** NCCI  
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**Product Name:** 04-MO-2013 Revisions to NCCI Manuals Resulting from the Enactment of Missouri Senate Bill 1 (SB 1)  
**Project Name/Number:** /

## Rate/Rule Schedule

Item No.	Schedule Item Status	Exhibit Name	Rule # or Page #	Rate Action	Previous State Filing Number	Attachments
1	APPROVED 10/17/2013	Exhibit 1	MO Misc Rules	Replacement	B-1426	Exh 1 04-MO-2013.pdf
2	APPROVED 10/17/2013	Exhibit 2	Part 6 H 2	New		Exh 2 04-MO-2013.pdf

ITEM 04-MO-2013—REVISIONS TO NCCI MANUALS RESULTING FROM THE ENACTMENT OF MISSOURI SENATE BILL 1 (SB 1)

EXHIBIT 1  
 BASIC MANUAL—2001 EDITION  
 MISSOURI MISCELLANEOUS RULES

MISSOURI WORKERS COMPENSATION PREMIUM ALGORITHM

The following algorithm provides the framework for premium charges and credits. Where not specified, the premium base would be the result from the prior line.\*

	PREMIUM ELEMENTS	EXPLANATORY NOTES
	<b>MANUAL PREMIUM</b>	[(PAYROLL / 100) * RATE]
+	Supplementary Disease (foundry, abrasive, sandblasting)	[(SUBJECT PAYROLL / 100) * DISEASE RATE]
+	USL&H Exposure for non-F classification codes	[(SUBJECT PAYROLL / 100) * (RATE * USL&H FACTOR)]
	<b>TOTAL MANUAL PREMIUM</b>	
+	Waiver of Subrogation factor**	[% applied to the portion of Total Manual Premium where waiver is applicable]
+	Employers Liability (E/L) increased limits factor	[% applied to Total Manual Premium]
+	Employers Liability increased limits charge	[Balance to E/L increased limits minimum premium]
+	Employers Liability increased limits factor (Admiralty, FELA)	[Factor applied to the portion of Manual Premium where Admiralty/FELA coverage is applicable]
+	Employers Liability/Voluntary Compensation flat charge	[Coverage in Monopolistic State Funds]
-	Deductible credit <sup>#</sup>	[% applied to Total Manual Premium]
	<b>TOTAL SUBJECT PREMIUM</b>	
X	Experience Modification (Exp Mod)	
	<b>TOTAL MODIFIED PREMIUM</b>	
X	Contracting Class Prem Adj Program factor (1 - CCPAP credit %)	
X	Schedule Rating factor or Risk Modeling Plan factor (1 - SR credit %) or (1 + SR debit %) <sup>§</sup>	[% applied to Total Modified Premium]
+	Supplemental Disease Exposure (Asbestos, NOC) <sup>†</sup>	
+	Atomic Energy Radiation Exposure NOC <sup>†</sup>	
+	Charge for nonratable catastrophe loading <sup>†</sup>	
+	Aircraft Seat Surcharge	
+	Balance to Minimum Premium (State Act)	[Balance to minimum premium at Standard Limits]
+	Balance to Minimum Premium (Admiralty, FELA)	
	<b>TOTAL STANDARD PREMIUM</b>	
-	Premium Discount <sup>§§</sup>	[% applied to Standard Premium]
+	Coal Mine Disease Charge	[Underground, surface, surface auger]
+	Expense Constant	
+	Terrorism	[(PAYROLL / 100) * TERRORISM VALUE]
	<b>ESTIMATED ANNUAL PREMIUM</b>	

\* The above rating method would be used in the absence of independent carrier filings.

ITEM 04-MO-2013—REVISIONS TO NCCI MANUALS RESULTING FROM THE ENACTMENT OF MISSOURI SENATE BILL 1 (SB 1)

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**EXHIBIT 1 (CONT'D)  
BASIC MANUAL—2001 EDITION  
MISSOURI MISCELLANEOUS RULES**

	PREMIUM ELEMENTS	EXPLANATORY NOTES
+	Audit Noncompliance Charge	
	<b>TOTAL AMOUNT DUE</b>	

- \*\* Premium charges established for Waiver of Subrogation are not filed by NCCI for the voluntary market.
- # Second Injury Fund assessments are calculated as if the deductible plan were not being used.
- § Schedule Rating and Risk Modeling Plans are individually filed by each carrier. Carriers have the option of filing a Schedule Rating Plan or a Risk Modeling Plan.
- † Nonratable Element Premiums generated by nonratable portion of manual rate are subject to all applicable premium elements applied to the policy, however, not subject to experience rating or retrospective rating.
- §§ For policies subject to premium adjustments under a retrospective rating plan, premium discount does not apply.

NOC = Not Otherwise Classified.

**Note:** For short rate cancellations, short rate percentage/short rate penalty premium factor is subject to experience rating, included in Total Subject Premium, and applied prior to Experience Modification.

ITEM 04-MO-2013—REVISIONS TO NCCI MANUALS RESULTING FROM THE ENACTMENT OF MISSOURI SENATE BILL 1 (SB 1)

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**EXHIBIT 2  
STATISTICAL PLAN—2008 EDITION  
PART 6—CODING VALUES  
H. STATISTICAL CODES**

**2. Premium Amount *Not Subject* to Experience Modification Factor**

**Premium Amount *Not Subject* to Experience Modification Factor**

Description	Stat Code	Premium Credit (-) or Debit (+)	Applicable States	Effective Date	Discontinuation Date
Risk Modeling Plan—Premium Credit	9147 <sup>(1)</sup>	-	MO	01/01/14	
Risk Modeling Plan—Premium Debit	9148 <sup>(1)</sup>	+	MO	01/01/14	

<sup>(1)</sup> MO—Available for use when an insurer has independently filed for a risk modeling plan in accordance with Missouri Revised Statutes Section 287.955.6 and received approval from the Missouri Department of Insurance.

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## Supporting Document Schedules

<b>Satisfied - Item:</b>	Filing Memorandum
<b>Comments:</b>	
<b>Attachment(s):</b>	Memorandum 04-MO-2013.pdf
<b>Item Status:</b>	APPROVED
<b>Status Date:</b>	10/17/2013

<b>Satisfied - Item:</b>	Form Exhibits
<b>Comments:</b>	
<b>Attachment(s):</b>	Exh 3 04-MO-2013.pdf Exh 4 04-MO-2013.pdf
<b>Item Status:</b>	APPROVED
<b>Status Date:</b>	10/17/2013

## FILING MEMORANDUM

### ITEM 04-MO-2013—REVISIONS TO NCCI MANUALS RESULTING FROM THE ENACTMENT OF MISSOURI SENATE BILL 1 (SB 1)

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#### PURPOSE

This item:

1. Revises the Missouri Workers Compensation Premium Algorithm in the Missouri Miscellaneous Rules section of NCCI's *Basic Manual for Workers Compensation and Employers Liability Insurance (Basic Manual)*.
2. Establishes statistical codes for use in Missouri in Part 6-H-2 of NCCI's *Statistical Plan for Workers Compensation and Employers Liability Insurance (Statistical Plan)* as follows:
  - 9147—Risk Modeling Plan—Premium Credit
  - 9148—Risk Modeling Plan—Premium Debit
3. Establishes the following endorsements in NCCI's *Forms Manual of Workers Compensation and Employers Liability Insurance (Forms Manual)*:
  - Missouri Notification of Additional Mesothelioma Benefits Endorsement (WC 24 03 02)
  - Missouri Exclusion of Additional Mesothelioma Benefits Endorsement (WC 24 03 03)

#### BACKGROUND

##### Missouri Workers Compensation Premium Algorithm

Senate Bill 1 (SB 1) of the Missouri General Assembly (2013 Session) revised Missouri Revised Statutes Section 287.955 to add information pertaining to individual risk premium modification rating plans that prospectively modify premium based on the individual risk characteristics. Premium modifications may be determined by either a schedule rating plan or risk modeling plan. These individual risk premium modification rating plans are individually filed by the carrier. The Missouri Department of Insurance has determined that, regardless of the type of plan, the credit or debit must be applied to modified premium. To ensure that the credit or debit resulting from a risk modeling plan is applied to modified premium in the same manner as schedule rating, the Missouri Workers Compensation Premium Algorithm must be revised to show how the credit or debit for either a schedule rating plan or a risk modeling plan is applied.

##### Statistical Codes

SB 1 revised Missouri Revised Statutes Section 287.955 to state that premium modifications resulting from a risk modeling plan must be reported separately under NCCI's *Statistical Plan* from premium modifications resulting from a schedule rating plan. Statistical Code 9147—Risk Modeling Plan—Premium Credit and Statistical Code 9148—Risk Modeling Plan—Premium Debit must be established for Missouri in NCCI's *Statistical Plan* to report the credits and debits resulting from a risk modeling plan. Carriers should continue reporting schedule rating plan credits and debits under the current statistical codes.

##### Additional Mesothelioma Benefit Endorsements

SB 1 revised Missouri Revised Statutes Section 287.020 and Section 287.200 to define "occupational diseases due to toxic exposure" and to include additional benefits for occupational diseases due to toxic exposure. In cases where occupational diseases due to toxic exposure are diagnosed to be mesothelioma

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## FILING MEMORANDUM

### ITEM 04-MO-2013—REVISIONS TO NCCI MANUALS RESULTING FROM THE ENACTMENT OF MISSOURI SENATE BILL 1 (SB 1)

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and result in a permanent total disability or death, SB 1 adds Missouri Revised Statutes Section 287.200.4, subdivision (3), which provides that employers may elect to accept or reject liability for mesothelioma additional benefits.

Employers that have elected to accept liability for mesothelioma additional benefits may do so by either insuring their liability, by qualifying as a self-insurer, or by becoming a member of a group insurance pool. For employers that elect to reject liability for mesothelioma additional benefits, the exclusive remedy provisions under Missouri Revised Statutes Section 287.120 shall not apply to their liability for mesothelioma additional benefits.

The Missouri Notification of Additional Mesothelioma Benefits Endorsement (WC 24 03 02) must be established to notify the employer that the policy provides insurance for their liability for mesothelioma additional benefits provided under Missouri Revised Statutes Section 287.200.4, subdivision (3). This endorsement also explains that if the employer elects to reject liability for mesothelioma additional benefits, they must notify the carrier of this election.

The Missouri Exclusion of Additional Mesothelioma Benefits Endorsement (WC 24 03 03) must be established to align the policy provisions with the employer's election to reject liability for mesothelioma additional benefits provided under Missouri Revised Statutes Section 287.200.4, subdivision (3).

## PROPOSAL

This item proposes the following changes in Missouri:

1. Revise the **Basic Manual** Missouri Workers Compensation Premium Algorithm to show how a risk modeling plan credit or debit is calculated.
2. Establish Statistical Code 9147 and Statistical Code 9148 in Part 6-H-2 of NCCI's **Statistical Plan** to be used to report premium credits and debits as a result of a risk modeling plan.
3. Establish the Missouri Notification of Additional Mesothelioma Benefits Endorsement (WC 24 03 02) in NCCI's **Forms Manual** for carriers to use to notify the employer that the policy provides insurance for their liability for additional mesothelioma benefits provided under Missouri Revised Statutes Section 287.200.4, subdivision (3).
4. Establish the Missouri Exclusion of Additional Mesothelioma Benefits Endorsement (WC 24 03 03) in NCCI's **Forms Manual** for carriers to use when the employer has elected to reject mesothelioma additional benefits provided under Missouri Revised Statutes Section 287.200.4, subdivision (3).

## IMPACT

It is not possible to determine, with available data sources, how employers will be impacted by the proposed changes in this item. The statewide impact of these changes is unknown.

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FILING MEMORANDUM

ITEM 04-MO-2013—REVISIONS TO NCCI MANUALS RESULTING FROM THE ENACTMENT OF MISSOURI SENATE BILL 1 (SB 1)

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EXHIBIT COMMENTS AND IMPLEMENTATION SUMMARY

Exhibit	Exhibit Comments	Implementation Summary
1	Displays the revisions to the <i>Basic Manual</i> Missouri Workers Compensation Premium Algorithm.	To become effective for new and renewal policies effective on and after 12:01 a.m. on January 1, 2014.
2	Displays the revisions to Part 6-H-2 in NCCI's <i>Statistical Plan</i> for Missouri.	
3	Displays the Missouri Notification of Additional Mesothelioma Benefits Endorsement (WC 24 03 02) to be established in NCCI's <i>Forms Manual</i> .	
4	Displays the Missouri Exclusion of Additional Mesothelioma Benefits Endorsement (WC 24 03 03) to be established in NCCI's <i>Forms Manual</i> .	

**Note:** NCCI is not the Plan Administrator for Missouri; however, NCCI is the approved advisory organization in Missouri. Accordingly, the Missouri Department of Insurance has directed NCCI to submit this item on behalf of the Missouri Workers' Compensation Alternative Residual Market Plan (Missouri ARM Plan).

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**ITEM 04-MO-2013—REVISIONS TO NCCI MANUALS RESULTING FROM THE ENACTMENT  
OF MISSOURI SENATE BILL 1 (SB 1)**

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**EXHIBIT 3  
FORMS MANUAL OF WORKERS COMPENSATION AND EMPLOYERS LIABILITY INSURANCE  
MISSOURI NOTIFICATION OF ADDITIONAL MESOTHELIOMA BENEFITS ENDORSEMENT  
(WC 24 03 02)**

**MISSOURI NOTIFICATION OF ADDITIONAL MESOTHELIOMA BENEFITS ENDORSEMENT (WC 24  
03 02)**

This endorsement applies only to insurance provided by the policy because Missouri is shown in Item 3.A. of the Information Page.

Section 287.200.4, subdivision (3), of the Missouri Revised Statutes provides additional benefits in the case of occupational diseases due to toxic exposure that are diagnosed to be mesothelioma and result in permanent total disability or death. Your policy provides insurance for these additional benefits.

If you reject liability for mesothelioma additional benefits provided under Section 287.200.4, subdivision (3), of the Missouri Revised Statutes, you must notify us of this election. Once you notify us, we will endorse this policy to exclude insurance for these additional benefits. If you reject liability for mesothelioma additional benefits, the exclusive remedy provisions under Missouri Revised Statutes Section 287.120 shall not apply to your liability for mesothelioma additional benefits.

**ITEM 04-MO-2013—REVISIONS TO NCCI MANUALS RESULTING FROM THE ENACTMENT  
OF MISSOURI SENATE BILL 1 (SB 1)**

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**EXHIBIT 4  
FORMS MANUAL OF WORKERS COMPENSATION AND EMPLOYERS LIABILITY INSURANCE  
MISSOURI EXCLUSION OF ADDITIONAL MESOTHELIOMA BENEFITS ENDORSEMENT (WC  
24 03 03)**

**MISSOURI EXCLUSION OF ADDITIONAL MESOTHELIOMA BENEFITS ENDORSEMENT (WC 24 03 03)**

This endorsement applies only to insurance provided by the policy because Missouri is shown in Item 3.A. of the Information Page.

Part One (Workers Compensation Insurance), A. How This Insurance Applies, of the policy is changed by adding the following:

3. Section 287.200.4, subdivision (3), of the Missouri Revised Statutes provides additional benefits in the case of occupational diseases due to toxic exposure that are diagnosed to be mesothelioma and result in permanent total disability or death. You have elected to reject these additional benefits; accordingly, this policy does not provide insurance for these additional benefits, and the exclusive remedy provisions under Section 287.120 of the Missouri Revised Statutes shall not apply to your liability for mesothelioma additional benefits.

Part Two (Employers Liability Insurance), C. Exclusions, exclusion 4., of the policy is replaced by the following:

4. Any obligation imposed by a workers compensation, occupational disease, unemployment compensation, or disability benefits law, or any similar law, including your liability for the payment of additional benefits in the case of occupational diseases due to toxic exposure that are diagnosed to be mesothelioma and result in permanent total disability or death as provided for in Section 287.200.4, subdivision (3), of the Missouri Revised Statutes;