

§ 339.8 Annual Collection of the Workers' Occupational Safety and Health Fund Fees

(a) The Director designates the Commission on Health and Safety and Workers' Compensation to collect the fee required by Labor Code Section 6354.7 for the purpose of establishing and maintaining a workers' occupational safety and health training and education program and insurance loss control services coordinator.

(b) On or before April 1 of each year, each insurer subject to Labor Code Section 6354.5 shall pay to the Commission on Health and Safety and Workers' Compensation the workers' occupational safety and health training and education program fee required by Labor Code Section 6354.7. All fees collected pursuant to this section shall be deposited in the Workers' Occupational Safety and Health Education Fund, as provided in Section 6354.7 of the Labor Code.

(c) The annual fee required under this section shall be the greater of one hundred dollars (\$100) or 0.0286 percent of paid workers' compensation indemnity as reported for the previous calendar year to the designated rating organization for the analysis required under subdivisions (b) and (c) of Section 11759.1 of the Insurance Code.

(d) Along with the payment required by this section, each insurer shall submit:

(1) A copy of the insurer's response to the annual "Call for California Workers' Compensation Experience" for the preceding calendar year.

(2) A summary report, on form CHSWC-1 "Workers' Occupational Safety and Health Fund Fee Report Form (Rev. 1/03)." The Commission shall provide a copy of the form CHSWC-1 to each insurer subject to Labor Code Section 6354.5 not later than February 1 of the year in which the fee is collected. The form CHSWC-1 shall include the following information:

(A) the name of the insurer submitting the report, including a list of all insurer names used to write workers' compensation insurance in California. For each insurer listed, a copy of each insurer's Certificate of Authority, issued by the California Department of Insurance, to write workers' compensation insurance shall be submitted with the report as an attachment;

(B) the name and contact information for a company officer to be contacted concerning the insurer's loss control services or the workers' occupational safety and health training and education program;

(C) the amount of paid indemnity as reported by the insurer for the previous calendar year to the Workers' Compensation Insurance Rating Bureau in response to the annual "Call for California Workers' Compensation Experience;" and,

(D) the amount of the fee being paid by the insurer.

Note: Copies of the form CHSWC-1 may be obtained upon request from the Commission or downloaded from the Commission's web site at: <http://www.dir.ca.gov/CHSWC/>.

(e) A group of insurers under the same management, direction and control may elect to submit a single consolidated payment so long as the information required by the Commission is separately provided for each insurer.

Authority cited: Section 6354.7, Labor Code and Section 11759.1, Insurance Code.

Reference: Section 6354.5, Labor Code and Section 11759.1, Insurance Code.

§ 339.8.1 Workers' Occupational Safety and Health Fund Fee Report Form

[Form CHSWC-1 attached]

Authority cited: Section 6354.7, Labor Code and Section 11759.1, Insurance Code.

Reference: Section 6354.5, Labor Code and Section 11759.1, Insurance Code.