

## NCCI WCIP STATE INSTRUCTIONS

Use the state chart below along with the ACORD® Forms Instruction Guide for completing the ACORD® 133 Workers Compensation Insurance Plan Assigned Risk section and ACORD® 130 Workers Compensation Application. For questions relating to the Plan, please refer to NCCI's *New Mexico Workers' Compensation Assigned Risk Pool Manual*, NCCI's *Basic Manual for Workers Compensation and Employers Liability Insurance*, NCCI's *Basic Manual User's Guide*, and NCCI's *Assigned Risk Supplement*, or contact NCCI's Customer Service Center at 800-NCCI-123 (800-622-4123).

NEW MEXICO			
Estimated Annual Premium (EAP)	Payroll Reporting Basis	Minimum Deposit Percentage of EAP	Number of Refusers: Two—one must be the current carrier, if applicable.
\$0–\$999	Annual	100%	<b>Effective Date:</b> The later of the following options: <ul style="list-style-type: none"> <li>12:01 a.m. on the date following receipt by the Plan Administrator of a complete and eligible application</li> <li>The date of expiration of existing coverage</li> <li>A date the applicant requests</li> </ul> If an eligible application and check are sent via US mail, coverage will be bound at 12:01 a.m. on the day following the postmark on the envelope or the expiration of existing coverage. For effective date determination, a private postage meter mark will not be accepted, and only a US Postal Service postmark affixed to the envelope will be accepted by the Plan Administrator as a valid postmark.
\$1,000–\$4,999	Semiannual	65%	
\$5,000–\$9,999	Quarterly	40%	
\$10,000 and over	Monthly	20%	
The audit adjustment program is the payment program used in New Mexico. Employers that choose not to pay on an annual basis are billed according to the results of their payroll reports. Employers under this program pay a deposit premium based on estimated annual premium in accordance with the deposit and payroll reporting table. At policy inception, the employer may request a higher minimum deposit percentage but may not select a deposit percentage lower than the minimum stated in the deposit and payroll reporting table.			
The deposit and payroll reporting table is followed by all assigned carriers. However, the assigned carrier, based on sound underwriting practices, may make appropriate changes to the payroll reporting basis that the employer selected. The assigned carrier must provide the reason(s) for such change(s) to the employer and will appropriately document the file.			
<b>Minimum Premium Policies</b> The deposit premium for a minimum premium policy is 100% of the estimated annual premium. A minimum premium policy must be paid in full and is not eligible for the audit adjustment program.			
<b>Short-Term Policies</b> At the time of application, the required deposit premium for short-term policies with a duration of six months or less is 100% of the estimated premium. The estimated premium is based on the estimated payroll for the policy period, unless otherwise approved by the New Mexico Workers' Compensation Assigned Risk Pool Administrator.			
For renewal policies, the required deposit premium for short-term policies with a duration of six months or less is also 100% of the estimated premium, subject to the discretion of the assigned carrier.			
<b>Application Submission Options:</b> <ul style="list-style-type: none"> <li>Online—Applications may be submitted via NCCI's website at <a href="http://ncci.com">ncci.com</a>. To enroll for access to this free service, contact NCCI's Customer Service Center at 800-NCCI-123 or at <a href="mailto:customer_service@ncci.com">customer_service@ncci.com</a>.</li> <li>Telephone—Applications may be submitted by contacting NCCI's Customer Service Center at 505-242-1330.</li> <li>Mail—Applications may be submitted via the US Postal Service or private overnight delivery service to the address provided below.</li> </ul>			
<b>Note:</b> Under New Mexico law, an out-of-state agent/producer is required to have a New Mexico resident or nonresident license to submit an application to NCCI for primary and/or multistate coverage.			
<b>Voluntary Coverage Assistance Program (VCAP® Service):</b> NCCI's <b>VCAP® Service</b> applies to all employers seeking coverage through the residual market in which NCCI is the Plan Administrator, and is offered through NCCI's Residual Market Application Processing System ( <b>RMAPS® Online Application Service</b> ). Through this free, Internet-based application, voluntary coverage providers have the opportunity to evaluate potential employers that submit applications through the residual market. All assigned risk applications (electronic, phone-in, or mail-in) submitted to NCCI as Plan Administrator are processed through <b>VCAP® Service</b> to determine if they match the preselected criteria specified by a participating voluntary coverage provider.			
Refer to NCCI's <i>New Mexico Workers' Compensation Assigned Risk Pool Manual</i> for the applicable rules.			
<b>Guide to Premium Calculation</b> (for detailed information, refer to NCCI's <i>New Mexico Workers' Compensation Assigned Risk Pool Manual</i> or the New Mexico State Special Rules in NCCI's <i>Basic Manual</i> ):			
<ul style="list-style-type: none"> <li>Experience modification, if applicable</li> <li>Assigned risk surcharge of 10% applies to standard premium on all policies <b>including</b> minimum premium policies</li> <li>Safety device coverage, if applicable</li> <li>Assigned Risk Adjustment Program (ARAP) factor, if applicable, applies to total modified premium with a maximum surcharge of 1.49</li> <li>Deductible insurance, if applicable</li> <li>Workers Compensation Premium Adjustment Program for Qualifying Classifications, if applicable</li> </ul>			
<b>Election/Rejection Under State Law:</b>			
<b>Sole proprietors</b> are automatically covered under the Act, but may elect to be excluded by filing with the carrier the applicable form, available from the New Mexico Workers' Compensation Administration. Attach to the application a copy of the election form. Payroll must be excluded for any sole proprietor rejecting coverage.			
<b>“Executive employees” owning 10% or more of outstanding stock</b> are automatically covered under the Act, but may elect to be excluded by filing with the carrier the applicable form, available from the New Mexico Workers' Compensation Administration. “Executive employee” includes chairperson of the board, president, vice president, secretary, treasurer, or other executive officer. Attach to the application a copy of the election form. Payroll must be excluded for any executive employee rejecting coverage. Executive employees owning less than 10% are not eligible to be excluded from coverage.			

**Members of limited liability companies owning 10% or more interest** are automatically covered under the Act, but may elect to be excluded by filing with the carrier the applicable form, available from the New Mexico Workers' Compensation Administration. Attach to the application a copy of the election form. Payroll must be excluded for any members of limited liability companies rejecting coverage.

**Note:** Members of limited liability companies are treated as executive employees for premium determination purposes in New Mexico.

**Partners** are not covered under the Act, but may elect coverage by filing with the carrier the applicable form, available from the New Mexico Workers' Compensation Administration. Attach to the application a copy of the election form. Payroll must be included for any partners electing coverage.

Failure to file any applicable forms for election or rejection status in accordance with state laws may result in additional premium being charged and collected by the Plan Administrator or the assigned carrier.

**Volunteers**

No volunteers are automatically covered under the Act. Volunteer firefighters are not automatically covered under the Act, but the municipality may elect coverage.

Refer to the Workers' Compensation Administration at [www.workerscomp.nm.gov](http://www.workerscomp.nm.gov) for the most current rules, regulations, and forms.

**Employee Leasing:**

**IMPORTANT: Before completing Professional Employer Organization (PEO) Arrangement applications, refer to NCCI's *New Mexico Workers' Compensation Assigned Risk Pool Manual* for the applicable rules. Obtain forms from NCCI.**

- All of the PEO's leased workers to clients under the state's WCIP must be secured under an MCP basis
- The client's policy covering its leased workers will be issued in the name and FEIN of the client in accordance with this rule and all other rules governing the issuance of a standard policy for assigned risk business
  - Direct workers of a client will not be included on the client's policy for its leased workers
- The PEO's policy covering the direct workers will be issued in the name and FEIN of the PEO in accordance with this rule and all other rules governing the issuance of a standard policy for assigned risk business under the WCIP
  - If the PEO has no direct workers in the state where its clients' coverage is being obtained, the PEO's policy will be issued with premium based on the use of Code 8810—Clerical Office Employees NOC on an "if any" basis

**Submit Application via Regular Mail to:** NCCI  
Attn: Treasury Dept.  
PO Box 3045  
Boca Raton, FL 33431

**Submit Application via Overnight Delivery to:** NCCI  
Attn: Treasury Dept.  
901 Peninsula Corporate Circle  
Boca Raton, FL 33487-1362

**Send Correspondence to:** NCCI  
6301 Indian School Road  
Suite 990  
Albuquerque, NM 87110  
Phone: 505-242-1330  
Fax: 505-242-1032