

**NEW HAMPSHIRE INSURANCE DEPARTMENT  
21 SOUTH FRUIT STREET SUITE 14  
CONCORD, NH 03301**

**INSURANCE LAW CHANGES FOR CALENDAR YEAR 2007**

***Revised Premium Tax Forms***

The premium tax forms and instructions have been substantially revised for calendar year 2007 due to the July 1, 2007 change in the premium tax rate for various lines of business.

The company will be required to provide the Schedule T for the six month period ended June 30, 2007, and for the six month period ended December 31, 2007. In addition, the electronic worksheet has been substantially revised. The NH BASIS portion is largely automated. Please review the forms and the instructions carefully prior to completing the returns.

***Business Enterprise Tax Credit***

Chapter 255 of the laws of 2007 makes changes in the deductibility of the NH Business Enterprise Tax. The law was amended to provide that "...The taxes paid pursuant to RSA 77-E by a member of a unitary business within the meaning of RSA 77-A:1; XIV shall be allowed as a credit against any other individual member's liability under this chapter, ***provided that such other member is also subject to the tax imposed by this chapter....***

This means that the Business Enterprise Tax generated by non-insurance company members of a unitary group will not be allowed as a deduction against the premium tax paid by insurance company members of a unitary group.

***Business Enterprise Tax Forms required for a unitary business:***

Members of a unitary business must provide the following forms:

Form BT-SUMMARY

Form BET-WE

Form BET -80-WE

Form NH-1120-WE

Such other forms as are necessary to assess the deductibility of the company's BET tax.

***Business Enterprise Tax Forms required for a non-unitary business:***

Companies not required to file on a combined basis with the Department of Revenue must provide the following forms:

Form BT-SUMMARY

Form BET

Form NH-1120

Such other forms as are necessary to assess the deductibility of the company's BET tax.

The company's filing should be sufficiently complete so as to enable the NH Insurance Department to make a definitive assessment of the propriety of any NH Business Enterprise Tax amounts claimed as a credit against the premium tax liability.

***Premium Tax Due Dates***

CY 2007 Premium Tax Return

March 15<sup>th</sup>, 2008

CY 2008 Estimated Payment

March 15<sup>th</sup>, 2008

## **INSURANCE LAW CHANGES FOR CALENDAR YEAR 2006**

### **RE: CHANGES IN RSA 400-A:32 I and II METHOD AND DUE DATE FOR PAYMENT OF ESTIMATED PREMIUM TAXES PREMIUM TAX RATES FOR CERTAIN LINES OF BUSINESS**

Chapter 277 of the laws of 2006 changes the method of remitting estimated premium taxes and reduces the premium tax rate for certain lines of business.

- The method for the payment of estimated premium tax has been changed from a quarterly payment system to a 100% prepayment system effective for the calendar year ending December 31, 2007. The law provides that for calendar years ending December 31, 2007, and thereafter, every authorized insurer required to pay a tax in accordance with RSA 400-A:32 I, shall make payment in full of an amount equal to 100 percent of the previous calendar year's premium taxes on March 15th. In other words, the prepayment due on March 15, 2007, will be equal to 100 percent of the premium tax due for calendar year 2006. There will be no estimated payments for June, September, and December for calendar year 2007 and thereafter.
  
- The premium tax rate for premiums written pursuant to RSA 401:1 I-III and V-VIII, and RSA 401:1-a I and II has been reduced as of the following effective dates:  
Effective for premiums written on or after July 1, 2007, a tax rate of 1.75%  
Effective for premiums written on or after January 1, 2009, a tax rate of 1.5%  
Effective for premiums written on or after January 1, 2010, a tax rate of 1.25%,  
and,  
Effective for premiums written on or after January 1, 2011, a tax rate of 1.00%.
  
- Premium tax for lines of business written pursuant to RSA 401:1 IV, including, but not limited to, insurers licensed pursuant to RSA 420-A, RSA 420-B, and RSA 420-F shall remain at 2%.

## INSURANCE LAW CHANGES FOR CALENDAR YEAR 2005

- **Payment by Electronic Funds Transfer (EFT)**

RSA 400-A:32-b Requires payment by electronic funds transfers in certain circumstances.

Chapter 248 of the Laws of 2005 added the following provisions to the Insurance Code effective January 1, 2006 and following:

“Insurers shall remit taxes by electronic funds transfer according to the following schedule:

- I. When the insurer, or group of insurers, had a tax liability in the prior tax year of **\$40,000** or more, effective January 1, 2006.
- II. When the insurer, or group of insurers, had a tax liability in the prior tax year of **\$30,000** or more, effective January 1, 2007.
- III. When the insurer, or group of insurers, had a tax liability in the prior tax year of **\$20,000** or more, effective January 1, 2008.”

The tax liability for calendar year 2007 is contained on Page 3, Line 29 of the medical premium tax form. To be considered timely, the tax payment must be deposited into the Insurance Department’s EFT bank account on or before the payment due date.

***For purposes of this law, “group” is defined as all companies included within the NAIC Group Code.***

- **RSA 400-A:32-a Timely mailing provision**

Claims for timely mailing must be supported by “...***the post office cancellation mark stamped upon the envelope or other appropriate wrapper...***” If the payment is not received or the cancellation mark is “...illegible, erroneous or omitted...,” mail “...shall be deemed filed...if the sender establishes by competent evidence that the report...or other document ***was deposited in the United States mail on or before the due date for filing...***”

- **A Pitney Bowes postal imprint does not qualify as a “post office cancellation imprint”.**

- **Payment of Annual Statement Filing Fee**

RSA 400-A:36, II provides that “...***The insurer shall pay the fee for filing its annual statement*** as prescribed by RSA 400-A:29 at the time of filing or ***with the premium tax return, but no later than March 15<sup>th</sup>.***” It is requested that companies continue to pay the filing fee with the filing of the premium tax return.

- **Late Payment Penalty**

RSA 400-A:32 IV “Any insurer failing to file the report required by RSA 400-A:31 or failing to remit the proper tax within the time for filing shall pay a penalty equal to 10 percent on the amount of the tax due.”

*Late payment fees shall be assessed.* Please note that the word “intentionally” has been removed from the law.

**2007 Premium Tax Instructions for  
HEALTH, MEDICAL & DENTAL INDEMNITY COMPANIES**

**GENERAL INSTRUCTIONS**

**ANNUAL STATEMENT FILING DUE DATES:**

<b>HEALTH SERVICE CORPORATIONS</b>	<b>MARCH 1, 2008 (420-A:20)</b>
<b>HEALTH MAINTENANCE CORPORATIONS</b>	<b>MARCH 1, 2008 (420-B:9)</b>
<b>DELTA DENTAL CORPORATION</b>	<b>MARCH 1, 2008 (420-F:9)</b>

**PREMIUM TAX RETURN DUE DATE IS MARCH 15, 2008**

**(See RSA 400-A:32-a Timely Mailing)**

The premium tax return is due NOT LATER THAN March 15, 2008. Tax returns postmarked on or before March 15, 2008, will be accepted as having been timely filed. Tax statements and tax payments postmarked after March 15, 2008, will be subject to the provisions of RSA 400-A:32, IV, which imposes a 10% penalty for filing after the due date. *Please note that a "Pitney Bowes" postal imprint does not qualify as a post office cancellation mark.*

**DO NOT SEND PREMIUM TAX FORM AND/OR CHECKS WITH THE ANNUAL STATEMENT PACKAGE**

**COMPLETE TAX FORM, FORWARD WITH PAYMENT TO:**

**NEW HAMPSHIRE DEPARTMENT OF INSURANCE  
21 SOUTH FRUIT STREET SUITE 14  
CONCORD, NEW HAMPSHIRE 03301**

**MAKE CHECKS PAYABLE TO: TREASURER, STATE OF NEW HAMPSHIRE**

**PAY IN WHOLE DOLLARS ONLY!**

**ELECTRONIC FUNDS TRANSFER**

The Department accepts electronic funds transfers via either the ACH debit method or the ACH credit method. For those companies choosing the ACH credit method, there are no notification requirements. The company is solely responsible for insuring that the funds are in the State of New Hampshire Insurance Department EFT account on the legal due date.

**ACH CREDIT**

There are no notification requirements for this method. If the company is switching from ACH debit to ACH credit, please notify the Department of the effective date of the switch.

**ACH DEBIT**

For the company to use this method, the company must first file an ACH debit authorization form with the Department. Copies of these forms are available on the Department web site. In addition, the company is responsible to provide certain withdrawal information prior to each scheduled due date.

**ALIEN CORPORATIONS**

For retaliatory purposes, "State of Domicile" as used in this refers to State of Entry.

**LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION OF 1996**

Refer to RSA 408-B, Sections 4, 9 and 13 for laws concerning the deductibility of assessments made under this law. **Please note that any assessments made under RSA 404 are not eligible credits against premium tax.**

## **ROUNDING**

The following lines on the premium tax return should be rounded to the nearest whole dollar.:

Page 3, Line 32

Page 3, Line 33

Page 3, Line 34

Page 3, Line 35

Page 3, Line 36

***Cash payments should not be rounded but must be included at the actual amount paid.***

## **WHAT IS TAXABLE?**

Gross direct premiums including renewal premiums.

Policy fees.

Membership and other fees.

Policy dividends applied in payment for insurance (additional paid up insurance)

All other considerations for insurance received during the calendar year.

### **Medicare+Choice Premiums**

Most Medicare beneficiaries may choose to receive benefits through one of the following Medicare+Choice plans: Coordinated care plans, which includes health maintenance organizations, Provider-Sponsored Organizations (PSO's) and Preferred Providers Organizations.

**Medicare+Choice Premiums** received by such organizations **on behalf of Medicare qualified individuals are not subject to premium taxation.**

### **Medicare Part D**

Premiums for Medicare Part D coverage are not subject to premium tax.

Medicare supplementary policies sold by an insurance company are subject to premium tax.

**Medicaid Premiums** *are* subject to premium tax.

## **ALL DEDUCTIONS FROM GROSS PREMIUMS MUST BE FULLY DOCUMENTED**

## **DOCUMENTS REQUIRED TO BE FILED**

Health Service Corporations:

- 1) Schedule T for January 1 through June 30, 2007
- 2) Schedule T for July 1 through December 31, 2007.
- 3) The Underwriting and Investment Exhibit Part 1 – Premiums.
- 4) Calendar Year 2006 Business Enterprise Tax Return
- 5) Documents substantiating any reduction and/or credits taken on premium tax form.

Health Maintenance Organizations:

- 1) Schedule T for calendar year 2007.
- 2) Calendar Year 2006 Business Enterprise Tax Return
- 3) Documents substantiating any reduction and/or credits taken on premium tax form.

## **PAGE ONE INSTRUCTIONS**

COMPANY NAME – enter company name

BUSINESS ADDRESS – enter **complete** company address, street, city, state, zip.

TYPE OF COMPANY - enter MED for Medical Insurance Company

FEDERAL TAX ID NUMBER - enter the company's nine digit federal tax id number

NAIC GROUP CODE - enter the company's four digit NAIC group code

NAIC COMPANY CODE - enter the company's five digit NAIC company code

STATE OF DOMICILE - enter the two-letter abbreviation of the company's state of domicile.

PLEASE INDICATE AMOUNT OF TAX PAYMENT AND METHOD OF TAX PAYMENT.  
PLEASE INDICATE IF THE COMPANY HAS AMENDED ITS' ARTICLES OF AGREEMENT (Y/N)  
PLEASE INDICATE IF THE COMPANY HAS AMENDED ITS' BYLAWS (Y/N)  
Complete the sworn statement and have this statement properly notarized by a notary public.

## PAGE TWO INSTRUCTIONS

### LICENSING, FILING AND DOCUMENT FEES

Include in this section only fees and charges relating to the filing of the annual statement, licensing of the company, and other documents fees. Fees and assessments computed on the basis of premiums written must be included in the appropriate section below.

#### Line 1. License Fee

NH domestics enter in Line 1, column 2 the appropriate license fee. Foreign companies licensed as Health Service Corporations or Health Maintenance Corporations, enter \$200 in Line 1, column 2, and the respective amount charged by your domiciliary state in Line 1, column 3. Foreign companies licensed under RSA 401, enter \$100 in Line 1, column 2, and the respective amount charged by your domiciliary state in Line 1, column 3.

### RETALIATION

NH retaliates on a tax for tax and fee for fee basis.

### OTHER TAXES, FEES AND ASSESSMENTS

*If the company's domestic state imposes any additional fees and/or taxes upon NH companies, these fees and taxes must be included herein. Include all special and general assessments that are levied against NH domiciled companies operating in your domestic state. Complete detailed computations must be provided*

Items to be included here:

Franchise Tax

Corporate Tax

District/Municipality Tax

County/City/Canadian Province Tax

Investment Tax

Corporate Registration Fee

Cost Containment Fee

Financial Regulation Fee

State Rating Bureau Assessment

Attorney General Assessment

Fraud Assessment

Actuary

Rate Hearing

Police Pension Fund

Insurance Department Maintenance

Any other assessments applicable to NH domestic companies in the company's domestic state.

#### Line 18 -- Insurance Department Maintenance

Compute the domestic state assessment for column 3. Place the NH Administrative Assessment paid during calendar year 2007 on line 14 in the NH basis column. Subtract the NH basis from the domestic state basis and insert the excess in column 4. **Column four should not be less than zero.**

## PAGE THREE INSTRUCTIONS

Page three of the premium tax return has been substantially revised from calendar year 2006 due to the change in the premium tax rate as of July 1, 2007 for certain lines of business. All premiums written from January 1, 2007 through June 30, 2007 will be taxed at 2%. Certain lines of business will be taxed at 1.75% from July 1, 2007 through December 31, 2007.

Line 1. Enter accident and health premiums written per schedule T.  
Line 2. Enter Medicare Title XVIII premiums written per schedule T.  
Line 3. Enter Medicaid Title XIX premiums written per schedule T.  
Line 4. Enter Federal Employees Health Benefits Program premiums written per schedule T.  
Line 5. Enter Life and Annuity premiums written January 1 through June 30, 2007.  
Line 6. Enter Life and Annuity premiums written July 1 through December 31, 2007.  
Line 7. Enter Property & Casualty premiums written January 1 through June 30, 2007.  
Line 8. Enter Property & Casualty premiums written July 1 through December 31, 2007.  
Line 9. Enter Other Taxable Considerations Accident & Health.  
Line 10. Enter Other Taxable Considerations Life & Property & Casualty.  
Line 11. Total premiums written per Schedule T. This should agree with total premiums per schedule T.  
Line 12. Enter premiums written for the Healthy Kids Program in column 3.  
Line 13. Enter premiums written for Political Subdivisions of the State of NH in column 3. This deduction applies only to Health Maintenance Companies, Health Service Companies, and Delta Dental.

Lines 14 through 25.

The electronic file automatically calculates these lines from the data entered on lines 1 through 13.

#### ***BUSINESS TAX CREDITS***

Line 26. **BUSINESS ENTERPRISE TAX CREDIT RSA 400-A:34-a.**

Deduct NH Business Enterprise Tax paid in accordance with RSA 77-E. This credit plus the credits allowed on Lines 27 and 28 cannot reduce the amount on Line 29 below \$0. Only business enterprise tax "incurred" during calendar 2006 may be deducted on this return. Any excess not deducted on this form must be applied in accordance with RSA 400-A:34-a.

**Line 27. COMMUNITY DEVELOPMENT PROGRAM (RSA 162:L-10)**

The credit arising from amounts contributed in accordance with the NH Community Development Financing Authority should be included on this line. **Any credits applied without supporting documentation will be denied.**

Line 28. **LIFE AND HEALTH INSURANCE GUARANTY FUND ASSOCIATION OF 1996 (RSA 408-B:13)**

20% of Class B assessments made under the Health Insurance Guaranty Assessment Act of 1996 may be included on this line. Only **Class B assessments made in accordance with RSA 408-B** may be included on this line. **Any credits applied without supporting documentation will be denied.**

Line 29. Total Premium Taxes Payable. This is the company's total tax liability for calendar year 2007. ***If this amount is \$20,000 or more, the company is required to pay taxes via EFT.***

Line 30. Payments and Credits.

Overpayment March 15, 2007 net of refund and CY 2007 fees.

**Any overpayment from March 15, 2007 should first be reduced by filing and annual license fees** for calendar year 2007, unless these fees were paid separately. The overpayment on line 24 of the 2006 premium tax return should first be reduced by the ***total of lines 25 through 27 of the CY 2006 premium tax return plus any refund provided to the company.***

Only the portion of the March 15, 2007 payment that was applied to estimated tax due March 15, 2007 should be entered here under the March 15 estimate.

Line 32. Total Premium Taxes Payable (Overpayment) MARCH 15, 2008. Line 29 less Line 31.

Line 33. Prepayment for CY 2008. The amount on Line 29 with a minimum of \$200.00

Line 36. Balance Due. Balance due should be paid by March 15, 2008. Should this line indicate an overpayment, a refund will be issued prior to June 30, 2008.

*If payment is made by check, the check should accompany the hardcopy premium tax return. If paid by EFT, the EFT must be made in accordance with instructions provided by this Department.*

**TOTAL AMOUNT PAID**

Enter the total amount paid at the time of filing this return.

**ALL TAX FORMS WITH INSTRUCTIONS ARE AVAILABLE ON OUR WEB SITE:  
[WWW.NH.GOV/INSURANCE/](http://WWW.NH.GOV/INSURANCE/)**

**ADDITIONALLY, OUR WEB SITE CONTAINS ANSWERS TO FREQUENTLY ASKED QUESTIONS AND I STRONGLY URGE YOU TO USE THIS FACILITY, SINCE THIS IS A BUSY TIME FOR ALL OF US. HOWEVER, IF YOU MUST CALL, I CAN BE REACHED AT (603) 271-7973 EXT 9212.**

**MY E-MAIL ADDRESS IS: [JANET.COLBY@INS.NH.GOV](mailto:JANET.COLBY@INS.NH.GOV)  
THE INSURANCE DEPARTMENT'S FAX NUMBER IS: (603) 271-1406**

**Janet B. Colby  
Taxation Officer**

**RSA 408-B LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION OF 1996**  
**EFFECTIVE DATE: JANUARY 1, 1996**

**RSA 408-B:4 DEFINITIONS**

VII: "Insolvent insurer" means a member insurer which on or after January 1, 1996, is placed under an order of liquidation by a court of competent jurisdiction with a finding of insolvency.

**RSA 408-B:9 ASSESSMENTS**

II (b): Class **B assessments** shall be made to the extent necessary to carry out the powers and duties of the association under RSA 408-B:8 with regard to an impaired or an insolvent insurer.

**RSA 408-B:13 ASSESSMENT TAX CREDIT**

1. A member insurer may offset against its tax liability under RSA 400-A any assessment described in RSA 408-B:9, II(b) for the **life insurance and annuity account, and for the health account for guaranteeing the performance of contractual obligations of an impaired or insolvent insurer in regard to disability income coverages only**, to the extent of 20 percent of the amount of the assessment for each of the 5 calendar years following the year in which the assessment was paid. If a member insurer ceases doing business, all unaccredited assessments described above may be credited against its tax liability under RSA 400-A for the year it ceases doing business.

II. Any sums acquired by refund from the association by member insurers, as stated in RSA 408-B:9, VI, and which were previously offset against taxes as described in paragraph I, shall be paid by these insurers to the state of New Hampshire in the manner required by the commissioner. The association shall notify the commissioner that refunds have been made.

**This law provides an effective date of January 1, 1996. Only those Class B assessments for insolvencies occurring on or after January 1, 1996 are affected by this law.**

**For insolvencies occurring on or after January 1, 1996, 20% of the assessment may be credited against premium tax beginning the calendar year following the year in which the assessment was paid. The earliest credit will be allowed as an offset against premium tax for calendar year 1997.**

**ANY ASSESSMENTS MADE UNDER RSA 404-D ARE NOT ELIGIBLE CREDITS AGAINST PREMIUM TAX.**