2012 PROPERTY & CASUALTY INSURANCE COMPANY INSTRUCTIONS
2012 RISK RETENTION GROUP INSTRUCTIONS

GENERAL INSTRUCTIONS

ANNUAL STATEMENT FILING DUE DATE IS MARCH 1, 2013.

PREMIUM TAX RETURN DUE DATE IS MARCH 15, 2013
(See RSA 400-A:32-a Timely Mailing)

The premium tax return is due NOT LATER THAN March 15, 2013. Tax returns postmarked on or before March 15, 2013, will be accepted as having been timely filed. Tax statements and tax payments postmarked after March 15, 2013, will be subject to the provisions of RSA 400-A:32-a, provisions for Timely Mailing, and, RSA 400-A:32, IV, which imposes a 10% penalty for filing after the due date. ***Please note that a "Pitney Bowes" postal imprint <u>does not qualif</u>y 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: NEW HAMPSHIRE DEPARTMENT OF INSURANCE

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 legally due date. Payment by EFT is required if Page 3, Line 31 of the calendar year 2012 premium tax form is $20,000 or greater.

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 prior 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. Pertinent provisions of RSA 408 are included as an appendix to these instructions.**

ROUNDING
The following lines on the premium tax return should be rounded to the nearest whole dollar:
Page 3. Line 34
Page 3, Line 35
Page 3, Line 36
Page 3, Line 37
Page 3, Line 38

Payment for estimated tax for calendar year 2013 due March 15, 2013, should be made in whole dollars only. Late fees cannot be applied against premium tax liability.

Estimated cash payments must be included at the exact amount paid.

WHAT IS TAXABLE?

Gross direct premiums written including renewal premiums
Direct premiums written on stop-loss reinsurance provided to self-insured groups.
Policy fees
Membership and other fees
All other considerations for insurance received during the calendar year.
Medicaid Premiums are subject to premium tax.
Flood Insurance premiums reinsured by the Federal Government are taxable.

Medicare Advantage Plans
Most Medicare beneficiaries may choose to receive benefits through a Medicare Advantage Plan provided through a private insurance company approved by Medicare to provide coverage through health maintenance organizations or Preferred Providers Organizations.
Medicare Advantage 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 (Medigap coverage) sold by an insurance company ***are subject*** to premium tax.

ALL DEDUCTIONS FROM GROSS PREMIUMS MUST BE FULLY DOCUMENTED.

DOCUMENTS REQUIRED TO BE FILED

1) Schedule T for calendar year 2012.
2) NH State Page calendar year 2012.
3) Detailed computations of any items on page two of this form.
4) 2011 NH Business Enterprise tax form. Do not attach Federal Income Tax Return**. Do not deduct any estimated payments that will be applied to calendar year 2012 Business Enterprise Tax.**
5) 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 – all licensed property and casualty companies should use this form
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 WITH THE CORRESPONDING METHOD OF TAX PAYMENT.
PLEASE INDICATE IF THE COMPANY HAS AMENDED ITS ARTICLES OF AGREEMENT (Yes/No)
PLEASE INDICATE IF THE COMPANY HAS AMENDED ITS BYLAWS (Yes/No)

Complete the sworn statement and have this statement properly notarized by a notary public.

ELECTRONIC SIGNATURES
An area has been provided on page one for electronic signatures. NH RSA 294-E provides definitive requirements for electronic signatures. Software manufacturers providing the capability for companies to file electronically must provide the capability for the capture of electronic signatures and notarization of the premium tax form.

PAGE TWO INSTRUCTIONS

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

LICENSING, FILING AND DOCUMENT FEES
Include in this section fees and charges relating to the filing of the annual statement, licensing of the company, and other documents fees. Fees and assessments other than filing and license fees must be included in the appropriate sections below. RRG must report and provide payment for the fees imposed by the company's domiciliary state.

OTHER TAXES, FEES, AND ASSESSMENTS
Include all special and general assessments that the company's domiciliary state has the authority to levy against NH domiciled companies operating in your domestic state. Include a copy of the assessment that has been made by the domiciliary state. Complete detailed computations must be provided.

If the company calculates retaliatory assessments and taxes on allocations other than the predetermined percentages provided by the domestic state, these allocations must have been approved and be utilized in the calculation of taxes for the domestic state to be properly used for NH filing purposes. The company should include adequate explanation with their premium tax statement.

Items to be included here:

Franchise Tax
Corporate Tax/Corporate Registration
District/Municipality Tax
County/City/Canadian Province Tax
Workers Compensation Assessments
Fire Marshal Tax
Firemen's Pension Fund
Police Pension Fund
Motor Vehicle Tax
Casualty Maintenance Tax
Cost Containment Fees
Financial Regulation Fees
State Rating Bureau Assessments
Merit Rating Bureau Assessments
Attorney General Assessments
Fraud Assessments
Actuary
Rate Hearing Assessments
Arson Control Assessments
Any other assessments applicable to NH domestic companies in the company's domestic state

Line 25 -- Insurance Department Maintenance
Compute the domestic state assessment using NH data for column 3. Place the NH Administrative Assessment paid during calendar year 2012 on line 25 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**.

Line 26 – Other Taxes, Fees, and Assessments
Include any other assessments that the company's domiciliary state has the authority to levy against NH companies. The company should include a copy of the assessment as received from the assessing authority.

STATE PAGE INSTRUCTIONS

Premiums Written Calendar Year 2012!

All companies completing their premium taxes with the electronic form should complete the worksheet entitled "ST PAGE". The data should either be manually entered by line of business or electronically copied to the ST PAGE worksheet. As the company's data is entered into the ST PAGE worksheet, the NH BASIS column on Page three will automatically populate with the proper premium data. The company will then need to complete the domestic state portion of Page three, column 3.

Other Taxable Considerations/Other Deductions
List any other taxable items in this section. The company will need to manually list any other taxable considerations and/or deductions. Complete details must be provided. The totals will automatically calculate on page 3.

Unallocated premiums written (NH Domestics)
This line is reserved for "orphan" premiums written by NH domestics. Enter the respective data on the "ST PAGE" worksheet. The totals will automatically calculate on page 3.

PAGE THREE INSTRUCTIONS
All property and casualty premiums written during calendar 2012 will be taxed at the rate of 1.25%. Any Accident and Health premiums written will continue to be taxed at the rate of 2.00%.

Lines 1 through 21 column 2 will automatically populate upon the completion of the " ST PAGE"
The company will need to complete the "State of Domicile" basis for lines 1 through 18 of Page 3, column 3. The company should use this section to report premiums written in the same manner as it would have reported as a foreign licensed company to its domiciliary state.

NEW HAMPSHIRE BASIS – TAXABLE PREMIUMS WRITTEN
Lines 20 through 22. Upon the completion of "ST PAGE", lines 20 through 22 will be populated. Line 22 provided NH taxable premiums written and the respective NH premium tax. Upon completion of the ST OF DOM BASIS, the state of domicile premiums written and respective domiciliary premium tax will be calculated.

This section automatically calculates the NH Basis for taxable premiums written from the "ST PAGE" worksheet previously completed.
Line 20 Summarizes taxable Property and Casualty premiums written.
Line 21 Summarizes taxable Accident and Health premiums written.
Line 22 Summarizes taxable premiums written.

STATE OF DOMICILE BASIS COLUMN (3)
The company must complete this portion of the premium tax form as if it were a NH domiciled company filing as a foreign licensed company with its domestic state.

Lines 1 and 2. The company must report total premiums written by type of coverage on lines 1 and 2.
Line 3. The total of lines 1 and 2. This line must agree with Schedule T Line 30, column 2, New Hampshire Direct Premiums Written.

Lines 4 & 5. Include finance charges as reported on Schedule T Line 30, column 8 New Hampshire finance and service charges for property and casualty and accident and health lines of business respectively.

Lines 6 & 7. Include other taxable considerations for property and casualty and accident and health lines of business respectively.

DEDUCTIONS FROM GROSS PREMIUMS P&C
Lines 11 through 13. Include such deductions as are available in the company's domiciliary state. The applicable tax rate should agree with the respective rate utilized in the Gross Premium section for deductible items.

DEDUCTIONS FROM GROSS PREMIUMS A&H
Lines 15 through 18. Include such deductions as are available in the company's domiciliary state. The applicable tax rate should agree with the respective rate in the Gross Premiums section.

COMPUTATION OF BALANCE DUE
Lines 23 through 38. The majority of the lines in this section will be automatically calculated. The following discussion concerns business tax credits and estimated tax payments that the company will enter into the appropriate lines.

Line 28. BUSINESS ENTERPRISE TAX CREDIT RSA 400-A:34-a.
NH Business Enterprise Tax paid in accordance with RSA 77-E may be deducted from the amount remaining on Line 27. ***This credit plus any amount on lines 29 and 30 cannot reduce the amount on Line 31 below $0.*** Only those amounts *incurred* during calendar year 2011 may be deducted on this return. Any excess BET not deducted on this form must be applied in accordance with RSA 400-A:34-a.

Line 29. COMMUNITY DEVELOPMENT FINANCE AUTHORITY (RSA 162:L-10)
The credit arising from amounts contributed in accordance with the NH Community Development Finance Authority should be included on this line. Per RSA 162-L:10, III, "The credit or any unused portion thereof may be carried forward for no more than 5 succeeding years…" There is no provision for the refund of any unused portion of the credit. ***Underpayment of succeeding year premium tax due to the reduction of the estimated payment by the use of current year CDFA credits that will not be replicated in the succeeding year shall result in the application of a ten percent late payment fee***.
Any credits applied without supporting documentation will be denied.

Line 30. 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 must be approved by the NH Guaranty Association. **Any credits applied without supporting documentation will be denied.**

Line 31. TOTAL PREMIUM TAXES PAYABLE.
This line represents the company's premium tax liability for calendar year 2011 after business tax credits have been applied, but not less than zero. ***If this amount is $20,000 or higher, the company must make payment by electronic funds transfer (EFT).***

Line 32. ESTIMATED PAYMENTS
The company should enter the exact amount of the estimated 2012 tax prepayment made on March 15, 2012.

Late fees cannot be applied as a credit against the premium tax liability.

Line33. Total payments and credits.
Line 34. Total taxes payable is equal to total tax liability, line 31 less total payments and credits, line 33.
Line 35. Prepayment due March 15, 2013. Line 32, minimum of $200.
Line 36. Total filing fees from page 2, line 4.
Line 37. Total license fees from page 2, line 1.
Line 38. BALANCE DUE (OVERPAYMENT) MARCH 15, 2013
The sum of Lines 34, 35, 36, and 37. This amount is due on or before March 15, 2013.

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

REFUNDS
Should the company have an overpayment on Line 38 a refund will be issued prior to June 30, 2013, unless the overpayment results from the application of a non-refundable tax credit, such as the Community Development Finance Authority tax credit. Should the overpayment result from the application of a non-refundable tax credit, the

overpayment will be applied to increase the estimated payment, effectively providing a carry forward for the non-refundable tax credit.

TOTAL AMOUNT PAID
If the company is completing a paper form, enter the total amount of the payment accompanying this return.

ALL TAX FORMS WITH INSTRUCTIONS ARE AVAILABLE ON OUR WEB SITE:
WWW.NH.GOV/INSURANCE/

IF YOU HAVE QUESTIONS, PLEASE EMAIL US AT THE FOLLOWING:

DONNA'S E-MAIL ADDRESS IS: DONNA.ARCAND@INS.NH.GOV
NORMA'S E-MAIL ADDRESS IS: NORMA.STALLINGS@INS.NH.GOV

THE INSURANCE DEPARTMENT'S FAX NUMBER IS: (603) 271-1406

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 insolvency's 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.

INSURANCE LAW CHANGES FOR CALENDAR YEAR 2010

Chapter 1 of the laws of 2010 Special Session HB 1-FN-A
RE: CHANGES IN RSA 400-A:32 I. (4) Deletes the reduction of the insurance premium tax to one percent which would take effect January 1, 2011 for all lines of business written pursuant to certain insurance laws

Chapter 13 of the laws of 2010
RE: CHANGES IN RSA 400:A:31, 400-A:32 I., 400-A:33

13:3 Insurance; Premium Tax. Amend RSA 400-A:32, I(a) to read as follows:

I.(a) Every insurer shall pay to the insurance commissioner a tax upon such net premiums, for lines of business written, as set forth in the report filed pursuant to RSA 400-A:31, I, less estimated payments made in accordance with RSA 400-A:32, II, as follows:

(1) Effective July 1, 2007, a tax of 1.75 percent for all lines of business written pursuant to RSA 401:1, I-III and V-VIII, ***RSA 416-A:2,*** and RSA 401:1-a, I and II;

(2) Effective January 1, 2009, a tax of 1.50 percent for all lines of business written pursuant to RSA 401:1, I-III and V-VIII, ***RSA 416-A:2,*** and RSA 401:1-a, I and II;

(3) Effective January 1, 2010, a tax of 1.25 percent for all lines of business written pursuant to RSA 401:1, I-III and V-VIII, ***RSA 416-A:2,*** and RSA 401:1-a, I and II; and

(4) **REPEALED**

(5) A tax of 2 percent for all 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.

13:7 Repeal. The following are repealed:

I. RSA 400-A:31, IV, relative to ocean marine insurance taxation.

II. RSA 400-A:33, relative to a tax on marine underwriting profits.

INSURANCE LAW CHANGES FOR CALENDAR YEAR 2007

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 Business Enterprise Tax. Unitary groups are required to send the complete Business Enterprise Tax return for the group.

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 Business Enterprise 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.

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.

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 37 of the 2007 property and casualty 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 15th***. 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.