

**State of New Hampshire
Insurance Department**

**Your Guide to Understanding
Auto Insurance
in the Granite State**



What You Need to Know!

This guide is intended to give New Hampshire consumers basic information on auto insurance.

It suggests ways to:

Lower the cost of your auto insurance, shop for Auto insurance and, file an auto insurance claim.

If you have questions or need help after reading this guide, please feel free to contact the New Hampshire Insurance Department at the number and address in the back of this guide.

ABOUT US

The New Hampshire Insurance Department makes sure that insurers doing business in the state are financially sound, insurance is available and appropriately priced, and consumers are treated fairly by doing the following:

- Licensing insurance companies and checking the financial stability of the insurance companies
- Reviewing insurance forms and premium rates to be sure they comply with state law
- Licensing individual insurance producer/agents and brokers as well as insurance agencies
- Helping consumers with questions and problems
- Ensuring that insurers and producer/agents are in compliance with state insurance laws
- Educating the public about insurance issues
- Advocating reforms that protect the insurance-buying public

It should be noted that the New Hampshire Insurance Department reviews and approves rating plans submitted and justified by insurance companies. The New Hampshire Insurance Department does not mandate or set Auto Insurance Rates. Auto Insurance Rates will vary by insurance company.



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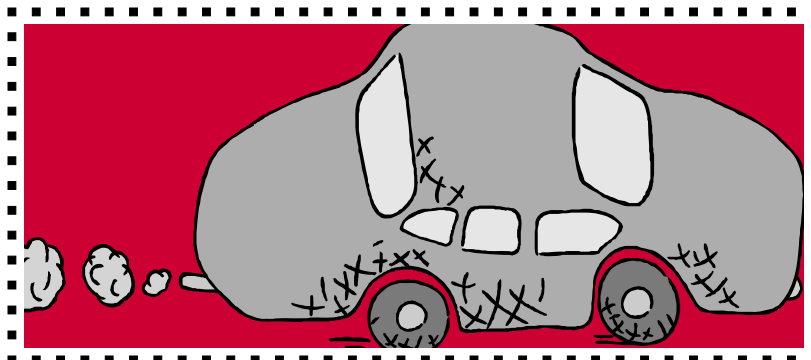
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First, contact your agent/producer or insurance company, **then**,

If you feel that your problem is not resolved in a fair manner or as prescribed by your policy, Contact the New Hampshire Insurance Department.



CHOOSING THE COVERAGE YOU NEED

Why Buy Auto Insurance?

If you are in an auto accident and you are at fault, you could be held liable (legally responsible) for bodily injury or property damage resulting from that accident. If a lawsuit is brought by the injured party, a court could order that your assets be used to pay for the resulting damages that are awarded. Even for an accident where you were not at fault or were only partially at fault, the costs of defending yourself against a legal action could be very high.

What if you are involved in an auto accident where the other party is at fault, but they have no money, no insurance, or inadequate insurance and you are injured? Even regarding an accident where you are not at fault you could incur substantial medical and other costs. In New Hampshire, Auto Insurance Policies provide coverage that would respond to such situations.

And don't forget the damage to your own auto as well. You will need to repair your auto in the event of an accident or other type of property damage loss. This will be paid by you unless you have the proper coverage available under Auto Insurance.

New Hampshire Motor Vehicle Laws do not require you to carry Auto Insurance, but you must be able to demonstrate that you are able to provide sufficient funds to meet New Hampshire Motor Vehicle Financial Responsibility Requirements in the event of an "at-fault" accident. If you are unable to meet these requirements your driving privileges in New Hampshire may be suspended. For more information on financial responsibility requirements you can refer to New Hampshire Statute RSA 264 or contact the New Hampshire Division of Motor Vehicles at 603-271-3101 or www.nh.gov/safety/dmv.

What Coverage Should I Buy?

Liability Coverage pays for damages to *others* for which *you* are legally liable. If you buy Auto Insurance in New Hampshire, the minimum limits available for Liability Coverage are 25/50/25, or \$25,000 per person for bodily injury, up to \$50,000 if 2 or more persons are hurt, and up to \$25,000 for property damage.

Liability Coverage does not pay to repair damage to your own auto. This type of insurance is called Collision (damage due to contact with another auto or object) and Comprehensive (damage incurred due to reasons other than a collision) Coverage.

Per New Hampshire Statutes, NH RSA 264:16, if you buy Auto Insurance for personal use, you must also buy Medical Payments Coverage. Medical Payments Coverage pays for medical expenses incurred as a result of an automobile accident (regardless of fault). By law, you must buy at least \$1,000 of Medical Payments Coverage.

Per New Hampshire Statutes, NH RSA 264:15, if you buy Auto Insurance you must also purchase Uninsured Motorists Coverage. Uninsured Motorists Coverage provides coverage should injuries result from an accident involving an at-fault uninsured driver, or a hit and run driver. It also protects against injuries caused by insured drivers whose coverage is less than your own. In New Hampshire, Uninsured Motorists Coverage must be provided at limits equal to your Auto Liability Coverage.

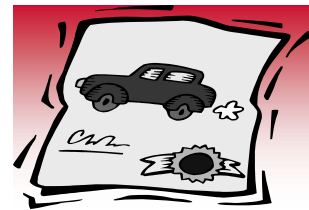
You do not have to buy Collision Coverage or Comprehensive Coverage to protect your autos, unless you are obligated by your lender. If you do not purchase coverage for either or both of these options, you will need to personally fund any repair to your auto made necessary due to collision with another auto or a normally covered non-collision loss.

Common Types of Coverage Available

The following types of coverage are generally available in New Hampshire:

- **Auto Liability Coverage** – This provides coverage for liability incurred as the result of an auto accident caused by you. It also covers expenses for a lawyer to defend you should that become necessary. There are two kinds of liability coverage: Bodily Injury and Property Damage
 - **Bodily Injury Liability Coverage** – This coverage pays for claims made as the result of injury to others resulting from an accident you cause. It compensates others for pain, suffering and economic damages, such as lost wages.
 - **Property Damage Liability Coverage** - This coverage pays for damage to another auto or property of others incurred as the result of an auto accident caused by you.
- **Uninsured or Underinsured Motorist Bodily Injury Coverage** - This coverage pays for injury to you if you are involved in an accident involving an automobile driven by an individual who is uninsured or underinsured and who is found to be liable for your damages.
- **Medical Payments Coverage** – This coverage pays for medical costs incurred as a result of injuries sustained in an accident without regard to fault. This coverage will pay for covered expenses up to one year (this time-frame may vary by insurance company) following the date that the injuries are sustained.
- **Collision Coverage** – This coverage pays for damage to your auto when it collides with another auto or object. This coverage is generally required by a lender, if a loan is obtained on your vehicle.

- **Comprehensive Coverage** – This coverage pays for damage to or the loss of your auto from causes other than collision (for example: hail, vandalism, fire, theft, etc.). This coverage is generally required by a lender, if a loan is obtained on your auto.
- **Towing and Labor Coverage** – This coverage reimburses you for towing expenses when your auto becomes disabled and requires roadside assistance.
- **Rental Reimbursement/Transportation Expenses** – This coverage, if provided, pays a specified amount for help in covering the necessary rental of a substitute auto while yours is being repaired. This coverage applies for a limited period of time and is referenced in your policy conditions.



How Much Coverage Should I Buy?

An immediate problem in determining how much coverage to buy is that no one plans to have an accident. It is a “what if” consideration.

Unless you have an accident, you will never experience the benefits of Auto Insurance. Predicting the future is impossible. You can not tell if and when you might be involved in an accident, how much damage there might be, or if the other driver will be insured. The Auto Liability Coverage Limits you choose should be high enough to protect you from the potential loss of your assets due to Bodily Injury and Property Damage Claims that may be made against you as the result of an accident.

Bodily Injury and Property Damage Claims can easily be higher than minimum coverage levels since autos now cost many thousands of dollars and medical costs have soared. To choose the level of coverage for Auto Liability and Property Damage, think about what you could lose. In New Hampshire, Uninsured and Underinsured Motorist Coverage would be included in any purchase of Auto Liability Coverage as coverage is provided at the same limits.

Even if you do not yet have significant assets, having adequate coverage would help avert incurring significant debt that might make obtaining assets in the future more difficult.

FACTORS AFFECTING THE PREMIUM

Underwriting, Rating and Premiums:

Underwriting and rating determine what you pay for Auto Insurance. Insurance Companies analyze the level of exposure or risk by reviewing multiple factors, including claim history and motor vehicle records of you and other household drivers to decide how much risk you present. Credit history may also be taken into consideration.

As a result of the underwriting process, the driving exposures presented, and the corresponding claims data, insurance companies develop rates and submit (file) their rating plans to the New Hampshire Insurance Department for approval for use in New Hampshire. Your cost reflects the insurer's estimate of the cost to assume financial responsibility for the exposure to auto accidents.

When you apply for insurance you will be asked a number of questions. The purpose of these questions is to aid in risk assessment and to help determine the amount of premium you will be charged.

Some Factors Companies Use to Determine Rates Include:

- **Age, Gender and Marital Status** – (i.e., a single 17 year old male vs. a married 45 year old female). Historical trends indicate that certain groups of drivers have more accidents. The greater the chance a group of drivers will have a loss, the higher the cost of the premiums (or “rating”) for that group.
- **Coverage Limits** - The price that you pay will reflect the level of coverage that you purchase. Higher coverage limits cost more than lower coverage limits.
- **Household Members** - The ages and driving records of other drivers in your household will likely affect your premium. If you have teenage drivers and your policy covers them, your premium will increase for that reason whether or not they ever or rarely drive your autos. It may be possible to avoid many of the effects on your policy premium, if the teen driver buys their own policy. It is critical that you notify your insurance company of all licensed (or permit) drivers in your household that may be considered to be an exposure under your Auto Insurance Policy.
- **Location** - The price that you pay will be affected by where you garage and drive your car. Drivers in heavily populated areas often pay more than rural drivers because of more traffic activity and an increased exposure to accidents, theft, and vandalism.

- **Type of Auto** - The price that you pay will be affected by the characteristics of the auto that you drive. Model (standard versus high performance, for instance), model year, and value of your car influence the premium charged. Some autos cost more to insure because they are more easily damaged, more expensive to repair, or more likely to be stolen.
- **Use of the Auto** - The price that you pay will be affected by how your auto is used. For instance, your daily usage may exceed set criteria for mileage (such as commuting a long distance to work each day).
- **Credit History** – Many companies review your credit history. Insurance companies may apply adjustments to your rate that take your credit score or attributes of your credit history into consideration.

Discounts:

You may be eligible for discounts which are part of the insurance company's rating plan that can serve to reduce your premiums. Be sure to ask about possible discounts when buying or renewing your auto insurance policy. Examples of possible discounts are:

Anti-theft devices - This may be offered as a discount on your Comprehensive Coverage Premium for devices that discourage theft or vandalism.

- **Auto/Home Packages** – This may be offered if you buy both your Auto and Homeowners Policies from the same insurance company.
- **Good Driver** – This may be offered to policyholders who maintain a good driving record.
- **Good Student** – This may be offered to youthful drivers who maintain a specified grade point average.
- **Low Annual Mileage** – May be available for vehicles operated less than a specified number of miles per year.
- **Multiple Autos** – This may be offered when the same company insures more than one auto in your household.

Not all companies offer all of the discounts listed here. Some companies may offer more or less discounts than those listed above.

SHOPPING FOR THE BEST VALUE

Getting Rate Quotes:

One way to make sure that you are getting the best available premium for your Auto Insurance is to request premium quotes. This can be requested from your current producer/agent as they likely represent more than one company or you may seek a quote from another producer/agent or company.

After you receive alternative quotes and you compare prices, make sure that you are comparing the coverage and price offered on an apples-to-apples basis. You should take note of the difference in coverage as that may explain differences in price or it may reveal that one company is willing to offer more coverage for a similar price. Remember to inquire about the types and amounts of discounts that might be offered and whether the premium quote includes any discounts.

One area you may want to check on is the deductible listed in the quote. A difference in the deductible does make a difference in the premium that you may be charged. If you increase the deductible, you are likely to pay a lower premium. Remember, however, with a higher deductible you will pay more out of pocket should you have a claim.

The rate quote obtained from an insurance producer/agent is an estimate of what you will pay for the insurance based on the information that you have provided at the time of the quote. While you are evaluating your options, It is a good idea to avoid binding coverage before you make the decision to switch Auto Insurance companies. Be aware that, if you choose to cancel your policy before it expires, there may be a premium penalty which must be weighed in your decision (refer to your current policy terms regarding cancellation).

Buying Insurance

You may buy insurance from an independent insurance producer/agent who represents multiple companies, or from an exclusive insurance producer/agent who represents one company.

An independent producer/agent earns commissions on sales of insurance products. An independent producer/agent represents and sells the insurance products of several, unrelated insurance companies.

An exclusive producer/agent represents only one insurance company (or group of related insurance companies), and places all of their policies with that company (or group of related companies). This type of producer/agent earns commissions or salary directly from that company (or group of related companies).

In addition to making sales, it's also a producer/agent's job to offer advice based on your needs and to provide service after the sale.

No matter where or from whom you buy your insurance, be sure to buy only from licensed individuals or companies. To legally sell insurance in New Hampshire, producer/agents and companies must be licensed by the New Hampshire Insurance Department. The licensing process gives consumers certain safeguards by, among other things, making sure that applicants for licensure have met basic financial, educational, and background requirements under the law. Not all companies that advertise nationally or sell on the Internet are



licensed to do business in New Hampshire. If you have any concern in this regard, you can visit the New Hampshire Insurance Department web-site at www.nh.gov/insurance or contact us directly at **1-800-852-3416**.

Give Accurate Information:

No matter how you buy insurance, it's important that you provide accurate information to the producer/agent acting on behalf of the insuring company.

Complete your insurance application fully and truthfully. If you leave out information, or you do not provide accurate information, there may be adverse repercussions in the event of a claim.

Know what you're buying before you commit yourself. Ask for a clear and detailed explanation and get the parameters of coverage in writing. Once you receive the policy, make sure it's what you intended to buy.

If you apply for and/or buy insurance over the phone, ask the representative to send a copy of the application to you for your records. Ask for the name and title of the person you speak with, then verify both the answers that you have given and the exact types and amounts of coverage you have agreed to buy.

If you apply for insurance via the Internet, be sure to print a copy of your on-line application for your records. Correct any errors right away. Many commercial web sites now offer rate comparisons and instant on-line price quotes based on the application you fill out on-line. If you decide to buy a policy through a web site, you may, or may not be communicating with a producer/agent. Talking with a producer/agent is recommended.

Should you choose to deal through a producer/agent, a good producer/agent will answer your questions and be available if you need them.

Exercise care in your choice as it will prove to be beneficial. Choose wisely.

Filing an Insurance Claim

If you are involved in an accident, it may be necessary to file an insurance claim.

If the other driver caused the damage, you can file the claim with either your own insurance company (a "first-party" claim) or the other driver's insurance company (a "third-party" claim). If you file a first-party claim under Physical Damage Coverage afforded by your policy, your insurance policy requires your insurance company to meet all the conditions in your policy. In a third-party situation, you do not have a direct contract with the other driver's insurance company. Please be aware that their primary obligation is to their own policyholder.

It will most likely be to your ultimate benefit to file with your own company first. While you may be responsible for a deductible under your own policy, should the other driver be at fault, you will likely be reimbursed if your company successfully receives payment from the at-fault party's insurer. It may be quicker to deal with the other carrier if they agree that their driver is at fault, but it will take much more time if they do not. The key is whether you want to do the chasing or whether you want your insurance company to do that for you. As your insurance company has more resources and experience in doing the chasing, going to your own company might be the better choice.

What Information Must I Provide ?

- How, when and where the accident or loss happened, including the names and addresses of any injured persons and any witnesses.
- Copies of any notices or legal papers you receive about the accident or loss.
- Documents related to the claim, such as medical and auto repair bills, a copy of the police report, or a bill of sale for the auto.



Filing a Claim With Your Own Insurance Company

- Immediately report all losses directly to your insurance producer/agent and/or insurance company.
- Immediately report a loss to the police, and later get a copy of the police report.
- Show the damaged vehicle to the insurer before you have it repaired.
- Protect your auto from more damage, if possible. Your policy conditions Usually require this.
- Cooperate with the insurance company's investigation.
- Review the section of your insurance policy that describes your duties and other possible requirements in the event of a loss (sometimes referred to as "Duties After A Loss").

Filing a Claim with the Other Driver's Insurance Company

You may consider the option of contacting the other driver's insurance company directly in the event of an accident.

The other driver's insurance company will investigate the claim, and will offer a settlement if they believe their insured is legally responsible for your injuries or damages. In most cases, the other driver's insurance company will not settle your claim for bodily injury until you sign a release for injuries sustained. The release bars you from pursuing future claims against or further payment from the other driver and his/her insurance company. Be sure you are ready to accept the amount offered as the final amount before you sign the release.

If you and the insurance company agree on the amount paid for property damage to your auto before the bodily injury portion of the claim is settled, the property damage claim settlement can not be delayed.

FREQUENTLY ASKED QUESTIONS

1. *When can I expect to hear from the insurance company after I file a claim?*

Per New Hampshire Insurance Department rules, NH INS 1002.04 (b), your insurance company must respond to you within 10 working days after they receive your claim.

2. *How many repair estimates must I submit?*

Per New Hampshire Insurance Department Rules, NH INS 1002.14, you are only responsible for the cost of one estimate for property damage to your auto. The insurance company is liable for any further expenses if they request any repair estimates after the first one.

3. *What if I can't drive my car and it needs to be left at a storage facility, will the insurance company pay those fees?*

Yes. If your auto is not drivable and it is towed to a storage facility, the insurance company will pay for both. The insurance company must give reasonable notice before they stop paying for auto storage charges.

4. *Can an insurance company deduct for "betterment" (the amount that exceeds the value of the old or used parts)?*

Yes. If the repair of your auto involves parts that normally wear out such as tires, mufflers, etc., replacement of these parts with new ones might require that you pay the difference between the new value and the value of the part at the time of the loss.

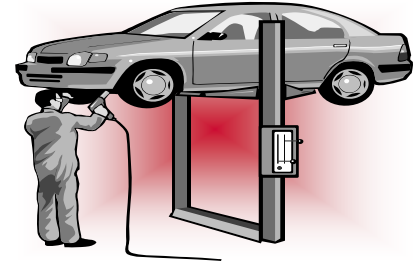
5. *Can the insurance company deduct for things like unrepaired damage or rust?*

Per New Hampshire Insurance Department rules, deductions can be taken if the damaged part or portion of the auto had pre-existing damage or deterioration. Companies are not required to make something better than it was prior to the loss.

6. *Can the insurance company use After-Market Replacement or non-original equipment manufacturer (non-OEM) parts?*

Per NH RSA 407-D:3 - No insurer shall require the use of after market parts in the repair of an automobile unless the after market part is at least equal in like kind and quality to the original part in terms of fit, quality and performance. Insurers specifying the use of after market parts shall consider the cost of any modifications which may become necessary when making the repair. The only exception to this is:

Per New Hampshire Bulletin Number 99-014-AB – After-Market Parts may not be required for use on autos placed in service within the immediately preceding two (2) years and which have 30,000 or fewer miles recorded on the odometer.



7. How will the insurance company determine the value of my auto?

Companies may use guidebooks such as the one published by the National Association of Auto Dealers (NADA) to decide your auto's retail value, or an alternate statistical methodology. The New Hampshire Insurance Department must approve **any** approach before it can be applied. Factors that may be considered involve the individual characteristics of your auto (such as current condition) as well as general features such as age, make, and model. A list of approved valuation methods can be found on the New Hampshire Insurance Department web-site.

8. Do I have to pay a deductible when I file a claim?

If you chose a deductible when you bought your policy and you are filing a claim with your insurance company, you will be responsible for the amount of the deductible when you submit a claim.

9. Will the insurance company pay the costs of renting a car if my auto is stolen or in an accident?

Possibly - If your auto is stolen or if you have an accident, most insurance policies will reimburse you for the cost of a rental auto following a waiting period (only if the auto is stolen), providing that you have purchased Rental Reimbursement Coverage.

10. Does my insurance company have to pay if special equipment on my auto is damaged?

Most auto policies only cover items that were factory installed. Specialized equipment will not be covered unless you bought special coverage for those items.

11. I had personal property in my auto when my auto was damaged/stolen. Will it be covered?

If you had personal items, such as clothing, luggage or gifts stolen from or damaged while in your auto, your Auto Policy would not normally provide coverage. You need to consult with your insurance company to see if optional coverage is available, or if any coverage is included within your policy. Coverage for personal property that is damaged or stolen may be provided by your Homeowners or Tenant Owners Policy.

12. My insurance company and I can't seem to agree on the amount of my loss. What can I do?

If you and your insurance company can not agree on the amount of loss to your vehicle, either of you may request an appraisal. This process is referenced in your policy.

13. Who decides who is at fault and how much is owed?

New Hampshire has a "comparative negligence" law. This means that some level of negligence can be assigned to more than one party involved in an accident. Under this law, you can only collect for damages from the other driver's insurance company if you are 50% or less at fault for the accident. The settlement can then be affected by the percentage you were at fault.

You can always make a claim directly with your insurance company if you have the appropriate coverage and let them sort out the issues of negligence with the other driver's insurance company.

14. What if the other driver's insurance company denies my claim or I disagree with their settlement offer?

If the **other** driver's insurance company denies your claim or you disagree with their offer, the options available would be to make a claim under your own policy or pursue a legal remedy.

15. When can an insurance company consider my auto a "total loss"?

When the repair cost approaches or is more than the actual cash value (or market value) of the auto, the auto is usually declared a "total loss."

Pursuant to NH Statute 261:22 VI (b), the exception states: "For which the cost of repairing the vehicle is 75 percent or more of its fair market value prior to the vehicle being damaged, if the damage occurs during its model year or the 4 subsequent calendar years.

The total cost of repairing the vehicle shall not include the cost of repairing, replacing, or reinstalling inflatable safety restraints, tires, or entertainment systems."

"Total loss vehicle shall mean either an unrecovered stolen vehicle or a damaged vehicle."

16. If an accident occurs and the other driver is at-fault, am I entitled to compensation for the loss of use of my auto while it is being repaired?

If the other driver is insured, you are entitled to recover reasonable costs of renting a comparable auto while you don't have use of your auto. This occurs if the other driver's insurance company accepts liability for the accident.

17. If my friend asks to use my auto for his own errands, will my Auto Insurance cover him while he is driving?

Yes. All Auto Liability Policies in New Hampshire cover a "non-owner" operator if they are driving the auto with the permission of the "named insured."

18. Can a family member's poor driving record affect my premiums or insurability if my own driving record is clear?

Yes. In the State of New Hampshire, the definition of an insured includes household family members.

19. Must my son or daughter be added to my Auto Insurance Policy once he or she is licensed?

Yes. The company has the right to charge for all licensed operators in your household because they are automatically covered under your Auto Insurance Policy. A child at college is considered to be a resident of the household.

20. Do I have the right to select the repair facility I want to complete the repairs to my auto after it has been involved in an accident?

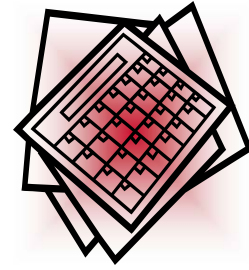
Yes, as long as your chosen repair facility can agree to a reasonable repair cost with the insurance company. If they can not agree on a repair cost, you may have to pay the difference between the adjuster's estimated cost to repair your auto and your repair facility's actual charge.

An insurance company can suggest an alternative repair facility which it feels can repair your auto properly at an agreed rate or



cost, but they can not force you to take that option.

Per New Hampshire Rule NH INS 1002.17 (a),
“every settlement made or offered upon the basis of
an appraisal conducted on behalf of the insurer rela-
tive to motor vehicle insurance shall:



(1) Represent the fair and reasonable price in the
area charged by repair shops or facilities providing
similar services with the usual and customary guarantees as to mate-
rials and workmanship....”

21. I am dissatisfied with the repair work done to my auto by a repair facility. What obligation does the insurance company have to correct this?

If you chose the repair facility, you are responsible for making sure the job is done satisfactorily. If you use the repair facility chosen by the insurance company, then the insurance company would be responsible to ensure that repairs are satisfactorily completed.

22. I was hit by an uninsured motorist. Do I have protection under my policy?

New Hampshire law requires that protection be provided to an insured on their Automobile Policy in the event that an accident occurs involving at-fault drivers of uninsured or underinsured motor vehicles. This coverage is referred to as Uninsured Motorist Coverage. This coverage applies to Bodily Injury Claims, though your Collision Deductible may be waived as well under certain conditions.

23. Do I have to be a resident of New Hampshire to buy Auto Insurance in New Hampshire?

Per New Hampshire Rule NH INS Rule 1406.01, a residency statement signed by the insured is required. This statement requires that the insured be a resident of the State of New Hampshire, or indicates that the insured is not a resident of New Hampshire, but the vehicle is principally garaged in New Hampshire.

The only exemptions to the residency requirement involve your auto that is exclusively garaged in New Hampshire (even if you do not reside in New Hampshire) and/or relate to active military duty.

Failure to sign the residency form may result in the cancellation of your auto policy.

Contact your Producer/Agent or Insurance Company

If you have a problem with your insurance policy, you have a right to question the insurance company or producer/agent. Sometimes mistakes are made and the insurance company or producer/agent will correct them if an inquiry is made. In the event of an inquiry, it is important to keep a written record, or log, of all contacts made during this process, including a copy of all written correspondence.



WHAT IF I HAVE A PROBLEM?

Contact the New Hampshire Insurance Department

If you do not get a prompt and/or satisfactory response from the producer/agent or insurance company, the State of New Hampshire Insurance Department provides information and assistance to New Hampshire residents.

We offer a formal consumer complaint process whereby, we attempt to help resolve problems between consumers and the producer/agents or insurance companies. We often succeed in this endeavor, however, neither consumers nor insurance producer/agents or companies are required to accept any suggested solutions.

The New Hampshire Insurance Department's web site includes publications as well as other useful information. You can file an on-line complaint on **our web site, our address is www.nh.gov/insurance**, or you can call us and request that we mail a complaint form to you.

Our address is: New Hampshire Insurance Department

**21 S. Fruit Street, Suite 14
Concord NH 03301
603-271-2261
800-852-3416**





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