



**The State of New Hampshire**  
**Insurance Department**  
21 South Fruit Street, Suite 14  
Concord, NH 03301

Christopher R. Nicolopoulos  
Commissioner

David J. Bettencourt  
Deputy Commissioner

**WAIVER APPLICATION DECISION**  
**RE: REQUEST OF EVEREST RE GROUP, LTD. TO WAIVE INS 5001.06(a)(4)**

**I. INTRODUCTION**

On or about April 20, 2023, Everest Re Group, Ltd. ("Everest" or "Insurer") submitted a written waiver request ("request" or "waiver request") to the New Hampshire Insurance Department ("Department"). Everest submitted the request through SERFF on behalf of Everest National Insurance Company, Everest Premier Insurance Company, and Everest Denali Insurance Company. The request can be found at SERFF Tracking Number EVST-133588613. Everest seeks the waiver because it would like to change the logo that appears on its forms to a new logo on a variable basis without refiling replacement forms as required by Ins 5000.

**II. LEGAL AUTHORITY**

Pursuant to Ins 5001.08,<sup>1</sup> the New Hampshire Insurance Commissioner may grant an insurer's written request for a waiver from the application of an administrative rule within Chapter Ins 5000 if the criteria set forth in Ins 5001.08(a)-(d) have been met.

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<sup>1</sup> Ins 5001.08 provides in full as follows:

- (a) The commissioner, upon the commissioner's own initiative or upon request by an insurer, shall waive any requirement of this part if such waiver does not contradict the objective or intent of the rule and:
  - (1) Applying the rule provision would cause confusion or would be misleading to consumers;
  - (2) The rule provision is in whole or in part inapplicable to the given circumstances;
  - (3) There are specific circumstances unique to the situation such that strict compliance with the rule would be onerous without promoting the objective or intent of the rule provision; or
  - (4) Any other similar extenuating circumstances exist such that application of an alternative standard or procedure better promotes the objective or intent of the rule provision.
- (b) No requirement prescribed by statute shall be waived unless expressly authorized by law.
- (c) Any person or entity seeking a waiver shall make a request in writing.
- (d) A request for a waiver shall specify the basis for the waiver and proposed alternative, if any.

### III. DISCUSSION

In its request, the Insurer states that it is seeking to change the logo that appears on its forms to a new logo on a variable basis. The Insurer is not seeking to make any other changes to the forms.

The administrative insurance rule from which the Insurer seeks a waiver, Ins 5001.06(a)(4), requires an insurer changing a form to submit a replacement form to the Department "with a new form number, new edition date, or both."<sup>2</sup> The purpose of Ins 5001.06(a)(4) is to allow a new edition of an insurance form to be distinguishable and identifiable from a prior version of the form.

In this instance, the insurer is not seeking to make any substantive change to the forms that are the subject of its waiver request. Instead, it is seeking to change, on a variable basis, the logo that appears on the forms. Given that the Insurer is not requesting any substantive changes to the forms, the Department agrees that strict application of Ins 5001.06(a)(4) is inappropriate as it "would be onerous without promoting the objective or intent of the rule provision[.]" Ins 5001.08(a)(3).

### IV. CONCLUSION

In conclusion, for the reasons discussed above, the Department concludes that strict compliance with Ins 5001.06(a)(4) would be onerous and would not promote the purpose of the rule because the Insurer is not seeking to make substantive changes to the forms. Accordingly, the Department grants the waiver application request Everest submitted in SERFF Filing EVST-133588613. This Decision shall be posted on the Department's website under the Legal Information webpage under "Waiver Application Decisions" and in SERFF as part the Department's response to SERFF Filing EVST-133588613.


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<sup>2</sup> Typically, when a change is made, a replacement form that complies with Ins 5001.06(a)(1)-(4) must be filed. Ins 5001.06(a) provides in full as follows:

Ins 5001.06 Rules Applicable to All Forms.

- (a) Each form shall be designated by a form number composed of numbers, letters, or both, and:
  - (1) The form number shall be sufficient to distinguish the form from all other forms used by the company;
  - (2) The form number may contain the prefix "Form No.";
  - (3) The form number shall be placed on every page of the form; and
  - (4) When a form is replaced, the form shall be resubmitted with a new form number, new edition date, or both.

Date: 5/19/2023



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Christopher R. Nicolopoulos, Commissioner