

**COMMENTS ON REVISIONS TO  
*DRAFT* INS 3300  
FINAL PROPOSAL - ANNOTATED TEXT**

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The following is a section-by-section description of changes made from the initial proposal, dated 5/12/09 in response to comments submitted during the July 2, 2009 hearing and the subsequent written comment period:

Ins 3301 USE OF INSURANCE SCORES

- “(2) Rating purposes” deleted from 3301.02 (b), an editorial change
- Definition of “Applicant” added to 3301:03 as (c), and
- Remaining definitions renumbered

Ins 3302 WRITTEN STANDARDS ON OBTAINING AN INSURANCE SCORE OR A CONSUMER REPORT

- Removed “marital or civil union status” from 3302.01 (b) as this is covered by RSA 417:4 VIII (e)
- Added “income” to 3302.01 (b); this is included in the NCOIL model
- Removed 3302.01 (3) in response to comments received

Ins 3303 USE OF INSURANCE SCORES AND CONSUMER REPORT INFORMATION IN UNDERWRITING

- Removed “marital or civil union status” from 3303.01 (a) (2) as this is covered by RSA 417:4 VIII (e)
- Added “income” to 3303.01 (a) (2); this is included in the NCOIL model
- Removed 3303.01 (3) in response to comments received

Ins 3304 USE OF INSURANCE SCORES AND CONSUMER REPORT INFORMATION IN RATEMAKING

No changes have been made to this section:

- 3304.01 (b) is essentially the same as 5.G. in the NCOIL model. The department does not believe that the fact that two states have apparently removed this section is a compelling enough reason to remove it, particularly since it has been part of 3300 since its inception, apparently without being problematic or confusing
- Even though some comments were received with respect to 3304.01 (c), it seems more than reasonable that if the insured REQUESTS a policy to be re-rated, given the enumerated

conditions, that the insurer should accommodate that request. Remember the insured has to make the request and show that information from the consumer report has been corrected.

Ins 3305 PROHIBITED USE OF CERTAIN CREDIT FACTORS IN RATING OR UNDERWRITING

- 3305.01 (a) was modified by removing (3), (4) and (6). This section is now nearly identical to 5.H. from the NCOIL model, except for:
  - 3305.01 (a) (4) [used to be (5)], which we feel is important and reasonable and in one way or another is included in most models we review
  - 3305.02 has been added. It replicates new Section 6. from the NCOIL model

Ins 3306 FILING OF UNDERWRITING MODELS

No changes have been made. The section reflects NH law.

Ins 3307 FILING OF RATES

No changes have been made. The section reflects NH law.

Ins 3308 FILINGS REQUIRED FOR INSURANCE SCORING MODELS AND USE OF CONSUMER REPORT INFORMATION

- The department believes that RSA 412:15 III (b) and RSA 412:16 provide the statutory authority for this section
- 3308.01 (c) has been modified by removing (3) and (4). The department acknowledges that the wording of these two items was unclear; however, the department will continue to expect, and if absent, request, appropriate actuarial and/or statistical support as part of its actuarial review of insurance scoring models
- 3308.01 (d) has been modified in a similar manner to that described above for Ins 3302 and 3303
- 3308.02 was changed slightly to more closely mirror statutory language from RSA 412:16 II; however the intent of the provision is the same as before. The insurer or filer is expected to identify the portion of the filing that they view as propriety and wish to keep confidential. A similar expectation for insurer identification was enumerated by the legislature as part of RSA412:16, and has been complied with by insurers without difficulty since 2004

Ins 3309 NOTICE TO INSURED, USE OF INFORMATION FROM CREDIT REPORTS; ADVERSE ACTION

- This part was revised into two sections 3309.01 Initial Notification and 3309.02 Adverse Action Notification, similar to NCOIL
- 3309.01 (a) (1) is essentially the same as the NCOIL model section 8. with the exception of 3309.01 (a) (1) c. which would be a requirement under NH law anyway
- 3309.01 (a) (2), (3) and (4) are not included in NCOIL requirements; however the department believes that such information is useful to an insured and since it is not specific to an individual

insured, it could easily be incorporated in a generic initial notification form (computer generated on-line or printed) at little or no cost to the insurer

- With respect to 3309.02:
  - A number of sections were deleted in response to comments
  - 3309.02 (a) (2) was language suggested by one of the parties to the hearing. It is a generic statement, not specific to a particular insured, and provides useful information so that the consumer knows how old the credit information being used may be
  - 3309.02 (a) (3) and (4) are part of the current rule; the department is not aware of any issue associated with this requirement
  - 3309.02 (a) (5) was suggested by a party to the hearing and seems a reasonable requirement for any insurer doing business; that is, be able to have an insured contact someone at the company who can answer questions
  - The initially proposed 3309.02 (b) was removed; the new (b) is the old (c), for which no comments were received
  - The new 3309.02 (c) is the old (d) which was modified to reflect comments received and is essentially the same as section 9.B. from the NCOIL model

#### Ins 3310 ADDITIONAL CONSUMER PROTECTION

No comments were received; no changes have been made.

#### Ins 3311 PENALTY PROVISION

The language was clarified to reflect the fact that the reference to RSA 400-A:15 relates only to establishing the fine amount.