

State of New Hampshire Insurance Department

REVIEW REQUIREMENTS CHECKLIST FOR Property & Casualty

LINE OF BUSINESS: Auto Liability, Auto Physical Damage

TOI CODES: 19.0000 through 21.0000

INSTRUCTIONS FOR SERFF FILINGS CHECKLIST:

This checklist must be completed, signed and attached to the supporting documentation tab. It is not intended to be an all-inclusive listing of required provisions, rather guidance for areas of frequent questions and areas needing special attention. All New Hampshire Statutes and Rules are available at:

<http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXVII.htm>

http://www.gencourt.state.nh.us/rules/state_agencies/ins.html

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REVIEW REQUIREMENTS	REFERENCE	DESCRIPTION OF REVIEW STANDARDS REQUIREMENTS
COVER LETTER AND EXPLANATORY MEMORANDUM		A complete description of the filing should be provided, including the purpose of the filing, how it is presented or organized, the planned effective date and any special implementation procedures. Filing connection to Type Of Insurance must be justified. Filing submission must reference any applicable prior filing, including the SERFF Tracking number. This includes prior approved and disapproved filings. Any corresponding rate filing should be indicated including the applicable SERFF Tracking Number.
EFFECTIVE DATE WORDING	RSA 412:5 I	
FORM FILING EXEMPTION	RSA 412:5 I	
FREE INSURANCE POLICY PROHIBITED	RSA 402:39, RSA 417:4 I, II, III, & XIII	
LIMITATIONS / RESTRICTION ON TRANSACTING BUSINESS	RSA 402-J:3, RSA 405:17-b, RSA 402-B:1	
LINE OF AUTHORITY	RSA 401:1 II RSA 401:1 V	
THIRD PARTY FILER AUTHORITY		Letter of Authority must be included in submission attached to the Supporting Documents Tab.
APPLICATION FORMS	RSA 412:5 I	
ACTION AGAINST COMPANY	RSA 508:4 I & II (limitations period for statutory or common law actions) RSA 491:22, I, II, & III	(Statutory action and further limitation on third party liability claims)
AFTER-MARKET PARTS	RSA 407-D	
AMBIGUOUS & MISLEADING POLICY LANGUAGE	RSA 412:5 I	412:5 Approval of Form I. The commissioner may disapprove such form if it contains a provision that does not comply with the requirements of law, is inequitable, misleading, deceptive, or encourages misrepresentation of such policy.
ARBITRATION	RSA 542:1 RSA 542:2 RSA 542:8	

REVIEW REQUIREMENTS	REFERENCE	DESCRIPTION OF REVIEW STANDARDS REQUIREMENTS
	RSA 417:4 XVII d	
BANKRUPTCY PROVISIONS	RSA 417:4 XIV	
BLANK ENDORSEMENTS	RSA 412:5 I	
CANCELLATION / COMMERCIAL	RSA 417-C:1	
CANCELLATION / PERSONAL	RSA 417-A:4	
CERTIFICATIONS	NHCAR Part Ins. 1406.01	
CONCEALMENT, MISREPRESENTATION AND FRAUD	RSA 417-A & RSA 417-C, RSA 412:5, I, NHCAR PART Ins1402.03 (f)	(cancellation required, recession not permitted)
CONTENT OF POLICIES	NHCAR Part Ins. 1402.02 (a), NHCAR Part Ins. 1401.03 (a),(b) and (c), NHCAR Part Ins. 1402.03 (b), (d) and (f) RSA 259:60, RSA 264:14	
CREDIT SCORING	NHCAR Part Ins. 3309.02	
DAMAGE ESTIMATES	NHCAR PART Ins.1002.14	
DECLARATIONS PAGE	RSA 402:12 II (a) and (b)	
DEDUCTIBLES	NHCAR Part Ins. 1002.19	
DEFINITIONS	RSA 259:60 NHCAR Part Ins. 1402.02 (a), (h), (l), (r) and NHCAR Part Ins. 1405.02 (a), (q), (v), (r)	
DISCRIMINATION	RSA 417:4 VIII (d) (e) and (g)	
EXCLUSIONS & LIMITATIONS	RSA 412:5 I & II	
FRAUD WARNING	RSA 402:82 I	
GUEST PASSENGER LIABILITY	RSA 264:18 I, RSA 259:61	
LOSS SETTLEMENTS	NHCAR Part Ins. 1002 NHCAR Part Ins. 1002.02 (g), (h) NHCAR Part Ins. 1002.05 (a) (d) NHCAR Part Ins. 1002.10 NHCAR Part Ins. 1002.11	

REVIEW REQUIREMENTS	REFERENCE	DESCRIPTION OF REVIEW STANDARDS REQUIREMENTS
MEDICAL PAYMENTS	RSA 264:16, RSA 264:17	
MINIMUM STANDARDS FOR CONTENT (Primary Coverage-Policies and Standard Forms)	RSA 264:18	
NON-RENEWAL-Commercial	RSA 417-C:3	
NON-RENEWAL-Personal	RSA 417-A:5	
NOTICE REQUIREMENTS		See above: "Cancellation Section(s)" and "Non-Renewal Section(s)" See below in Notes on "Take All Comers"
PERMISSIBLE DRIVER	RSA 259:61, RSA 264:18 VI	
PREMIUM AUDIT	RSA 402:81 I (c) (d) Not applicable to Personal Auto	RSA 402:81 I (c) (d) Not applicable to Personal Auto
PREMIUM REFUND	RSA 402:81 I (a) (b) (d) & (e)	
PRIOR APPROVAL	RSA 412:5 I	
PUNITIVE DAMAGE	RSA 507:16	507:16 Punitive Damages Outlawed No punitive damages shall be awarded in any action, unless otherwise provided by statute.
REBATES	RSA 417:4 , RSA 402:39, RSA 402:40, RSA 402:41	
REQUIRED POLICY PERIOD	RSA 417-A:1 II	
SUBROGATION	RSA 264:17	
UNINSURED MOTORISTS/ UNDERINSURED MOTORISTS	RSA 264:15	
VOIDANCE		Policies may not be voided or rescinded. Coverage may be denied and/or the policy may be cancelled due to non-compliance with policy terms and conditions. See Cancellation Section and Non-Renewal Section

NEW HAMPSHIRE INSURANCE DEPARTMENT NOTES

Eligibility Requirements: Requirements such as limiting the number of miles driven per year, a regular use vehicle or no allowance for street parking (must be garaged when not being driven) may not be used to refuse to write a policy. However, such factors can be used for rating purposes.

Non-owned Auto Coverage: Please note RSA 259:61 I and RSA 264:18 I and VI contemplate other vehicle use. In New Hampshire the insurance follows the vehicle. However, if the named insured, spouse, or a resident relative is operating a non-owned vehicle with permission and that vehicle has no primary insurance policy, the operator's policy will provide coverage in response to an accident. Coverage for non-owned vehicles is provided on an excess basis.

Null/Void /Rescind/Void "Ab Initio": The department does not approve null and void, rescission or void "*ab initio*" language even in the instance of the failure to collect on an initial payment as the policy has been issued and/or bound. The NH cancellation statutes, RSA 417-A and RSA 417-C do not have an exception for an initial payment as uncollectible. If the initial payment on a policy is uncollectible, it is considered nonpayment of premium requiring a 10 day notice of cancellation. You are permitted to pursue the premium for the ten day notice required by the statute.

Other Policy Provisions or Endorsements: Policy provisions and endorsement language must relate to the operation of the covered auto(s).

Personal Lines Auto Medical Payments: Medical payments may not be deducted from Uninsured Motorist /Underinsured Motorist or Bodily Injury Liability claims on the same auto policy per RSA 264:17

Personal Lines Auto Replacement offer of insurance: New Hampshire is a "*take all comers*" state for personal lines motor vehicles (NHCAR Part Ins.1401.02 and NHCAR Part Ins.1402.02(c)). You may cancel or non-renew for the reasons cited in RSA 417-A and your filed and approved underwriting guidelines. If a policy is cancelled or non-renewed for any reason other than non-payment of premium, insured request or failure to sign the residency statement, your company must offer a replacement policy for the correct tier within your company, or the correct company within your group of companies, or you may place the applicant or insured in the Facility, if they have an SDIP point (NHCAR Part Ins. 1402.04 (c) & (d)). The offer of a replacement policy must accompany the notice of cancellation or non-renewal and include the premium information so the payment may be remitted to provide continuous policy coverage and transfer the policy in a seamless transaction.

Specified or Named Driver exclusions: Driver exclusions are permitted in New Hampshire, however, you are still required to provide minimum Financial Responsibility limits, even if an excluded driver is operating a covered automobile with permission. RSA 264:18 III explains that a motor vehicle liability policy is absolute up to the minimum financial responsibility limits of \$25,000/\$50,000/\$25,000.

The endorsement must be very simple. The purpose of the endorsement is to reduce the Bodily Injury Liability Coverage limit to Minimum Financial Responsibility limits when a named excluded driver is operating an insured vehicle and involved in an accident. Coverages other than Bodily Injury Liability may not be excluded or reduced to Minimum Financial Responsibility limits. Passengers and insured's other than the excluded driver may not be excluded from coverage. The purpose for permitting the endorsement is to encourage the excluded driver not to drive.

Sub-limits: Whether a policy provides split limits or a single limit, the rule in New Hampshire as to sub-limits for any subset of insured's or vehicles is that the amount of coverage that is provided by the policy must be the same for all covered insured and covered vehicles absent a specific law to the contrary. Any reduction in the amount of coverage via a sublimit for any covered insured(s) or covered vehicle(s) would violate New Hampshire Law against forms that are misleading, deceptive, or encourages misrepresentation because such a complex limits scheme would cause confusion as to the actual scope of coverage provided. RSA 412:5, I.

STATE OF NEW HAMPSHIRE
CERTIFICATION FOR FORMS SUBMISSION FOR COMPLIANCE

I hereby certify that I have reviewed the applicable filing requirements for this filing and the filing complies with all applicable statutory and regulatory provisions for the state of New Hampshire.

Print Name: _____

Title: _____

Signature: _____

Date: _____