Amend Ins 1402.02, effective 12-28-99 (Document #7185), as amended effective 07-01-04 (Document #8032), as amendment 01-03-05 (Document # 8241), by amending (h)(1), and by inserting a new subparagraph (m), and renumbering the existing paragraphs, to read as follows:

and

Amend Ins 1405.02, effective 07-01-04 (Document #8032), by amending (q)(1), and by inserting a new subparagraph (v), and renumbering the existing paragraphs, to read as follows:

Statutory Authority: RSA 400-A:15, I; 412:43, I; 404-C:1

Ins 1402.02 <u>Definitions Applicable to the Voluntary Market.</u>

(h) "Motor vehicle" means:

(1) **[A private passenger]** **<u>An</u>** automobile, including one that is owned or leased for a contract period of at least 6 months and is not used as a public or livery conveyance for passengers, nor rented to others without a driver;

(m) **<u>"Private passenger automobile" means any motor vehicle as defined in (h) above.</u>**

[(m)] **<u>(n)</u>** "Prospective loss cost" means the expected average loss per unit of exposure.

[(n)] **<u>(o)</u>** "Rate" means that cost of insurance per exposure unit whether expressed as a single number or as a prospective loss cost with an adjustment to account for the treatment of expenses, profit, and individual insurer variation in loss experience, prior to any application of individual risk variations based on loss or expense considerations, and does not include minimum premiums.

[(o)] **<u>(p)</u>** "Rating plan" means a system by which insurers establish a premium or rate to be charged an individual for the insurance coverage they desire.

[(p)] **<u>(q)</u>** "Renewal" or "to renew" means the issuance and delivery by an insurer of a policy superceding at the end of the policy period a policy previously issued and delivered by the same insurer and having the types and limits of coverage at least equal to those contained in the policy being superceded.

[(q)] **<u>(r)</u>** "Replacement policy" means a policy that a company issues to replace a voluntary policy for the purpose of ceding the insured to the facility or moving the insured to a higher rated company or tier.

[(r)] **<u>(s)</u>** "Resident" means:

(1) A person who maintains his or her true, fixed and permanent residence within the state of New Hampshire and does not claim residency in any other state for any purpose and who has, through all of his or her actions, demonstrated a current intent to designate that the permanent residence is his or her principal place of physical presence for the indefinite future to the exclusion of all others; or

(2) A person who has previously met the conditions of (1) above and who now maintains a permanent place of residence in New Hampshire for the entire year and has actually spent more than 183 days in New Hampshire during the previous calendar year.

[(s)[<u>(t)</u> "Supplementary rate information" means any manual or plan of rates, classification, rating schedule, minimum premium, policy fee, rating rule and any other similar information needed to determine an applicable rate in effect or to be in effect.

[(t)] <u>(u)</u> "Supporting information" means:

(1) The experience and judgment of the filer and the experience or data of other insurers or organizations relied upon by the filer;

(2) The interpretation of any statistical data relied upon by the filer;

(3) A description of methods used in making the rates; and

(4) Other similar information relied upon by the filer.

[(u)] <u>(v)</u> "Tier" means a level or division of a company's or group's rating system that will yield a separate and distinct rate for automobile insurance.

[(v)] <u>(w)</u> "Underwriting guidelines" mean:

(1) Any written mechanism developed as an aid in the selection, placement or tiering of private passenger automobile risks; and

(2) The portion of the rate classification system submitted to the commissioner pursuant to RSA 412: 16.

Ins 1405.02 <u>Definitions.</u>

(q) "Motor vehicle" means:

(1) **[A private passenger] <u>An</u>** automobile, including one that is owned or leased for a contract period of at least 6 months and is not used as a public or livery conveyance for passengers, nor rented to others without a driver;

(v) **<u>"Private passenger automobile" means any motor vehicle as defined in (q) above.</u>**

[(v)] <u>(w)</u> "Renewal" or "to renew" means the issuance and delivery by an insurer of a policy superceding at the end of the policy period a policy previously issued and delivered by the same insurer and having the types and limits of coverage at least equal to those contained in the policy being superseded.

[(w)] <u>(x)</u> "Replacement policy" means a policy that a company issues to replace a voluntary policy for the purpose of ceding the insured to the facility.

[(x)] <u>(y)</u> "Resident" means:

(1) A person who maintains his or her true, fixed and permanent residence within the state of New Hampshire, does not claim a residence in any other state for any purpose and who has, through all of his or her actions, demonstrated a current intent to designate that the permanent residence is his or her principal place of physical presence for the indefinite future to the exclusion of all others; or

(2) A person who has previously met the conditions of (1) above and who now maintains a permanent place of residence in New Hampshire for the entire year and has actually spent more than 183 days in New Hampshire during the previous calendar year.

[(y)] **(z)** “Safe Driver Incentive Plan (SDIP)” means the surcharge rating plan used with all policies to develop the surcharge portion of the total policy premium.

[(z)] **(aa)** "Total policy premium" means the sum of all premiums for all liability and physical damage coverages.

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