

Readopt with amendment Ins 3101.04, effective 10-1-16 (Document #11147), to read as follows:

Ins 3101.04 Procedural Requirements.

(a) All insurance companies submitting rate, loss costs, and form filings submissions shall comply with the New Hampshire insurance department's requirements for the type of insurance for which the companies are submitting.

(b) All life, accident, and health submissions or filings shall comply with Ins 401.14 Forms Filing, Review and Inventory Procedures.

(c) All property and casualty submissions or filings shall comply with the provisions of RSA 412 and Ins 5001.

(d) Insurance companies submitting rate and form filing materials shall provide all fees via EFT if domiciled in a state or country where the state insurance department or comparable agency requires foreign or alien insurers to pay any fees for the filing or examination of policy forms. The materials submitted shall include payment of the retaliatory fee due to the state of New Hampshire pursuant to RSA 400-A:35.

(e) Insurers, advisory organizations, nonprofit service organizations, health maintenance organizations, and fraternal benefit societies shall use SERFF for all correspondence related to any submission or filing.

Adopt Ins 3101.05 to read as follows:

Ins 3101.05 Waiver of Rules.

(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.

APPENDIX

Rule	Specific Statute the Rule Implements
Ins 3101.04	RSA 400-A:15,I; RSA 408; RSA 408-A; RSA 408-D:5; RSA 408-E:3,IV; RSA 412:5; RSA 412:7; RSA 412:16; RSA 412:28; RSA 415:1; RSA 416-A:3; RSA 416-A:17-a; RSA 418:18; RSA 420-A:8; RSA 420-B:8; RSA 420-F:4; RSA 420-G:12 & 13
Ins 3101.05	RSA 400-A:15,I; RSA 541-A:22, IV