



The State of New Hampshire Insurance Department

21 South Fruit Street, Suite 14
Concord, NH 03301
(603) 271-2261 Fax (603) 271-1406
TDD Access: Relay NH 1-800-735-2964

Christopher R. Nicolopoulos
Commissioner

David J. Bettencourt
Deputy Commissioner

WAIVER APPLICATION DECISION **RE: REQUEST OF CUMIS INSURANCE SOCIETY, INC.** **TO WAIVE INS 5001.06(a)(4)**

I. INTRODUCTION

On or about November 1, 2022, CUMIS Insurance Society, Inc. ("CUMIS") submitted a written waiver request ("request" or "waiver request") to the New Hampshire Insurance Department ("Department"). In the request, CUMIS explains that it is planning to change the logo that appears on forms within SERFF Filing CUNA-133432970. CUMIS seeks a waiver from the requirement in Ins 5001.06(a)(4) that it submit replacement forms to the Department for the aforementioned SERFF filings for approval.

II. LEGAL AUTHORITY

Pursuant to Ins 5001.08,¹ 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.

III. DISCUSSION

¹ Ins 5001.08 provides in full as follows:

Ins 5001.08 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.

In its written waiver request, the insurer states that it seeks to change the logo that appears on customer facing forms documents. The insurer is not seeking to make any other change to the forms.

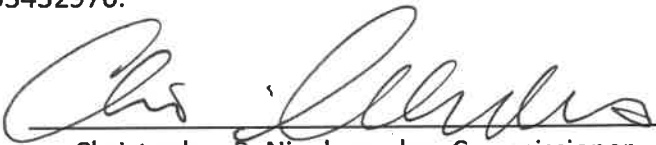
The administrative insurance rule from which the insurer seeks a waiver, Ins 5001.06(a)(4), requires an insurer changing a form to submit a replacement form to the Department "with a new form number, new edition date, or both" for approval.² The purpose of Ins 5001.06(a)(4) is to allow a new edition 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 requesting that it be allowed to replace the logo on those forms with its new logo without having to submit replacement forms with new form numbers and/or new edition dates for approval. 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 because 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 that rule relative to the form filings at issue because CUMIS is not seeking to make substantive changes to the forms. Accordingly, the Department grants CUMIS waiver application request, as detailed in SERFF Filing CUNA-133432970. This Decision will be posted on the Department's website under the Legal Information webpage under "Waiver Application Decisions" and shall be posted as part of the Department's response to SERFF Filing CUNA-133432970.

Date: December 9, 2022



Christopher R. Nicolopoulos, Commissioner

² Typically, when a change is made, a replacement form must be submitted for approval and it must comply with Ins 5001.06(a)(1)-(4). 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.