

**Readopt with amendment Ins 5001.03, effective 5-5-19 (Document #12770), to read as follows:**Ins 5001.03 Form Filing Procedures.

- (a) All forms that are required to be filed pursuant to RSA 412 shall be submitted through SERFF. Forms and rates shall be filed together or separately.
- (b) All form filings shall include the following:
- (1) A notation in the SERFF general information tab if a filing is a new program; and
  - (2) A filing description that is submitted under the SERFF general information tab or the supporting documentation tab and which provides for the following:
    - a. A detailed description of the program for which the filer seeks approval; and
    - b. A brief description of each form within the program, including any new features, and a listing of other forms to which it will be attached.
- (c) If a form is replacing a prior form, the prior form shall be identified by its SERFF tracking number or the company filing number. If a form is replacing a form filed before January 1, 2008, the filer shall provide the prior approved form along with a statement that the form has been approved. If a form is not replacing a prior form, it shall be so stated.
- (d) Where a form is replacing another form, a side-by-side comparison that clearly shows the changes, additions, or deletions for each amended form shall be provided in the SERFF form schedule tab along with the final copy of the form.
- (e) Any form submitted for review shall be in the same layout, as permitted by technology, as issued to consumers in New Hampshire.
- (f) The declarations page of a policy shall be completed with hypothetical data that is realistic and consistent with the other contents of the policy, so as to provide an example. The declarations page shall also prominently display a space reserved for producer contact information.
- (g) With respect to any submission of a company 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 forms, the submission shall include an electronic funds transfer (EFT) payment of the retaliatory fee due to the state of New Hampshire, pursuant to RSA 400-A:35.
- (h) If filed separately, forms, rate filings, and rate or form rules shall be cross referenced by SERFF tracking numbers in the SERFF general information tab.
- (i) All variable language shall be identified by the use of brackets, accompanied by a narrative statement describing the full range of variability. The narrative shall be attached to the SERFF supporting documentation tab or shown on the corresponding manual page for the form and provided with the filing. Variable language that changes the terms and conditions of coverage provided by the policy shall also be explained in the narrative statement.
- (j) Any submission of a blank form that is unclear as to its intended use on its face shall in all instances be accompanied by a list of all intended uses attached to the SERFF supporting documentation tab.
- (k) In the event that forms submitted to the department by an insurer are not approved and such forms are thereafter corrected and resubmitted, the previous submission's SERFF tracking number shall be provided in

the SERFF general information tab. Filings disapproved pursuant to RSA 412:5, I shall not be resubmitted unless and until previously identified form objections are corrected.

(l) When a company withdraws a form from use in this state, written notice of withdrawal shall be provided to the department along with the withdrawal's effective date.

(m) The written notice in (l) above shall further include an explanatory memorandum submitted in SERFF which provides the following information:

- (1) For forms filed prior to January 1, 2008, a copy of the form and a statement from the company indicating the year of approval;
- (2) For forms filed on or after January 1, 2008, the SERFF tracking number; and
- (3) The reason for the withdrawal.

(n) If an insurer delegates its filing authority to a third-party filer, excluding advisory organizations, each filing shall include a signed and dated letter from an authorized representative of the insurer authorizing the third-party filer to make filings on behalf of the insurer.

(o) The letter in (n) above shall be dated within six months of the filing, and:

- (1) The insurer shall not delegate responsibility for the content of a filing to a third-party filer. Errors and omissions made by a third-party filer shall be errors and omissions by the insurer; and
- (2) If a third-party filer has a pattern of making 3 or more filings that do not comply with New Hampshire insurance laws, the commissioner shall deny or approve a delegation of filing authority, pursuant to RSA 412:19.

(p) Individual risk filings shall be submitted via SERFF as a confidential filing type, and the filing shall include:

- (1) The department's "Individual Risk Form Filing" as illustrated in Appendix A and which may be accessed on the department's website in the property and casualty section, under industry filing guidelines at <https://www.nh.gov/insurance/pc/consent.htm>. The individual risk filing form shall be fully completed and signed by the policyholder;
- (2) A copy of the declarations page; and
- (3) All forms to be used with the individual risk filing.

~~[(q) Mid-term cancellation requests for approval under RSA 417-C based upon substantial increase in the hazard:~~

~~(1) Shall be submitted in SERFF as a confidential filing type; and~~

~~(2) Shall include the following attached to the supporting documentation tab:~~

- ~~a. A cover letter including commentary as to why the action is deemed necessary;~~
- ~~b. A copy of the original application, filled out and signed by the insured;~~
- ~~c. A certified copy of the subject policy;~~
- ~~d. A copy of all the inspections of the insured premises, if any;~~

- ~~e. The chronology of events leading to the decision to request a mid-term cancellation;~~
- ~~f. A copy of all underwriting information that supports the request for mid-term cancellation; and~~
- ~~g. Detailed justification for requesting mid-term cancellation as opposed to taking action as a non-renewal.]~~

**([f]g)** Risk Purchasing Group (RPG) SERFF filings shall include:

- (1) All forms intended to be used by the RPG, other than “State Amendatory Endorsements” for states other than New Hampshire, filed in the SERFF forms schedule tab;
- (2) A copy of the master policy, filed in the SERFF supporting documentation tab; and
- (3) All forms previously approved by the department for use by the RPG, including the corresponding SERFF tracking number(s) listed in a document and included in the SERFF supporting documentation tab.

APPENDIX C

<b>Rule</b>	<b>Specific State Statute the Rule Implements</b>
Ins 5001.03	RSA 400-A:15, I; RSA 412:5, I; RSA 412:19; RSA 412:43, I; RSA 417-C:1, I(c); RSA 417-B:3, IV