

CHAPTER Ins 1300 PRODUCERS AND ADJUSTERS

Statutory Authority: RSA 400-A:11, I[-]; 400-A:15, I[-]; RSA 402-B:6; RSA 402-D:20;
RSA 402-[-]J:18

Readopt with amendment Ins 1301.01, effective 8-1-15 (Document #10862), to read as follows:

PART Ins 1301 CONTINUING EDUCATION GENERAL INFORMATION

Ins 1301.01 Purpose and Applicability.

- (a) The purpose of this rule is to provide criteria and requirements for continuing education.
- (b) This rule shall apply to all:
 - (1) Resident producers;
 - (2) Resident adjusters; and
 - (3) Adjusters who chose New Hampshire as their designated home state as these adjusters shall be considered residents for continuing education purposes of:
 - ~~[a. Life, accident and health insurance; and]~~
 - a.~~[b.]~~ Property and casualty insurance, including workers' compensation.

Readopt Ins 1301.02 – Ins 1302.01, effective 8-1-15 (Document #10862), to read as follows:

Ins 1301.02 Definitions.

- (a) “Adjuster” means:
 - (1) A public adjuster licensed by the department pursuant to RSA 402-D; and
 - (2) An insurance claims adjuster licensed by the department pursuant to RSA 402-B.
- (b) “Commissioner” means the insurance commissioner of the state of New Hampshire.
- (c) “Department” means the New Hampshire insurance department.
- (d) “Insurance producer” means an individual licensed by the New Hampshire insurance department pursuant to RSA 402-J.
- (e) “Insurer” means an insurance company licensed or authorized to do business in the state of New Hampshire.
- (f) “Producer” means insurance producer.
- (g) “Self-study course” means a course that can be completed by self-study, independent reading or online courses.
- (h) “Sponsoring organization” means the organization that is preparing and presenting a continuing education program.

PART Ins 1302 CONTINUING EDUCATIONAL REQUIREMENTS FOR PRODUCERS AND ADJUSTERS

Ins 1302.01 Purpose. The purpose of this part is to establish requirements and standards for continuing education programs for a person licensed as a:

- (a) Resident producer;
- (b) Public adjuster; and
- (c) Insurance claims adjuster.

Readopt with amendment Ins 1302.02 – Ins 1302.03, effective 8-1-15 (Document #10862), to read as follows:

Ins 1302.02 Applicability.

(a) This part shall apply to producers licensed in the following line(s) of insurance:

- (1) Life insurance, including annuities;
- (2) Variable contracts, including annuities;
- (3) Sickness, accident and health insurance; and
- (4) All lines of property and casualty insurance.

(b) This part shall apply to persons licensed as:

- (1) A public adjuster; and
- (2) An insurance claims adjuster.

(c) This part shall not apply to a ~~{person resident in another state}~~ **nonresident** holding a producer license in this state and for which an examination is not required by law or rule in their state of domicile, ***if the nonresident producer's home state recognizes the satisfaction of this state's education requirements on the same basis. This part ~~{not}~~ shall not ~~{it}~~ apply to persons engaged in the sale of physical damage only, motor vehicle warranty, travel accident, home warranty or title insurance.***

Ins 1302.03 Educational Requirements For Producers.

(a) Every resident producer seeking renewal of a license shall be required to have satisfactorily completed courses or programs of instruction or attended seminars during the preceding 24 months no later than 60 days prior to the required renewal date equivalent to 24 continuing education hours of instruction that have been previously approved by the commissioner.

(b) Certification shall be submitted to the department by the administrator of the department's continuing education programs on behalf of the applicant. However, each applicant shall be responsible for submitting the certification documentation required to be provided to them by Ins 1303.05 for inspection by the commissioner upon request.

(c) The courses or programs of instructions successfully completed with a passing grade deemed to meet the requirements for the biennial period may be:

- (1) Any part of the Life Underwriter Training Council Fellowship LUTCF Designation Program;
- (2) Any part of the Chartered Life Underwriter (CLU), Chartered Financial Consultant (ChFC), or Certified Financial Planner (CFP) diploma curriculum;

(3) Completion of any part of the American Institute for Property and Liability Underwriters diploma curriculum;

(4) Any part of the Certified Insurance Counselor diploma program; or

(5) Any part of the Insurance Institute of America diploma curriculum.

(d) Programs or curricula for continuing education credit enumerated in Ins 1302.03~~-(c)~~ shall be subject to the course evaluation criteria and accreditation as required in Ins 1303.03 and Ins 1303.05.

(e) Continuing education credits shall not be given for any course that:

(1) Does not provide at least 50 minutes of classroom instruction for each continuing education credit assigned unless such course is a self-study course as determined by the continuing education council; and

(2) Is duplicated in the same license renewal period.

(f) Of the 24 continuing education hours required in (a) above, at least 3 hours, but no more than 10 hours, shall consist of courses approved for ethics credit.

(g) Successful passage of the state producer licensing exam shall satisfy the ensuing renewal.

Readopt Ins 1302.04, effective 1-13-20 (Document #12973), to read as follows:

Ins 1302.04 Educational Requirements for Insurance Claims Adjusters and Public Adjusters.

(a) Every insurance claims adjuster seeking renewal of a license shall during, the preceding 24 months, satisfactorily complete courses or programs of instruction or attend seminars equivalent to 24 continuing education hours of instruction, including a minimum of 3 hours of ethics, that have been approved by the commissioner.

(b) For insurance claims adjusters adjusting workers' compensation claims, of the 24 hours required in (a) above, 10 hours shall inform the licensee of the current workers' compensation laws of this state, 3 hours of ethics, and the remaining hours shall be in any other preapproved multi-line claims adjusters course of instruction.

(c) Every public adjuster seeking renewal of a license shall during the preceding 24 months satisfactorily complete courses or programs of instruction or attend seminars equivalent to 15 continuing education hours of instruction, including 3 hours of ethics, that have been approved by the commissioner.

(d) Continuing education credits shall not be given for any course which does not provide at least 50 minutes of classroom instruction for each continuing education credit assigned unless such course is a self-study course.

(e) Successful passage of the state insurance claims adjuster licensing exam shall satisfy the ensuing renewal.

(f) Successful passage of the state public adjuster licensing exam shall satisfy the ensuing renewal.

(g) Continuing education credits shall not be given for any course that shall be considered duplicative course work or instruction in the same renewal period.

(h) Certifications shall be submitted to the department by the administrator of the department's continuing education programs on behalf of the applicant. However, each applicant shall be responsible for

submitting the certification documentation required to be provided to them by Ins 1303.05 for inspection by the commissioner upon request.

(i) A nonresident insurance claims adjuster's or public adjuster's satisfaction of their home state's continuing education requirements for licensed insurance claims adjusters or public adjusters shall constitute satisfaction of this state's continuing education requirements if the nonresident insurance claims adjuster's or public adjuster's home state recognizes the satisfaction of its continuing education requirements imposed upon insurance claims adjusters or public adjusters from this state on the same basis.

Readopt with amendment Ins 1302.05, effective 8-1-15 (Document #10862), to read as follows:

Ins 1302.05 Penalty. Any person failing to meet the requirements imposed by this rule and who has not been granted an extension of time within which to comply pursuant to Ins 1302.04~~-(g)~~ hereof shall be subject to the provisions of RSA 400-A:15, and no further license shall be issued to such person for any kind or kinds of insurance until such time as such person shall have demonstrated compliance with all the requirements of this part and all other laws applicable thereto.

Readopt Ins 1303.01, effective 8-1-15 (Document #10862), to read as follows:

PART Ins 1303 CONTINUING EDUCATION COUNCILS, COURSES AND APPROVALS

Ins 1303.01 Purpose and Applicability.

(a) The purpose of this part is to establish criteria and membership for the continuing education advisory councils, continuing education courses and course approvals.

(b) This part shall be applicable to the:

- (1) Continuing education advisory councils;
- (2) Course sponsoring organizations; and
- (3) Students.

Readopt with amendment Ins 1303.02, effective 1-13-20 (Document #12973), to read as follows:

Ins 1303.02 Continuing Education Advisory Councils.

(a) There shall be hereby established 2 continuing education advisory councils, as follows:

- (1) One continuing education advisory council shall be for producers. This council shall be known as the "producers' council".
- (2) The second continuing education advisory council shall be for licensed claims adjusters and public adjusters. This council shall be known as the "adjusters' council".

(b) The producer~~s~~' council shall consist of~~[-]~~ *a total of 12 members drawn from the National Association of Insurance and Financial Advisors of New Hampshire, the New Hampshire Insurance Agents Association, the Professional Insurance Agents of New Hampshire and producers for direct writers.*

~~{(1) Three members representing the National Association of Insurance and Financial Advisors of New Hampshire;~~

~~(2) Three members representing the New Hampshire Insurance Agents Association;~~

~~(3) Three members representing the Professional Insurance Agents of New Hampshire; and~~

~~(4) Three members representing producers for direct writers.]~~

(c) The adjusters' council shall consist of a minimum of 6 members, with at least one member representing public adjusters.

(d) All council members shall be appointed by the commissioner and shall serve for a 2 year term. The terms of the current members shall continue until the expiration of their respective terms.

(e) The councils shall meet at least once a year and additionally as required.

(f) The councils shall advise the commissioner on the plans and operation of the continuing education programs established by this part.

(g) For each council, three members shall constitute a quorum for the purposes of conducting meetings and making recommendations to the commissioner.

Readopt Ins 1303.03 – Ins 1304.04, effective 8-1-15 (Document #10862), to read as follows:

Ins 1303.03 Criteria.

(a) The continuing education advisory councils shall review and evaluate courses submitted for continuing education credit hours and recommend to the commissioner an appropriate number of continuing education hours for each course submitted. The commissioner shall then assign to each course the number of continuing education credit hours. In order to secure review and evaluation of the course by the continuing education advisory councils, submission shall be made at least 45 days prior to commencement of the program.

(b) The course review and evaluation by the continuing education advisory council(s) shall result in a recommendation for approval by the commissioner of an appropriate number of continuing education hours for each complete course submission made, provided the following criteria are met:

- (1) A clear and concise statement of purpose, goals and objectives;
- (2) The level of knowledge the participant should obtain upon completion;
- (3) Program relevancy;
- (4) Contribution to the professional competence of the participant;
- (5) Maintenance of records of attendance and successful completion of their program; and
- (6) The program's attempt to assess its effectiveness in accomplishing its purpose, goals and objectives.

Ins 1303.04 Compliance.

(a) The sponsoring organization shall maintain records of all continuing education hours obtained through the sponsoring organization's programs for 6 years.

(b) Every sponsoring organization shall, on behalf of the successful student, furnish to the administrator of the department's continuing education program written certification as to the courses, programs, or seminars of instruction taken and successfully completed by such person. Such certification shall be executed by or on behalf of the sponsoring organization.

(c) The sponsor shall offer only those courses and curricula that have received properly pre-approved designation pursuant to this part.

Ins 1303.05 Course Approval.

(a) A sponsoring organization applying for continuing education course approval shall submit a course application containing the following:

- (1) Name of sponsoring organization;
- (2) Title of course;
- (3) Course objective;
- (4) Major course topic;
- (5) Course length;
- (6) States that have approved the course;
- (7) Type of course;
- (8) Teaching method;
- (9) Method of evaluation;
- (10) Method to verify attendance;
- (11) Description of permanent records; and
- (12) Name of contact person.

(b) No continuing education course or program for continuing education credit shall be conducted until the course or program has been approved by the commissioner.

(c) No course completion certificate shall be issued until the sponsor has complied with all provisions of Ins 1303.02 and Ins 1303.04 (a) and (b).

(d) Any sponsor who fails to meet the requirements of this section or fails to comply with these rules shall not have their courses approved and no further accreditation shall be issued to such sponsor for any course or program until such time as such sponsor shall have demonstrated compliance with all the requirements of these rules and all other laws applicable thereto.

Ins 1303.06 Course Completion Certificate. Each sponsoring organization shall provide to each student a course completion certificate for each course receiving continuing education credit containing the following:

- (a) Sponsoring organization;
- (b) Course number;
- (c) Course title;
- (d) Date of course;
- (e) Total continuing education hours;

- (f) Name of student; and
- (g) Certification by sponsoring organization.

Ins 1303.07 Continuing Education Course List.

(a) It shall be the responsibility of the student to ascertain the approved status of a course or program being offered.

- (b) Credit shall not be given to any student who completes an unapproved course or program.

PART Ins 1304 ONE TIME FLOOD INSURANCE TRAINING REQUIREMENT

Ins 1304.01 Purpose. The purpose of this part is to establish requirements for flood insurance education training for a resident individual person licensed as a producer with property and casualty line of authority with an effective date on or after January 1, 2008.

Ins 1304.02 Applicability. This part shall apply to all licensed resident individual producers with property and casualty line of authority whether or not they have attempted to place, have placed, or intend to place flood insurance through the National Flood Insurance Program (NFIP).

Ins 1304.03 Educational Requirements.

(a) Notwithstanding any other requirement in this chapter, each individual producer who is issued a property and casualty line of authority on or after January 1, 2008, and in accordance with RSA 402-J shall complete a basic flood insurance course approved by the department pursuant to Part Ins 1303.

- (b) Courses satisfying this part shall be:

- (1) Listed on the department's list of approved continuing education courses; and
- (2) Identified with the prefix "FEMA".

(c) This educational requirement shall be completed within one calendar year of the effective date of the property and casualty line of authority.

- (d) The producer, upon course completion, shall:

- (1) Retain the completion certificate indefinitely; and
- (2) Produce the certificate for inspection at the commissioner's request.

Ins 1304.04 Penalty. A resident individual producer failing to meet the requirements of this part shall be subject to the penalty provisions of Ins 1302.05.

Readopt Ins 1305, effective 1-13-20 (Document #12973), to read as follows:

PART Ins 1305 WAIVER OF RULES

Ins 1305.01 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	Statute
Ins 1301.01	RSA 400-A:15, I[-]; 402-B; 402-D; 402-J
Ins 1301.02	RSA 400-A:15, I[-]; 402-D:2; 402-J:2
Ins 1302.01	RSA 400-A:15, I[-]; 402-B:5-a[-]; 402-D:4-a[-]
Ins 1302.02	RSA 400-A:15, I[-]; 402-J:16, II[-]
Ins 1302.03	RSA 400-A:15, I[-]; 402-J:7, II[-]
Ins 1302.04	RSA 400-A:15, I[-]; 402-B:5-a[-]; 402-D:4[- a-]; 402-D:12
Ins 1302.04(a) – (c)	RSA 400-A:15, I; RSA 402-B:5-a[-]; 402-D:12
Ins 1302.05	RSA 400-A:15, I[-]; 402-B:6
Ins 1303.01	RSA 400-A:15, I[-]; 402-B; 402-D; 402-J
Ins 1303.02	RSA 400-A:11; 400-A:15, I[-]; 402-B:6; 402-D:20; 402-J:18
Ins 1303.02(g)	RSA 400-A:15, I; 400-A:11[-; 402-J:16-II]
Ins 1303.03	RSA 400-A:11; 400-A:15, I[-]; 402-B:6; 402-D:20; 402-J:18
Ins 1303.04	RSA 400-A:11; 400-A:15, I[-]; 402-B:6; 402-D:20; 402-J:18
Ins 1303.05	RSA 400-A:11, 400-A:15, I[-]; 402-B:6; 402-D:20; 402-J:18
Ins 1303.06	RSA 400-A:11; 400-A:15, I[-]; 402-B:6; 402-D:20; 402-J:18
Ins 1303.07	RSA 400-A:11; 400-A:15, I[-]; 402-B:6; 402-D:20; 402-J:18
Ins 1304.01	RSA 400-A:15, I[-]; 402-J:16; 402-J:18
Ins 1304.02	RSA 400-A:15, I[-]; 402-J:16; 402-J:18
Ins 1304.03	RSA 400-A:15, I[-]; 402-J:16; 402-J:18; 70 FR 52117
Ins 1304.04	RSA 400-A:15, I[-]; 402-J:7; 402-J:12
Ins 1305.01	RSA 400-A:15, I; RSA 541-A:22, IV