

## State Information

### Plan–New Hampshire–Additional Information for HB 692 Enacted Effective January 4, 2008

On January 11, 2008, NCCI released FYI-PLAN-NH-2008-01 providing compliance instructions to the servicing and direct assignment carriers in New Hampshire related to the enactment of HB 692, effective January 4, 2008.

At the direction of the New Hampshire Insurance Department, this circular provides additional information and clarification for residual market carriers related to compliance with HB 692 as follows:

1. Upon receipt of a request to cancel an affected policy, the carrier should follow normal cancellation procedures. The carrier must provide a 45-day notice of the cancellation to the New Hampshire Labor Department and hold any return premium for refund until after the 45-day notice period has elapsed. However, the required 45-day notice should not be taken into consideration for return premium determination. The payroll used for return premium determination should be from the effective date of coverage or inclusion until the coverage cancellation or exclusion date requested by the insured.
2. Upon receipt of a request for reinstatement of an approved exclusion, the carrier should submit a revised Form 6WCex to the New Hampshire Labor Department. If a revised 6WCex was not sent to the Labor Department during the time RSA 471 was in effect, then the current 6WCex on file with the Labor Department remains in effect. A revised 6WCex should be sent to the Labor Department only when an executive officer or LLC member was included for coverage to comply with the implementation of RSA 471 and has now requested to be excluded.
3. Please disregard the previous reference to payroll minimum amount for executive officers of an unincorporated association in the FYI-PLAN-NH-2008-01 compliance instructions. Under New Hampshire law, executive officers of unincorporated associations have the same status as employees under a policy and may not elect to be excluded from coverage. Therefore, RSA 471 did not apply to executive officers of unincorporated associations.
4. Carriers may not charge or collect premium at audit for any executive officer or LLC member who, as a result of the approval of RSA 471, should have been included for coverage during the period of 9/14/2007 to 1/4/2008, but for whom New Hampshire state-specific endorsement WC 28 03 02 was not attached to the affected policy and/or premium was not previously charged and/or collected by the carrier for the included coverage.

#### PERSON TO CONTACT

If you have any questions, please contact:

Laura Backus Hall  
State Relations Executive  
NCCI, Inc.  
1493 Maple Hill Road  
Plainfield, VT 05667  
Phone: 802-454-1800  
Fax: 802-454-1802  
laura\_backus\_hall@ncci.com

Technical Contact:

Linda Colbert  
Regulatory Assurance  
NCCI, Inc.  
901 Peninsula Corporate Circle  
Boca Raton, FL 33487  
Phone: 561-893-3129  
Fax: 561-893-5150  
linda\_colbert@ncci.com