



## PROFESSIONAL INSURANCE AGENTS

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### **Stamped signatures no longer acceptable**

**Q. Must a legally authorized licensed and appointed P&C producer sign every application for insurance submitted to an insurance company?**

**A.** The short answer is yes. According to RSA 402:82, an application for insurance requires a signature from both the applicant and the producer. These signatures can be in written or electronic form. Stamped signatures are no longer acceptable. For more information about what is considered a signature in electronic form, please refer to RSA 294-E.

This new insurance statutory requirement has generated some questions prompted by the way different agencies had conducted their business practices in the past. There is some general concern about whether a licensed, appointed producer would always be available to sign an application. As a practical matter, the department understands that agencies can be, and are, set up differently but there are certain underlying state laws and regulations that must be adhered to whenever an agency or producer transacts business in New Hampshire.

Adherence to the state insurance laws may require some agencies or producers to rework their current business practices to be sure that a licensed appointed New Hampshire producer review and sign every application as required under our law.

The underlying theme that has been running through most of the questions from the agencies and producers is based on a business practice that included the use of a significant number of consumer service representatives ("CSRs") that have, in the past, used stamped signatures on applications. While CSRs are allowed to perform the purely clerical function to process an application, they have never had the authority to act as a licensed producer and approve the application for submission to an insurance company.

We suggest that if anyone has further questions on this subject, he should first consult our Web page <http://www.nh.gov/insurance/producers/documents/prodlicstand.pdf>, which describes some of the activities that would require a person to get a producer license in New Hampshire.

Another general set of questions fielded by the department on this subject centered on the definition of the term, electronic signature. This term is defined in RSA 294-E:2 VIII which says: "electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

This definition comes directly out of the Uniform Electronic Transactions Act (UETA) which the state of New Hampshire enacted in September 2001 as part of its general corporate statutes. The UETA is one of the several United States Uniform Acts proposed by the National Conference of Commissioners on Uniform State Laws ("NCCUSL").

If, after a review of the New Hampshire insurance producer licensing laws and guidelines, as well as the UETA as adopted by the state of New Hampshire, you are still not sure about who may sign an application in your agency or how, we suggest that you contact your own legal counsel to ensure that the applications are being properly signed by someone with legal authority at your agency.

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