

LEGISLATIVE COMMITTEE MINUTES

SB94

Bill as Introduced

SB 94 – AS INTRODUCED

2013 SESSION

13-0884
01/10

SENATE BILL

94

AN ACT

relative to portable electronics insurance.

SPONSORS:

Sen. Carson, Dist 14; Sen. Sanborn, Dist 9; Rep. Renzullo, Hills 37;
Rep. McCarthy, Hills 29; Rep. Walz, Merr 23; Rep. Goley, Hills 8

COMMITTEE:

Commerce

ANALYSIS

This bill clarifies the applicability of the law regulating insurance claims adjusters as it applies to portable electronics insurance claims.

Explanation:

Matter added to current law appears in *bold italics*.

Matter removed from current law appears [~~in brackets and struckthrough.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to portable electronics insurance.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Subparagraph; Insurance Claims Adjusters; Applicability of Chapter. Amend RSA 402-
2 B:2, II by inserting after subparagraph (c) the following new subparagraph:

3 (d) A person who, for purposes of portable electronics insurance claims, collects and
4 enters claims information from, or furnishes claims information to, insureds or claimants, utilizing
5 an automated claims adjudication system; provided, that no more than 25 such persons are under
6 the supervision of a licensed insurance claims adjuster or a licensed insurance producer. A licensed
7 producer adjusting claims or acting as a supervisor pursuant to this subparagraph shall not also be
8 required to be a licensed insurance claims adjuster. In this subparagraph:

9 (1) "Automated claims adjudication system" means a preprogrammed computer
10 system that is:

11 (A) Utilized only by licensed insurance claims adjusters, licensed insurance
12 producers, or supervised individuals operating pursuant to this subparagraph, designed for the
13 collection, data entry, calculation, and final resolution and settlement of claims with respect to
14 portable electronics insurance in compliance with the claims settlement requirements of the
15 insurance laws of this state; and

16 (B) Certified as compliant with the claims settlement requirements of the
17 insurance laws of this state by a licensed independent adjuster that is an officer of the entity which
18 employs the individuals operating pursuant to this subparagraph.

19 (2) "Licensed insurance claims adjuster" means a person licensed as an insurance
20 claims adjuster under this chapter.

21 (3) "Licensed insurance producer" means a person licensed to sell, solicit, or
22 negotiate portable electronics insurance under RSA 402-J.

23 (4) "Portable electronics insurance" shall have the same meaning as such term under
24 RSA 402-K:1, VI.

25 2 Effective Date. This act shall take effect 60 days after its passage.

SB 94 - AS AMENDED BY THE SENATE

03/14/13 0757s

2013 SESSION

13-0884
01/10

SENATE BILL

94

AN ACT

relative to portable electronics insurance.

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7 insurance producer adjusting claims or acting as a supervisor pursuant to this subparagraph shall
8 not also be required to be a licensed insurance claims adjuster. In this subparagraph:

9 (1) "Automated claims adjudication system" means a preprogrammed computer
10 system that is:

11 (A) Utilized only by licensed insurance claims adjusters, licensed insurance
12 producers, or supervised individuals operating pursuant to this subparagraph, designed for the
13 collection, data entry, calculation, and final resolution and settlement of claims with respect to
14 portable electronics insurance in compliance with the claims settlement requirements of the
15 insurance laws of this state; and

16 (B) Certified as compliant with the claims settlement requirements of the
17 insurance laws of this state by a licensed insurance claims adjuster that is an officer of the entity
18 which employs the individuals operating pursuant to this subparagraph.

19 (2) "Licensed insurance claims adjuster" means a person licensed as an insurance
20 claims adjuster under this chapter.

21 (3) "Licensed insurance producer" means a person licensed to sell, solicit, or
22 negotiate portable electronics insurance under RSA 402-J.

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24 RSA 402-K:1, VI.

25 2 Effective Date. This act shall take effect 60 days after its passage.

CHAPTER 230
SB 94 - FINAL VERSION

03/14/13 0757s
8May2013... 1451h

2013 SESSION

13-0884
01/10

SENATE BILL **94**

AN ACT relative to portable electronics insurance.

SPONSORS: Sen. Carson, Dist 14; Sen. Sanborn, Dist 9; Rep. Renzullo, Hills 37;
Rep. McCarthy, Hills 29; Rep. Walz, Merr 23; Rep. Goley, Hills 8

COMMITTEE: Commerce

ANALYSIS

This bill clarifies the applicability of the law regulating insurance claims adjusters as it applies to portable electronics insurance claims.

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Explanation: Matter added to current law appears in *bold italics*.
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CHAPTER 230
SB 94 - FINAL VERSION

03/14/13 0757s
8May2013... 1451h

13-0884
01/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to portable electronics insurance.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 230:1 New Subparagraph; Insurance Claims Adjusters; Applicability of Chapter. Amend RSA
2 402-B:2, II by inserting after subparagraph (c) the following new subparagraph:

3 (d) A person who, for purposes of portable electronics insurance claims, collects and
4 enters claims information from, or furnishes claims information to, insureds or claimants, utilizing
5 an automated claims adjudication system; provided, that no more than 25 such persons are under
6 the supervision of a licensed insurance claims adjuster or a licensed insurance producer. A licensed
7 insurance producer adjusting claims or acting as a supervisor pursuant to this subparagraph shall
8 not also be required to be a licensed insurance claims adjuster. In this subparagraph:

9 (1) "Automated claims adjudication system" means a preprogrammed computer
10 system that is utilized only by licensed insurance claims adjusters, licensed insurance producers, or
11 supervised individuals operating pursuant to this subparagraph, designed for the collection, data
12 entry, calculation, and final resolution and settlement of claims with respect to portable electronics
13 insurance in compliance with the claims settlement requirements of the insurance laws of this state.

14 (2) "Licensed insurance claims adjuster" means a person licensed as an insurance
15 claims adjuster under this chapter.

16 (3) "Licensed insurance producer" means a person licensed to sell, solicit, or
17 negotiate portable electronics insurance under RSA 402-J.

18 (4) "Portable electronics insurance" shall have the same meaning as such term under
19 RSA 402-K:1, VI.

20 230:2 Effective Date. This act shall take effect 60 days after its passage.

21

22 Approved: July 15, 2013

23 Effective Date: September 13, 2013

Amendments



Sen. Carson, Dist. 14
February 15, 2013
2013-0415s
01/09

Amendment to SB 94

1 Amend the introductory paragraph of RSA 402-B:2, II(d) as inserted by section 1 of the bill by
2 replacing it with the following:

3

4 (d) A person who, for purposes of portable electronics insurance claims, collects and
5 enters claims information from, or furnishes claims information to, insureds or claimants, utilizing
6 an automated claims adjudication system; provided, that no more than 25 such persons are under
7 the supervision of a licensed insurance claims adjuster or a licensed insurance producer. A licensed
8 insurance producer adjusting claims or acting as a supervisor pursuant to this subparagraph shall
9 not also be required to be a licensed insurance claims adjuster. In this subparagraph:

10

11 Amend RSA 402-B:2, II(d)(1)(B) as inserted by section 1 of the bill by replacing it with the following:

12

13 (B) Certified as compliant with the claims settlement requirements of the
14 insurance laws of this state by a licensed insurance claims adjuster that is an officer of the entity
15 which employs the individuals operating pursuant to this subparagraph.

Commerce

March 6, 2013

2013-0757s

01/05

Amendment to SB 94

Amend the introductory paragraph of RSA 402-B:2, II(d) as inserted by section 1 of the bill by replacing it with the following:

(d) A person who, for purposes of portable electronics insurance claims, collects and enters claims information from, or furnishes claims information to, insureds or claimants, utilizing an automated claims adjudication system; provided, that no more than 25 such persons are under the supervision of a licensed insurance claims adjuster or a licensed insurance producer. A licensed insurance producer adjusting claims or acting as a supervisor pursuant to this subparagraph shall not also be required to be a licensed insurance claims adjuster. In this subparagraph:

Amend RSA 402-B:2, II(d)(1)(B) as inserted by section 1 of the bill by replacing it with the following:

(B) Certified as compliant with the claims settlement requirements of the insurance laws of this state by a licensed insurance claims adjuster that is an officer of the entity which employs the individuals operating pursuant to this subparagraph.

Amend the introductory paragraph of RSA 402-B:2, II(d) as inserted by section 1 of the bill by replacing it with the following:

(d) A person who, for purposes of portable electronics insurance claims, collects and enters claims information from, or furnishes claims information to, insureds or claimants, utilizing an automated claims adjudication system; provided, that no more than 25 such persons are under the supervision of a licensed insurance claims adjuster or a licensed insurance producer. A licensed insurance producer adjusting claims or acting as a supervisor pursuant to this subparagraph shall not also be required to be a licensed insurance claims adjuster. In this subparagraph:

Amend RSA 402-B:2, II(d)(1)(B) as inserted by section 1 of the bill by replacing it with the following:

(B) Certified as compliant with the claims settlement requirements of the insurance laws of this state by a licensed insurance claims adjuster that is an officer of the entity which employs the individuals operating pursuant to this subparagraph.

Rep. Butler, Carr. 7

April 30, 2013

2013-1451h

01/04

Amendment to SB 94

Amend RSA 402-B:2, II(d)(1) as inserted by section 1 of the bill by replacing it with the following:

(1) "Automated claims adjudication system" means a preprogrammed computer system that is utilized only by licensed insurance claims adjusters, licensed insurance producers, or supervised individuals operating pursuant to this subparagraph, designed for the collection, data entry, calculation, and final resolution and settlement of claims with respect to portable electronics insurance in compliance with the claims settlement requirements of the insurance laws of this state.

Committee Minutes

**SENATE CALENDAR NOTICE
COMMERCE**

Senator Andy Sanborn Chairman
 Senator Jeb Bradley V Chairman
 Senator Sam Cataldo
 Senator Andrew Hosmer
 Senator David Pierce

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

Date: February 7, 2013

HEARINGS

Tuesday

2/19/2013

COMMERCE

LOB 101

1:00 PM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

1:00 PM	SB149-FN	relative to liquor samples.
1:30 PM	SB92	prohibiting multiple prescription drug failures.
1:50 PM	SB94	relative to portable electronics insurance.
2:10 PM	SB126-FN	relative to business practices between motor vehicle manufacturers, distributors, and dealers.

Sponsors:

SB149-FN

Sen. Nancy Stiles	Rep. Michele Peckham
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SB92

Sen. Sharon Carson	Sen. Peggy Gilmour	Sen. Nancy Stiles	Sen. Andy Sanborn
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SB94

Sen. Sharon Carson	Sen. Andy Sanborn	Rep. Andrew Renzullo	Rep. Michael McCarthy
Rep. Mary Beth Walz	Rep. Jeffrey Goley		

SB126-FN

Sen. Andy Sanborn	Rep. Sherman Packard	Sen. Peggy Gilmour	Sen. Jeff Woodburn
Sen. Jeb Bradley	Sen. David Watters	Sen. David Pierce	Sen. Sam Cataldo
Sen. Bob Odell	Sen. Molly Kelly	Sen. Bette Lasky	Sen. Sharon Carson
Sen. Sylvia Larsen	Sen. David Boutin	Sen. Lou D'Allesandro	Sen. Donna Soucy
Sen. Martha Fuller Clark	Sen. Chuck Morse	Sen. Nancy Stiles	Rep. Donna Schlachman
Rep. Jeffrey Goley	Rep. Candace Bouchard	Rep. Gene Chandler	Sen. Jim Rausch
Sen. Jeanie Forrester			

Patrick Murphy 271-8631

Sen. Andy Sanborn

Chairman

SENATE COMMERCE COMMITTEE

Patrick Murphy, Legislative Aide

SB 94 relative to portable electronics insurance.

Hearing Date: February 19, 2013

Time Opened: 1:57 P.M.

Time Closed: 2:15 P.M.

Members of the Committee Present:

Senator Sanborn, Senator Bradley, Senator Cataldo, Senator Hosmer, Senator Pierce

Members of the Committee Absent: None

Bill Analysis: This bill clarifies the applicability of the law regulating insurance claims adjusters as it applies to portable electronics insurance claims.

Sponsors: Sen. Carson, Dist 14; Sen. Sanborn, Dist 9; Rep. Renzullo, Hills 37; Rep. McCarthy, Hills 29; Rep. Walz, Merr 23; Rep. Goley, Hills 8

Who supports the bill: Senator Carson, Dist 14; Jim Hatem, Asurion

Who opposes the bill: Barbara Richardson, NH Insurance Department

Summary of testimony presented in support:

Senator Carson, Dist 14

- Introduced the bill and amendment 0415s. 23 other states have passed similar legislation. Our current statute is outdated and doesn't address the selling and purchasing of insurance on portable electronics.

Jim Hatem, Asurion

- This bill addresses insurance for products such as cell phones. The situation addressed by this bill is when a consumer doesn't want to purchase insurance for their cell phone through the company website, but rather, they call the 1-800 numbers for the company and purchase insurance over the phone from a company staff person.
- This will update our laws to allow for that staff person to sell that insurance product as long as they are supervised by a licensed insurance adjuster.

Summary of testimony presented in opposition:

Barbara Richardson, NH Insurance Department

- The National Association of Insurance Commissioners (NAIC) is working on two federal bills right now. We want to make sure that we move at the same pace as the rest of the country and not get too far out ahead. We are about two years away from having a group consensus on this issue.

Fiscal Note: None

Future Action: Pending.

Speakers

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Date: March 6, 2013

THE COMMITTEE ON Commerce

to which was referred Senate Bill 94

AN ACT relative to portable electronics insurance.

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 0757s

CONSENT CALENDAR VOTE: 5-0

Senator David Pierce for the Committee

This bill, as amended, will update our statutes to allow portable electronic insurance sales by unlicensed staff as long as they are supervised by a licensed insurance adjuster.

Patrick Murphy 271-8631

Docket of SB94

Bill Title: relative to portable electronics insurance.

Official Docket of SB94:

Date	Body	Description
1/3/2013	S	<u>Introduced</u> and Referred to Commerce; <u>SJ 4</u>
2/7/2013	S	Hearing: 2/19/13, Room 100, SH, 1:50 p.m.; <u>SC8</u>
3/7/2013	S	Committee Report: Ought to Pass with Amendment <u>#2013-0757s</u> , 3/14/13; Vote 5-0; CC; <u>SC11</u>
3/14/2013	S	Committee Amendment 0757s, AA, VV;
3/14/2013	S	<u>Ought to Pass with Amendment</u> 0757s, MA, VV; OT3rdg; <u>SJ 7</u>
3/27/2013	H	Introduced and Referred to Commerce and Consumer Affairs; <u>HJ31</u> , PG.1074
4/2/2013	H	Public Hearing: 4/11/2013 10:00 AM LOB 302
4/24/2013	H	Subcommittee Work Session: 4/30/2013 10:45 AM LOB 206
4/24/2013	H	Executive Session: 5/1/2013 10:00 AM LOB 302
5/2/2013	H	Committee Report: Ought to Pass with Amendment #1451h for May 8 (Vote 18-0; CC); <u>HC36</u> , PG.1196
5/2/2013	H	Proposed Committee Amendment <u>#2013-1451h</u> ; <u>HC36</u> , PG.1215
5/8/2013	H	Amendment #1451h: AA VV; <u>HJ41</u> , PG.1388
5/8/2013	H	<u>Ought to Pass with Amendment</u> #1451h: MA VV; <u>HJ41</u> , PG.1388
6/6/2013	S	Sen. Sanborn Moved Concur with House Amendment 1451h, MA, VV
6/26/2013	H	Enrolled
6/26/2013	S	Enrolled
7/15/2013	S	Signed by the Governor on 07/15/2013; Chapter 0230; Effective 09/13/2013

Other Referrals

COMMITTEE REPORT FILE INVENTORY

SB 94 ORIGINAL REFERRAL _____ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

- DOCKET (Submit only the latest docket found in Bill Status)
- COMMITTEE REPORT
- CALENDAR NOTICE
- HEARING REPORT
- HANDOUTS FROM THE PUBLIC HEARING
- PREPARED TESTIMONY AND OTHER SUBMISSIONS
- SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- AMENDMENT # 1451h - AMENDMENT # 0757s
 - AMENDMENT # 0415s _____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED _____ AS AMENDED BY THE HOUSE
 FINAL VERSION AS AMENDED BY THE SENATE

- OTHER (Anything else deemed important but not listed above, such as amended fiscal notes): _____

DATE DELIVERED TO SENATE CLERK 8-14-13


BY COMMITTEE AIDE