

Bill as
Introduced

HB 337 - AS INTRODUCED

2019 SESSION

19-0638

01/04

HOUSE BILL **337**

AN ACT relative to property and casualty insurance.

SPONSORS: Rep. Bartlett, Merr. 19

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill makes certain changes in the laws relative to property and casualty insurance.

This bill is a request of the insurance department.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through.~~]
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Nineteen

AN ACT relative to property and casualty insurance.

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

1 1 Regulation of Forms and Rates for Property and Casualty Insurance; Competitive Market.

2 Amend RSA 412:13 to read as follows:

3 412:13 Competitive Market. A competitive market is presumed to exist unless the
 4 commissioner, after hearing, determines that a reasonable degree of competition does not exist in
 5 the market and the commissioner issues a ruling to that effect. Such ruling shall expire no later
 6 than ~~[one year]~~ **2 years** after issue unless the commissioner renews the ruling after hearings and a
 7 finding as to the continued lack of a reasonable degree of competition. In determining whether a
 8 reasonable degree of competition exists, the commissioner shall consider relevant tests of workable
 9 competition pertaining to market structure, market performance and market conduct and the
 10 practical opportunities available to consumers in the market to acquire pricing and other consumer
 11 information and to compare and obtain insurance from competing insurers as further described in
 12 RSA 412:14.

13 2 Regulation of Forms and Rates for Property and Casualty Insurance; Rate Filings. Amend
 14 RSA 412:16, II to read as follows:

15 II. Every insurer shall file with the commissioner every manual, predictive ~~[models]~~ **model**
 16 or telematics ~~[models]~~ **model** or other ~~[models]~~ **model** that ~~[pertain]~~ **pertains** to the formulation of
 17 rates and/or premiums, minimum premium, class rate, rating schedule or rating plan and every
 18 other rating rule, and every modification of any of the foregoing which it proposes to use. Personal
 19 lines filings shall include underwriting rules used by insurers or a group of affiliated insurers to the
 20 extent necessary to determine the applicable rate and/or policy premium for an individual insured
 21 or applicant. An insurer may file its rates by either filing its final rates or by filing a multiplier
 22 and, if applicable, an expense constant adjustment to be applied to prospective loss costs that have
 23 been filed by an advisory organization on behalf of the insurer as permitted by RSA 412:23. Every
 24 such filing shall state the effective date, and shall indicate the character and extent of the coverage
 25 contemplated. Information contained in the underwriting rules that does not pertain to the
 26 formulation of rates and/or premiums shall be identified by the filer as proprietary and shall be kept
 27 confidential by the department and shall not be subject to the provisions of RSA 91-A.

28 3 Insurance Department; Consumer Services Program. Amend RSA 400-A:15-e, III(c) to read
 29 as follows:

30 (c) Nothing in this section shall be construed to waive the confidential and privileged
 31 nature of all documents, materials, or other information in possession of the department pursuant

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- Page 2 -

- 1 to an investigation of a complaint *or consumer inquiry*, as provided in RSA 400-A:16.
- 2 4 Effective Date. This act shall take effect 60 days after its passage.

HB 337 - FINAL VERSION

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18 other rating rule, and every modification of any of the foregoing which it proposes to use. Personal
19 lines filings shall include underwriting rules used by insurers or a group of affiliated insurers to the
20 extent necessary to determine the applicable rate and/or policy premium for an individual insured or
21 applicant. An insurer may file its rates by either filing its final rates or by filing a multiplier and, if
22 applicable, an expense constant adjustment to be applied to prospective loss costs that have been
23 filed by an advisory organization on behalf of the insurer as permitted by RSA 412:23. Every such
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HB 337 - FINAL VERSION

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1 (c) Nothing in this section shall be construed to waive the confidential and privileged
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CHAPTER 101
HB 337 - FINAL VERSION

2019 SESSION

19-0638
01/04

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COMMITTEE: Commerce and Consumer Affairs

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CHAPTER 101
HB 337 - FINAL VERSION

19-0638
01/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

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

1 101:1 Regulation of Forms and Rates for Property and Casualty Insurance; Competitive Market.

2 Amend RSA 412:13 to read as follows:

3 412:13 Competitive Market. A competitive market is presumed to exist unless the
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5 market and the commissioner issues a ruling to that effect. Such ruling shall expire no later than
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12 RSA 412:14.

13 101:2 Regulation of Forms and Rates for Property and Casualty Insurance; Rate Filings.

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26 formulation of rates and/or premiums shall be identified by the filer as proprietary and shall be kept
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28 101:3 Insurance Department; Consumer Services Program. Amend RSA 400-A:15-e, III(c) to
29 read as follows:

CHAPTER 101
HB 337 - FINAL VERSION
- Page 2 -

1 (c) Nothing in this section shall be construed to waive the confidential and privileged
2 nature of all documents, materials, or other information in possession of the department pursuant to
3 an investigation of a complaint *or consumer inquiry*, as provided in RSA 400-A:16.

101:4 Effective Date. This act shall take effect 60 days after its passage.

Approved: June 21, 2019

Effective Date: August 20, 2019

Committee Minutes

SENATE CALENDAR NOTICE

Commerce

Sen Kevin Cavanaugh, Chair
Sen Jon Morgan, Vice Chair
Sen Donna Soucy, Member
Sen Chuck Morse, Member
Sen Harold French, Member

Date: April 9, 2019

HEARINGS

	Tuesday	04/09/2019
	(Day)	(Date)
Commerce		SH 100
(Name of Committee)		(Place)
		1:00 p.m.
		(Time)
1:00 p.m.	HB 540-LOCAL	relative to the issuance of bonds by the county for redevelopment districts in unincorporated places.
1:15 p.m.	HB 252	establishing a committee to study certain labor statutes.
1:30 p.m.	HB 285	relative to filing and approval of rates and rating plans applicable to workers' compensation.
1:45 p.m.	HB 337	relative to property and casualty insurance.
2:00 p.m.	HB 338	relative to rebates under the law governing unfair insurance practices.
2:15 p.m.	HB 389-FN	requiring the secretary of state to prepare materials for businesses relative to service dogs.
2:30 p.m.	HB 714-FN	relative to New Hampshire products purchased and sold by the liquor commission.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 540-LOCAL

Rep. Tucker

Rep. Noel

HB 252

Rep. Seaworth

Rep. Morrison

Rep. Merner

HB 285

Rep. McBeath

HB 337

Rep. Bartlett

HB 338

Rep. Bartlett

HB 389-FN

Rep. Cahill

HB 714-FN

Rep. Williams

Laura Bryant 271-1403

Kevin Cavanaugh
Chairman

Senate Commerce Committee
Laura Bryant 271-1403

HB 337, relative to property and casualty insurance.

Hearing Date: April 9, 2019

Time Opened: 1:57 p.m.

Time Closed: 1:59 p.m.

Members of the Committee Present: Senators Cavanaugh, Morgan, Soucy, Morse and French

Members of the Committee Absent : None

Bill Analysis: This bill makes certain changes in the laws relative to property and casualty insurance.

This bill is a request of the insurance department.

Sponsors:
Rep. Bartlett

Who supports the bill: Mike McLaughlin with All State, Christian Citarella with the NH Insurance Department and Jim Hatem with All State

Who opposes the bill: None

Who is neutral on the bill: None

Summary of testimony presented:

Representative Christy Bartlett:

- Representative Bartlett stated that this bill is considered as a housekeeping measure by the department.
- She said that it extends the competitive market hearings by two years, fixes a few typos and clarifies language regarding consumer inquiries and formal complaints to ensure they are held confidential by the department.

Christian Citarella was on hand for any questions, of which there were none.

Speakers

Testimony

HB 337

relative to property and casualty insurance

Good afternoon Committee members,

I am introducing HB 337 on behalf of the Insurance Department. The Department considers this bill a housekeeping measure that will extend competitive market hearings to every 2 years (instead of every year) to improve Department efficiency; make minor typo corrections in the first sentence of the rate filings statute, RSA 412:16, II; and clarify that consumer inquires as well as formal complaints shall be held confidential by the Department. This proposal has the full support of the insurance industry.

There are some folks here from the Insurance Department to answer any questions you may have.

Thank you for your consideration of this legislation.

Voting Sheets

Senate Commerce Committee
EXECUTIVE SESSION RECORD
2019-2020 Session

Bill # 337

Hearing date: _____

Executive Session date: 4/17/19

Motion of: OTR Vote: 5-0

Committee Member	Made by	Second	Yes	No
Sen. Cavanaugh, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Morgan, V- Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Morse	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Consent Vote: 5-0

Committee Member	Made by	Second	Yes	No
Sen. Cavanaugh, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Morgan, V- Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Morse	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Made by	Second	Yes	No
Sen. Cavanaugh, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Morgan, V- Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. French	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Morse	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Morgan

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Wednesday, April 10, 2019

THE COMMITTEE ON Commerce

to which was referred **HB 337**

AN ACT relative to property and casualty insurance.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator Jon Morgan
For the Committee

This bill makes certain changes in the laws relative to property and casualty insurance and was a request of the insurance department. This legislation cleans up current language of typos so the department can conduct their work more efficiently as well as clarifies language regarding consumer inquiries.

Laura Bryant 271-1403

FOR THE CONSENT CALENDAR

COMMERCE

HB 337, relative to property and casualty insurance.

Ought to Pass, Vote 5-0.

Senator Jon Morgan for the committee.

This bill makes certain changes in the laws relative to property and casualty insurance and was a request of the insurance department. This legislation cleans up current language of typos so the department can conduct their work more efficiently as well as clarifies language regarding consumer inquiries.

General Court of New Hampshire - Bill Status System

Docket of HB337

Docket Abbreviations

Bill Title: relative to property and casualty insurance.**Official Docket of HB337.:**

Date	Body	Description
12/31/2018	H	Introduced 01/02/2019 and referred to Commerce and Consumer Affairs HJ 2 P. 46
1/3/2019	H	Public Hearing: 01/10/2019 01:15 pm LOB302
1/15/2019	H	Subcommittee Work Session: 01/22/2019 11:00 am LOB 302
1/15/2019	H	Executive Session: 01/22/2019 01:30 pm LOB 302
1/22/2019	H	Committee Report: Ought to Pass for 01/31/2019 (Vote 18-0; CC) HC 9 P. 3
1/31/2019	H	Ought to Pass: MA VV 01/31/2019 HJ 4 P. 3
3/12/2019	S	Introduced 03/07/2019 and Referred to Commerce; SJ 8
4/4/2019	S	Hearing: 04/09/2019, Room 100, SH, 01:45 pm; SC 17
4/11/2019	S	Committee Report: Ought to Pass, 04/18/2019; Vote 5-0; CC SC 18
4/18/2019	S	Ought to Pass: MA, VV; OT3rdg; 04/18/2019; SJ 13
5/3/2019	S	Enrolled (In recess 05/02/2019); SJ 16
5/7/2019	H	Enrolled 05/02/2019 HJ 14 P. 42
6/24/2019	H	Signed by Governor Sununu 06/21/2019; Chapter 101; Eff: 08/20/2019

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 337

Senate Committee: Commerce

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report
- Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

___ - amendment # ___ ___ - amendment # ___

___ - amendment # ___ ___ - amendment # ___

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

___ - amendment # ___ ___ - amendment # ___

___ - amendment # ___ ___ - amendment # ___

Post Floor Action: (if applicable) {Clerk's Office}

- Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
- Enrolled Bill Amendment(s)
- Governor's Veto Message

All available versions of the bill: {Clerk's Office}

___ as amended by the senate ___ as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By: _____

Committee Aide

Date

Senate Clerk's Office AV