

# Bill as Introduced

HB 299 - AS INTRODUCED

2021 SESSION

21-0439  
05/11

HOUSE BILL

**299**

AN ACT

relative to responsibilities of the insurance department.

SPONSORS:

Rep. Potucek, Rock. 6

COMMITTEE:

Commerce and Consumer Affairs

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ANALYSIS

This bill clarifies certain responsibilities of the insurance department.

The bill is a request of the insurance department.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to responsibilities of the insurance department.

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

1 1 Accidents and Financial Responsibility; Motor Vehicles; Required Provisions. Amend RSA  
2 264:18 read as follows:

3 264:18 Required Provisions. A motor vehicle liability policy, except as to coverage providing  
4 protection against uninsured motor vehicles required by RSA 264:14 shall be subject, [~~with respect~~  
5 ~~to accidents which occur in New Hampshire and~~] within limits of liability required by this chapter,  
6 to the following provisions which need not be contained therein:

7 I. **Absolute Liability.** The liability of any company under a motor vehicle liability policy  
8 shall become absolute whenever loss or damage covered by said policy occurs, and the satisfaction by  
9 the insured of a final judgment for such loss or damage shall not be a condition precedent to the  
10 right or duty of the company to make payment on account of said loss or damage. No agreement  
11 between the company and the insured after the insured has incurred liability for loss or damage  
12 covered by the policy shall operate to defeat the company's liability to pay for such loss or damage.  
13 Upon the recovery of a final judgment against any person for any loss or damage specified in this  
14 section, if the judgment debtor was, at the accrual of the cause of action, protected against liability  
15 therefor under a motor vehicle liability policy, the judgment creditor shall be entitled to have the  
16 insurance money applied to the satisfaction of the judgment.

17 II. **Entirety of Contract.** The policy, the written application therefor, if any, and any rider  
18 or [~~indorsement~~] **endorsement**, which shall not conflict with the provisions of this chapter, shall  
19 with the provisions of this section and any other applicable statutes constitute the entire contract  
20 between the parties.

21 III. [~~With respect to accidents which occur within this state and~~] **Minimum Limits of**  
22 **Mandatory Coverage.** Subject to the minimum limits of liability [~~validly made~~] under the  
23 authority of RSA 259:61, the policy is to be interpreted [~~with reference hereto~~] **consistent with this**  
24 **section** and the liability of the company under the policy shall thereby become absolute upon the  
25 occurrence of such an accident; no statement made by the insured or on his behalf, and no violation  
26 of exclusions, conditions, other terms, or language contained in the policy, and no unauthorized or  
27 unlawful use of the vehicle except as provided in paragraph VI of this section, whether or not a  
28 premium charge has been made and paid, shall operate to defeat or avoid the policy so as to bar  
29 recovery for such accidents within [~~said~~] **minimum** limits of liability.

30 IV. **Death, Insolvency, and Bankruptcy.** If the death, insolvency, or bankruptcy of the  
31 insured shall occur within the policy period, the policy during the unexpired portion of such period

1 shall cover the person or persons entitled to possession of the vehicle of the insured. Such policy  
 2 shall contain such provisions, not inconsistent with this chapter, as shall be required by the  
 3 insurance commissioner.

4 **V. Defendant Default.** In an action of tort where payment of the judgment is secured by a  
 5 motor vehicle liability policy, *as defined in RSA 259:61*, and where the defendant has been  
 6 defaulted for failure to enter an appearance, damages shall not be assessed, except by special order  
 7 of the court, until the expiration of 30 days after the plaintiff has given notice of such default to the  
 8 company issuing or executing such policy and has filed an affidavit thereof. Such notice may be  
 9 given by mailing the same, postage prepaid, to the said company or to its agent who issued or  
 10 executed such policy. Upon receipt of information and having become satisfied that the insured has  
 11 failed to comply with the terms of his policy in regard to notice to the company of an accident, the  
 12 director shall revoke his license and registration for such period as the director shall determine.

13 **VI. Permissive Users.** The insurance applies to any person who has obtained possession or  
 14 control of the vehicle of the insured with his express or implied consent even though the use in the  
 15 course of which liability to pay damages arises has been expressly or impliedly forbidden by the  
 16 insured or is otherwise unauthorized. This provision, however, shall not apply to the use of a vehicle  
 17 converted with the intent to wrongfully deprive the owner of his property therein.

18 **VII. Bifurcation of Bodily Injury and Property Damage Claims.** No liability insurer  
 19 shall require that a bodily injury claim be settled or adjudicated as a condition precedent to the  
 20 settlement of a property damage claim arising out of the same accident. No evidence of settlement of  
 21 a property damage claim shall be admissible as evidence of liability in the trial of any other cause of  
 22 action arising out of the same accident.

23 **2 Cancellation or Refusal to Renew Commercial Insurance; Grounds for Cancellation.** Amend  
 24 RSA 417-C:1 to read as follows:

25 417-C:1 Grounds for Cancellation.

26 I. A notice of cancellation of a policy, to which RSA 417-C:2 applies, shall be effective only if  
 27 it is based on one or more of the following reasons:

28 (a) Nonpayment of a premium, including nonpayment of any additional premiums due  
 29 from an audit conducted in accordance with law for the prior policy term; or

30 (b) Fraud or material misrepresentation affecting the policy or in the presentation of a  
 31 claim thereunder, or violation of any of the terms or conditions of the policy; or

32 (c) A change in the risk that substantially increases a hazard insured against after  
 33 insurance coverage has been issued or renewed.

34 II. ~~[This section shall not apply to any policy or coverage which has been in effect less than~~  
 35 ~~60 days at the time notice of cancellation is mailed or delivered by the insurer unless it is a renewal~~  
 36 ~~policy]~~ **An insurer shall cancel a policy at the specific request of the insured.**

1           III. *Paragraph I shall not apply to any policy or coverage which has been in effect*  
2 *less than 60 days at the time notice of cancellation is mailed or delivered by the insurer*  
3 *unless it is a renewal policy.*

4           IV. This section shall not apply to nonrenewal.

5           3 Third Party Administrators; Definition of Administrator. Amend RSA 402-H:1, I to read as  
6 follows:

7           I. "Administrator" or "third party administrator" or "TPA" means a person who directly or  
8 indirectly underwrites, collects charges or premiums from, or adjusts or settles claims on residents of  
9 this state, in connection with life, annuity, or health coverage or ~~workers' compensation~~ **property**  
10 **and casualty** insurance, ~~[other than persons subject to regulation under RSA 281 A:5 d offered or~~  
11 ~~provided by an insurer or under a self-funded governmental plan that is exempt from the provisions~~  
12 ~~of the Employee Retirement Income Security Act pursuant to 29 U.S.C. section 1003(b)(1);]~~ except  
13 any of the following:

14           (a) An employer, or a wholly owned direct or indirect subsidiary of an employer, on  
15 behalf of its employees or the employees of one or more subsidiaries or affiliated corporations of such  
16 employer.

17           (b) A union on behalf of its members.

18           (c) An insurer that is authorized to transact insurance in this state pursuant to RSA 401  
19 or a subsidiary or affiliated corporation of such insurer if the insurer and the subsidiary or affiliated  
20 corporation have overlapping directorates.

21           (d) An insurance producer licensed to sell life, annuities, or health coverage or ~~workers'~~  
22 ~~compensation~~ **property and casualty** insurance in this state, whose activities are limited  
23 exclusively to the sale of insurance.

24           (e) A creditor on behalf of its debtors with respect to insurance covering a debt between  
25 the creditor and its debtors.

26           (f) A trust and its trustees, agents, and employees acting pursuant to such trust  
27 established in conformity with 29 U.S.C. section 186.

28           (g) A trust exempt from taxation under section 501(a) of the Internal Revenue Code, its  
29 trustees and employees acting pursuant to such trust, or a custodian and the custodian's agents or  
30 employees acting pursuant to a custodian account which meets the requirements of section 401(f) of  
31 the Internal Revenue Code.

32           (h) A credit union or a financial institution that is subject to supervision or examination  
33 by federal or state banking authorities, or a mortgage lender, to the extent they collect and remit  
34 premiums to licensed insurance producers or to limited line producers or authorized insurers in  
35 connection with loan payments.

36           (i) A credit card issuing company that advances for and collects insurance premiums or  
37 charges from its credit card holders who have authorized collection.

1 (j) A person who adjusts or settles claims in the normal course of that person's practice  
2 or employment as an attorney at law and who does not collect charges or premiums in connection  
3 with life, annuity, or health coverage or [~~workers' compensation~~] **property and casualty** insurance.

4 (k) An adjuster licensed by this state whose activities are limited to adjustment of  
5 claims.

6 (l) A person licensed as a managing general agent in this state, pursuant to RSA 402-E,  
7 whose activities are limited exclusively to the scope of activities conveyed under such license.

8 (m) An administrator who is affiliated with an insurer and who only performs the  
9 contractual duties, between the administrator and the insurer, of an administrator for the direct and  
10 assumed insurance business of the affiliated insurer. The insurer is responsible for the acts of the  
11 administrator and is responsible for providing all of the administrator's books and records to the  
12 insurance commissioner, upon request from the insurance commissioner. For purposes of this  
13 subparagraph, "insurer" means a licensed insurance company, prepaid hospital or medical care plan,  
14 or a health maintenance organization.

15 4 Third Party Administrators; Definition of Insurer. Amend RSA 402-H:1, VII to read as  
16 follows:

17 VII. "Insurer" means, for the purposes of this chapter only and except as provided in RSA  
18 402-H:6, a person undertaking to provide life, annuity, or health coverage or [~~workers'~~  
19 ~~compensation~~] **property and casualty** insurance or self-funded coverage under a multiple employer  
20 welfare arrangement or a church plan in this state. For the purposes of this chapter, "insurer" may  
21 include an employer, a licensed insurance company, a prepaid hospital or medical care plan, or a  
22 health maintenance organization.

23 5 Insurance Department; Confidentiality; Forms and Rates. Amend RSA 400-A:15-f, I to read  
24 as follows:

25 I. Forms and rates that are filed for review in accordance with Title XXXVII shall be  
26 confidential pending approval. **Forms and rates filed for informational purposes shall be**  
27 **confidential until effective.**

28 6 New Paragraphs; Regulation of Forms and Rates for Property Insurance; Rate Standards;  
29 Fees for Unanticipated Costs. Amend RSA 412:15 by inserting after paragraph V the following new  
30 paragraphs:

31 VI. Insurers may charge service fees for unanticipated costs, such as the costs associated  
32 with returned checks or late payments. Such fees shall not be in excess of the reasonable  
33 administrative cost associated with the service at issue. Installment fees may not be charged for the  
34 first payment of each policy term because they are never unanticipated.

35 VII. For personal lines policies, the general rule is that premium is earned pro-rata over the  
36 length of the policy. However, insurers may file other than pro-rata earning patterns if the risk is  
37 distributed unevenly over the policy period. If the personal lines policy is canceled with or without

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1 cause by either party, all unearned premium at the time of the cancellation shall be returned to the  
2 insured.

3 7 Cancellation, Refusal to Write, Refusal to Renew Certain Property and Liability Insurance.  
4 Amend the introductory paragraph of RSA 417-B:1 to read as follows:

5 417-B:1 Application of Chapter. This chapter shall apply to policies of insurance other than  
6 automobile insurance[;] *and* workers' compensation insurance[ ~~and excess insurance~~] on risks  
7 located or residents in this state which insure any of the following contingencies:

8 8 Effective Date. This act shall take effect 60 days after its passage.

CHAPTER 50  
HB 299 - FINAL VERSION

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HOUSE BILL           **299**

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COMMITTEE:          Commerce and Consumer Affairs

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5 ~~to accidents which occur in New Hampshire and~~] within limits of liability required by this chapter,  
6 to the following provisions which need not be contained therein:

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8 shall become absolute whenever loss or damage covered by said policy occurs, and the satisfaction by  
9 the insured of a final judgment for such loss or damage shall not be a condition precedent to the  
10 right or duty of the company to make payment on account of said loss or damage. No agreement  
11 between the company and the insured after the insured has incurred liability for loss or damage  
12 covered by the policy shall operate to defeat the company's liability to pay for such loss or damage.  
13 Upon the recovery of a final judgment against any person for any loss or damage specified in this  
14 section, if the judgment debtor was, at the accrual of the cause of action, protected against liability  
15 therefor under a motor vehicle liability policy, the judgment creditor shall be entitled to have the  
16 insurance money applied to the satisfaction of the judgment.

17 II. **Entirety of Contract.** The policy, the written application therefor, if any, and any rider  
18 or [~~indorsement~~] **endorsement**, which shall not conflict with the provisions of this chapter, shall  
19 with the provisions of this section and any other applicable statutes constitute the entire contract  
20 between the parties.

21 III. [~~With respect to accidents which occur within this state and~~] **Minimum Limits of**  
22 **Mandatory Coverage.** Subject to the minimum limits of liability [~~validly made~~] under the  
23 authority of RSA 259:61, the policy is to be interpreted [~~with reference hereto~~] **consistent with this**  
24 **section** and the liability of the company under the policy shall thereby become absolute upon the  
25 occurrence of such an accident; no statement made by the insured or on his behalf, and no violation  
26 of exclusions, conditions, other terms, or language contained in the policy, and no unauthorized or  
27 unlawful use of the vehicle except as provided in paragraph VI of this section, whether or not a  
28 premium charge has been made and paid, shall operate to defeat or avoid the policy so as to bar  
29 recovery for such accidents within [~~said~~] **minimum** limits of liability.

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HB 299 - FINAL VERSION  
- Page 2 -

1           IV. *Death, Insolvency, and Bankruptcy.* If the death, insolvency, or bankruptcy of the  
2 insured shall occur within the policy period, the policy during the unexpired portion of such period  
3 shall cover the person or persons entitled to possession of the vehicle of the insured. Such policy  
4 shall contain such provisions, not inconsistent with this chapter, as shall be required by the  
5 insurance commissioner.

6           V. *Defendant Default.* In an action of tort where payment of the judgment is secured by a  
7 motor vehicle liability policy, *as defined in RSA 259:61*, and where the defendant has been  
8 defaulted for failure to enter an appearance, damages shall not be assessed, except by special order  
9 of the court, until the expiration of 30 days after the plaintiff has given notice of such default to the  
10 company issuing or executing such policy and has filed an affidavit thereof. Such notice may be  
11 given by mailing the same, postage prepaid, to the said company or to its agent who issued or  
12 executed such policy. Upon receipt of information and having become satisfied that the insured has  
13 failed to comply with the terms of his policy in regard to notice to the company of an accident, the  
14 director shall revoke his license and registration for such period as the director shall determine.

15           VI. *Permissive Users.* The insurance applies to any person who has obtained possession or  
16 control of the vehicle of the insured with his express or implied consent even though the use in the  
17 course of which liability to pay damages arises has been expressly or impliedly forbidden by the  
18 insured or is otherwise unauthorized. This provision, however, shall not apply to the use of a vehicle  
19 converted with the intent to wrongfully deprive the owner of his property therein.

20           VII. *Bifurcation of Bodily Injury and Property Damage Claims.* No liability insurer  
21 shall require that a bodily injury claim be settled or adjudicated as a condition precedent to the  
22 settlement of a property damage claim arising out of the same accident. No evidence of settlement of  
23 a property damage claim shall be admissible as evidence of liability in the trial of any other cause of  
24 action arising out of the same accident.

25           50:2 Cancellation or Refusal to Renew Commercial Insurance; Grounds for Cancellation.  
26 Amend RSA 417-C:1 to read as follows:

27           417-C:1 Grounds for Cancellation.

28           I. A notice of cancellation of a policy, to which RSA 417-C:2 applies, shall be effective only if  
29 it is based on one or more of the following reasons:

30           (a) Nonpayment of a premium, including nonpayment of any additional premiums due  
31 from an audit conducted in accordance with law for the prior policy term; or

32           (b) Fraud or material misrepresentation affecting the policy or in the presentation of a  
33 claim thereunder, or violation of any of the terms or conditions of the policy; or

34           (c) A change in the risk that substantially increases a hazard insured against after  
35 insurance coverage has been issued or renewed.

CHAPTER 50  
HB 299 - FINAL VERSION  
- Page 3 -

1           II. ~~[This section shall not apply to any policy or coverage which has been in effect less than~~  
2 ~~60 days at the time notice of cancellation is mailed or delivered by the insurer unless it is a renewal~~  
3 ~~policy]~~ **An insurer shall cancel a policy at the specific request of the insured.**

4           III. **Paragraph I shall not apply to any policy or coverage which has been in effect**  
5 **less than 60 days at the time notice of cancellation is mailed or delivered by the insurer**  
6 **unless it is a renewal policy.**

7           IV. This section shall not apply to nonrenewal.

8           50:3 Third Party Administrators; Definition of Administrator. Amend RSA 402-H:1, I to read as  
9 follows:

10           I. "Administrator" or "third party administrator" or "TPA" means a person who directly or  
11 indirectly underwrites, collects charges or premiums from, or adjusts or settles claims on residents of  
12 this state, in connection with life, annuity, or health coverage or ~~[workers' compensation]~~ **property**  
13 **and casualty** insurance, ~~[other than persons subject to regulation under RSA 281-A:5-d offered or~~  
14 ~~provided by an insurer or under a self-funded governmental plan that is exempt from the provisions~~  
15 ~~of the Employee Retirement Income Security Act pursuant to 29 U.S.C. section 1003(b)(1).]~~ except  
16 any of the following:

17           (a) An employer, or a wholly owned direct or indirect subsidiary of an employer, on  
18 behalf of its employees or the employees of one or more subsidiaries or affiliated corporations of such  
19 employer.

20           (b) A union on behalf of its members.

21           (c) An insurer that is authorized to transact insurance in this state pursuant to RSA 401  
22 or a subsidiary or affiliated corporation of such insurer if the insurer and the subsidiary or affiliated  
23 corporation have overlapping directorates.

24           (d) An insurance producer licensed to sell life, annuities, or health coverage or ~~[workers'~~  
25 ~~compensation]~~ **property and casualty** insurance in this state, whose activities are limited  
26 exclusively to the sale of insurance.

27           (e) A creditor on behalf of its debtors with respect to insurance covering a debt between  
28 the creditor and its debtors.

29           (f) A trust and its trustees, agents, and employees acting pursuant to such trust  
30 established in conformity with 29 U.S.C. section 186.

31           (g) A trust exempt from taxation under section 501(a) of the Internal Revenue Code, its  
32 trustees and employees acting pursuant to such trust, or a custodian and the custodian's agents or  
33 employees acting pursuant to a custodian account which meets the requirements of section 401(f) of  
34 the Internal Revenue Code.

35           (h) A credit union or a financial institution that is subject to supervision or examination  
36 by federal or state banking authorities, or a mortgage lender, to the extent they collect and remit

CHAPTER 50  
HB 299 - FINAL VERSION

- Page 4 -

1 premiums to licensed insurance producers or to limited line producers or authorized insurers in  
2 connection with loan payments.

3 (i) A credit card issuing company that advances for and collects insurance premiums or  
4 charges from its credit card holders who have authorized collection.

5 (j) A person who adjusts or settles claims in the normal course of that person's practice  
6 or employment as an attorney at law and who does not collect charges or premiums in connection  
7 with life, annuity, or health coverage or ~~workers' compensation~~ **property and casualty** insurance.

8 (k) An adjuster licensed by this state whose activities are limited to adjustment of  
9 claims.

10 (l) A person licensed as a managing general agent in this state, pursuant to RSA 402-E,  
11 whose activities are limited exclusively to the scope of activities conveyed under such license.

12 (m) An administrator who is affiliated with an insurer and who only performs the  
13 contractual duties, between the administrator and the insurer, of an administrator for the direct and  
14 assumed insurance business of the affiliated insurer. The insurer is responsible for the acts of the  
15 administrator and is responsible for providing all of the administrator's books and records to the  
16 insurance commissioner, upon request from the insurance commissioner. For purposes of this  
17 subparagraph, "insurer" means a licensed insurance company, prepaid hospital or medical care plan,  
18 or a health maintenance organization.

19 50:4 Third Party Administrators; Definition of Insurer. Amend RSA 402-H:1, VII to read as  
20 follows:

21 VII. "Insurer" means, for the purposes of this chapter only and except as provided in RSA  
22 402-H:6, a person undertaking to provide life, annuity, or health coverage or ~~workers'~~  
23 ~~compensation~~ **property and casualty** insurance or self-funded coverage under a multiple employer  
24 welfare arrangement or a church plan in this state. For the purposes of this chapter, "insurer" may  
25 include an employer, a licensed insurance company, a prepaid hospital or medical care plan, or a  
26 health maintenance organization.

27 50:5 Insurance Department; Confidentiality; Forms and Rates. Amend RSA 400-A:15-f, I to  
28 read as follows:

29 I. Forms and rates that are filed for review in accordance with Title XXXVII shall be  
30 confidential pending approval. **Forms and rates filed for informational purposes shall be**  
31 **confidential until effective.**

32 50:6 New Paragraphs; Regulation of Forms and Rates for Property Insurance; Rate Standards;  
33 Fees for Unanticipated Costs. Amend RSA 412:15 by inserting after paragraph V the following new  
34 paragraphs:

35 VI. Insurers may charge service fees for unanticipated costs, such as the costs associated  
36 with returned checks or late payments. Such fees shall not be in excess of the reasonable

**CHAPTER 50**  
**HB 299 - FINAL VERSION**  
**- Page 5 -**

1 administrative cost associated with the service at issue. Installment fees may not be charged for the  
2 first payment of each policy term because they are never unanticipated.

3 VII. For personal lines policies, the general rule is that premium is earned pro-rata over the  
4 length of the policy. However, insurers may file other than pro-rata earning patterns if the risk is  
5 distributed unevenly over the policy period. If the personal lines policy is canceled with or without  
6 cause by either party, all unearned premium at the time of the cancellation shall be returned to the  
7 insured.

8 50:7 Cancellation, Refusal to Write, Refusal to Renew Certain Property and Liability Insurance.  
9 Amend the introductory paragraph of RSA 417-B:1 to read as follows:

10 417-B:1 Application of Chapter. This chapter shall apply to policies of insurance other than  
11 automobile insurance[,] *and* workers' compensation insurance[~~,-and-excess-insurance~~] on risks  
12 located or residents in this state which insure any of the following contingencies:

50:8 Effective Date. This act shall take effect 60 days after its passage.

Approved: May 25, 2021

Effective Date: July 24, 2021

# Committee Minutes

**SENATE CALENDAR NOTICE**  
**Commerce**

Sen Harold French, Chair  
Sen Bill Gannon, Vice Chair  
Sen Jeb Bradley, Member  
Sen Donna Soucy, Member  
Sen Kevin Cavanaugh, Member

Date: April 15, 2021

**HEARINGS**

Tuesday	04/20/2021	
(Day)	(Date)	
Commerce	REMOTE 000	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m.	<b>HB 299</b>	relative to responsibilities of the insurance department.
9:15 a.m.	<b>HB 518</b>	relative to rebates under the law governing unfair insurance practices.
9:30 a.m.	<b>HB 520</b>	relative to e-delivery of insurance documents and commercial lines renewal notices.
9:45 a.m.	<b>HB 312</b>	relative to deadlines in consumer credit applications, licensing requirements for mortgage loan originators, examinations of family trust companies, delegation by credit union boards to committees, qualifications of the banking commissioner, and authorizing depository banks to elect benefit corporation status.
10:00 a.m.	<b>HB 519</b>	relative to technical changes in the laws administered by the insurance department.
10:15 a.m.	<b>HB 610-FN</b>	requiring certain licensing and reporting functions be conducted through the Nationwide Multistate Licensing System and Registry, and relative to background investigations of trust officers, to certain filing fees, assessments, and interest rates, and to the transmission of consumer complaints by the banking department.

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/99935596171>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-646-558-8656, or 1-301-715-8592, or 1-312-626-6799, or 1-669-900-9128, or 1-253-215-8782, or 1-346-248-7799
3. Or iPhone one-tap: 16465588656,,99935596171# or 13017158592,,99935596171#
4. Webinar ID: [999 3559 6171](https://www.zoom.us/j/99935596171)
5. To view/listen to this hearing on YouTube, use this link:  
<https://www.youtube.com/channel/UCiBZdtriRnQdmg-2MPMiWrA>
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link:  
<http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: [remotesenate@leg.state.nh.us](mailto:remotesenate@leg.state.nh.us) or call (603-271-6931).

### EXECUTIVE SESSION MAY FOLLOW

**Sponsors:**

**HB 299**

Rep. Potucek

**HB 518**

Rep. Infantine

**HB 520**

Rep. Bartlett

Rep. Hunt

Sen. Cavanaugh

**HB 312**

Rep. Hunt

**HB 519**

Rep. Hunt

**HB 610-FN**

Rep. Hunt

Aaron Jones 271-4063

Harold F. French

Chairman



# Senate Commerce Committee

*Aaron Jones 271-4063*

**HB 299**, relative to responsibilities of the insurance department.

**Hearing Date:** April 20, 2021

**Time Opened:** 9:07 a.m.

**Time Closed:** 9:12 a.m.

**Members of the Committee Present:** Senators French, Gannon, Soucy and Cavanaugh

**Members of the Committee Absent :** Senator Bradley

**Bill Analysis:** This bill clarifies certain responsibilities of the insurance department.

The bill is a request of the insurance department.

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**Sponsors:**

Rep. Potucek

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**Who supports the bill:** Representative John Potucek, Representative Will Infantine (NH Insurance Agents Association), Emily Doherty (NH Insurance Department), Christian Citarella (NH Insurance Department), Marty Mobley (NH Insurance Department), George Roussos (NH Association of Domestic Insurance Companies & American Property Casualty Insurance Association), James Hatem (State Farm Insurance Companies)

**Who opposes the bill:** No one

**Who is neutral on the bill:** No one

**Summary of testimony presented in support:**

Representative John Potucek

- This bill was filed at the request of the Insurance Department.
- It unanimously passed the House Commerce Committee, and it was placed on the consent calendar.
- This bill would make numerous changes to the laws that govern property and casualty (P&C) insurance.
  - First, the motor vehicle liability statute would be simplified through language changes.

- Second, an insured would be able to request a commercial P&C policy be canceled.
- Third, the definition of third-party administrators would be modified to include P&C administrators, while removing workers' compensation administrators.
- Fourth, forms and rates filed for informational purposes would be held confidential until they're in effect.
- Fifth, insurers would be allowed to include fees for unanticipated costs incurred by personal lines policies.
- Finally, the excess insurance exemption would be removed from RSA 417-B:1.

Emily Doherty, Property & Casualty Attorney, New Hampshire Insurance Department

- Attorney Doherty reiterated many of the changes being proposed to the laws governing P&C insurance.
  - RSA 264:18, which pertains to motor vehicle liability, would be amended to include paragraph labels to help make the statute easier to read.
  - RSA 417-C:1, which is the P&C commercial lines cancellation statute, would make a policy cancellation request from an insured a basis for a policy cancellation.
    - This change would be consistent with the P&C personal lines cancellation statute.
  - RSA 402-H:1, which is the third party administrators statute, would be reworded to include third party P&C administrators, while removing third party workers' compensation administrators.
  - RSA 400-A:15-f would be amended to clarify that forms and rates, which are filed for informational purposes, would remain confidential until they're effective.
  - RSA 412:15 would be amended to clarify that fees incurred by unanticipated costs could be recovered by insurers. Additionally, the statute would clarify that any unearned premiums from a personal lines insurance could be returned to an insured.
  - Finally, as previously stated, the excess insurance exemption in RSA 417-B:1 would be removed.

**Summary of testimony presented in opposition: None**

**Neutral Information Presented: None**

# Speakers

# Commerce Committee Testify List for Bill HB299 on 2021-04-20

Support: 7 Oppose: 0 Neutral: 0 Total to Testify: 2

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>
Potucek, John	potucek1@comcast.net	16034329049	An Elected Official	Myself - the Sponsor	Support	Yes
Doherty, Emily	emily.m.doherty@ins.nh.gov	271-4843	State Agency Staff	Insurance Department	Support	Yes
Citarella, Christian	christian.g.citarella@ins.nh.gov	271-2113	State Agency Staff	Insurance Department	Support	No
Mobley, Marty	martha.v.mobley@ins.nh.gov	271-2805	State Agency Staff	Insurance Department	Support	No
Roussos, George	groussos@orr-reno.com	Not Given	A Lobbyist	New Hampshire Association of Domestic Insurance Companies and American Property Casualty Insurance Association	Support	No
Infantine, will	repinfantine@gmail.com	603-493-9779	An Elected Official	NH Insurance Agents Association	Support	No
Hatem, James	jhatem@nixonpeabody.com	603-566-4060	A Lobbyist	State Farm Insurance Companies	Support	No

# Voting Sheets

**Senate Commerce Committee**  
**EXECUTIVE SESSION RECORD**  
*2021-2022 Session*

Bill # HB 299

Hearing date: 4/20/21

Executive Session date: 4/20/21

Motion of: OTR Vote: 5-0

Committee Member	Made by	Second	Yes	No
Sen. French, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Bradley	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input checked="" 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: CONSENT Vote: \_\_\_\_\_

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

Notes: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

# Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE  
FOR THE CONSENT CALENDAR

Tuesday, April 20, 2021

THE COMMITTEE ON Commerce

to which was referred **HB 299**

AN ACT

relative to responsibilities of the insurance  
department.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator Donna Soucy  
For the Committee

At the request of the New Hampshire Insurance Department, this bill would make numerous changes to property and casualty insurance statutes. First, RSA 264:18 would be amended to add paragraph labels to make the statute easier to read. Second, RSA 417-C:1 would be amended to allow property and casualty commercial lines to be canceled at the request of an insured. This would be consistent with the property and casualty personal lines statute. Third, RSA 402-H:1 would be amended to replace third party workers' compensation administrators with third party property and casualty administrators. Fourth, RSA 400-A:15-f would clarify that forms and rates filed for informational purposes shall remain confidential until they are effective. Fifth, RSA 412:15 would be amended to clarify that fees incurred by unanticipated costs can be recovered. Finally, the excess insurance exemption would be removed from RSA 417-B:1.

Aaron Jones 271-4063



FOR THE CONSENT CALENDAR

**COMMERCE**

**HB 299**, relative to responsibilities of the insurance department.

Ought to Pass, Vote 5-0.

Senator Donna Soucy for the committee.

At the request of the New Hampshire Insurance Department, this bill would make numerous changes to property and casualty insurance statutes. First, RSA 264:18 would be amended to add paragraph labels to make the statute easier to read. Second, RSA 417-C:1 would be amended to allow property and casualty commercial lines to be canceled at the request of an insured. This would be consistent with the property and casualty personal lines statute. Third, RSA 402-H:1 would be amended to replace third party workers' compensation administrators with third party property and casualty administrators. Fourth, RSA 400-A:15-f would clarify that forms and rates filed for informational purposes shall remain confidential until they are effective. Fifth, RSA 412:15 would be amended to clarify that fees incurred by unanticipated costs can be recovered. Finally, the excess insurance exemption would be removed from RSA 417-B:1.

**Docket of HB299**

Docket Abbreviations

**Bill Title:** relative to responsibilities of the insurance department.*Official Docket of HB299.:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/9/2021	H	<b>Introduced</b> (in recess of) 01/06/2021 and referred to Commerce and Consumer Affairs <b>HJ 2 P. 42</b>
2/2/2021	H	Public Hearing: 02/10/2021 09:00 am Members of the public may attend using the following link: To join the webinar: <a href="https://www.zoom.us/j/95521072179">https://www.zoom.us/j/95521072179</a> / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
3/2/2021	H	Executive Session: 03/02/2021 09:00 am Members of the public may attend using the following link: To join the webinar: <a href="https://www.zoom.us/j/95215897452">https://www.zoom.us/j/95215897452</a>
3/3/2021	H	==CONTINUED== Executive Session: 03/03/2021 01:30 pm Members of the public may attend using the following link: To join the webinar: <a href="https://www.zoom.us/j/98917516497">https://www.zoom.us/j/98917516497</a> (if necessary)
3/9/2021	H	Committee Report: Ought to Pass (Vote 17-0; CC) <b>HC 18 P. 4</b>
4/7/2021	H	<b>Ought to Pass:</b> MA VV 04/07/2021 <b>HJ 5 P. 5</b>
4/7/2021	H	Reconsider (Rep. Osborne): MF VV 04/07/2021 <b>HJ 5 P. 50</b>
4/7/2021	S	Introduced 04/01/2021 and Referred to Commerce; <b>SJ 11</b>
4/15/2021	S	Remote <b>Hearing:</b> 04/20/2021, 09:00 am; Links to join the hearing can be found in the Senate Calendar; <b>SC 20</b>
4/20/2021	S	Committee Report: Ought to Pass, 04/29/2021; Vote 5-0; CC; <b>SC 21</b>
4/29/2021	S	<b>Ought to Pass:</b> RC 24Y-0N, MA; OT3rdg; 04/29/2021; <b>SJ 13</b>
5/17/2021	S	Enrolled Adopted, VV, (In recess 05/13/2021); <b>SJ 16</b>
5/17/2021	H	Enrolled (in recess of) 04/09/2021 <b>HJ 7 P. 104</b>
5/27/2021	H	Signed by Governor Sununu 05/25/2021; Chapter 50; Eff: 07/24/2021

NH House

NH Senate

# Other Referrals

**Senate Inventory Checklist for Archives**

Bill Number: HB 799

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)

N/A Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

N/A 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:

Aaron Jones  
Committee Aide

7/21/21  
Date

Senate Clerk's Office [Signature]