

# Bill as Introduced

HB 286-FN - AS INTRODUCED

2009 SESSION

09-0730  
01/04

HOUSE BILL

**286-FN**

AN ACT relative to life insurance form disapproval.

SPONSORS: Rep. Reardon, Merr 11

COMMITTEE: Commerce and Consumer Affairs

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ANALYSIS

This bill establishes a procedure to allow the insurance commissioner to disapprove of forms for group life insurance.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to life insurance form disapproval.

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

1 1 New Sections; Group Life Insurance; Disapproval of Forms. Amend RSA 408 by inserting  
2 after section 16-c the following new sections:

3 408:16-d Disapproval of Forms.

4 I. The commissioner may, within 30 days after the filing of any such form, disapprove such  
5 form:

- 6 (a) If the benefits provided therein are unreasonable in relation to the premium charged;  
7 (b) If it contains a provision or provisions which are unjust, unfair, inequitable,  
8 misleading, deceptive, or encourage misrepresentation of such policy; or  
9 (c) If it does not comply with the requirements of law.

10 II. If the commissioner notifies the insurer which has filed any such form that it does not  
11 comply with the provisions of this chapter, it shall be unlawful thereafter for the insurer to issue the  
12 form or use it in connection with any policy. In the notice the commissioner shall specify the reasons  
13 for his or her disapproval and state that a hearing shall be granted within 20 days after request in  
14 writing by the insurer.

15 408:16-e Subsequent Disapproval. The commissioner may at any time, after a hearing of which  
16 not less than 20 days' written notice shall have been given to the insurer, withdraw his or her  
17 approval of any such form on any of the grounds stated in this chapter. It shall be unlawful for the  
18 insurer to issue the form or use it in connection with any policy after the effective date of such  
19 withdrawal of approval. The notice of any hearing called under this section shall specify the matters  
20 to be considered at the hearing and any decision affirming disapproval or directing withdrawal of  
21 approval under this chapter shall be in writing and shall specify the reasons for the disapproval.

22 2 Effective Date. This act shall take effect 60 days after its passage.

LBAO  
09-0730  
01/07/09

**HB 286-FN - FISCAL NOTE**

AN ACT relative to life insurance form disapproval.

**FISCAL IMPACT:**

The New Hampshire Insurance Department states this bill may increase state revenues and state, county, and local expenditures in FY 2010 and each year thereafter. This bill will have no fiscal impact on county and local revenues.

**METHODOLOGY:**

The New Hampshire Insurance Department states this bill establishes a procedure to allow the insurance commissioner to disapprove of forms for group life insurance. The Department states to the extent the added review standards for group life insurance ratings require additional staff, state expenditures would increase. However, the Department assumes it can absorb review requirements with existing staff.

The Department assumes these new review standards do not impose significant administrative burdens on filing companies. However, if the added review standards increase insurance companies' administrative costs, insurance premiums may also increase. Increased insurance premiums may increase state revenue of the premium tax. Increased premiums may also increase county and local expenditures for employee group life insurance.

HB 286-FN - AS AMENDED BY THE HOUSE

06Jan2010... 2009-2371h

2009 SESSION

09-0730  
01/04

HOUSE BILL            **286-FN**

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7 misleading, deceptive, or encourage misrepresentation of such policy; or

8 (b) If it does not comply with the requirements of Title XXXVII.

9 II. If the commissioner notifies the insurer which has filed any such form that it does not  
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19 to be considered at the hearing and any decision affirming disapproval or directing withdrawal of  
20 approval under this chapter shall be in writing and shall specify the reasons for the disapproval.

21 2 New Section; Subsequent Disapproval; Individual Policies. Amend RSA 408 by inserting after  
22 section 2-a the following new section:

23 408:2-b Subsequent Disapproval; Individual Policies. The commissioner may at any time, after  
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**HB 286-FN - AS AMENDED BY THE HOUSE**

**- Page 2 -**

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CHAPTER 12  
HB 286-FN – FINAL VERSION

06Jan2010... 2009-2371h

2010 SESSION

09-0730  
01/04

HOUSE BILL            ***286-FN***

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SPONSORS:            Rep. Reardon, Merr 11

COMMITTEE:           Commerce and Consumer Affairs

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CHAPTER 12  
HB 286-FN – FINAL VERSION

06Jan2010... 2009-2371h

09-0730

01/04

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Ten*

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**CHAPTER 12**  
**HB 286-FN - FINAL VERSION**  
**- Page 2 -**

1 disapproval.

2 12:3 Effective Date. This act shall take effect 60 days after its passage.

3

4 Approved: May 7, 2010

5 Effective Date: July 6, 2010

LBAO

09-0730  
Amended 01/21/10

**HB 286 FISCAL NOTE**

AN ACT           relative to life insurance form disapproval.

**FISCAL IMPACT:**

The Insurance Department states this bill, as amended by the House (Amendment #2009-2371h), will have no fiscal impact on state, county, and local expenditures and revenue.

**METHODOLOGY:**

The Department states this bill broadens the Department's authority to disapprove life insurance form filings and will have no fiscal impact on state, county and local expenditures or revenue.

# Committee Minutes

**SENATE CALENDAR NOTICE  
COMMERCE, LABOR AND CONSUMER PROTECTION**

- Senator Margaret Hassan Chairman
- ✓ Senator Betsi DeVries V Chairman
- ✓ Senator Deborah Reynolds
- Senator Jacalyn Cilley
- Senator Peter Bragdon
- ✓ Senator Sheila Roberge

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: April 1, 2010**

**HEARINGS**

**Thursday**

**4/8/2010**

**COMMERCE, LABOR AND CONSUMER PROTECTION**

**SH 103**

**12:30 PM**

(Name of Committee)

(Place)

(Time)

**EXECUTIVE SESSION MAY FOLLOW**

**Comments:** Please note these hearings are scheduled outside of their normal day, time and room.

- 12:30 PM HB660-FN relative to the life settlements act.
- ✓ 1:00 PM HB286-FN relative to life insurance form disapproval.
- 1:30 PM HB1281-FN relative to certain securities laws.
- 2:00 PM HB1613-FN relative to the general banking laws of the state.

**Sponsors:**

**HB286-FN**

Rep. Tara Reardon

**HB1281-FN**

Rep. Stephen DeStefano

**HB660-FN**

Rep. Edward Butler

**HB1613-FN**

Rep. Edward Butler

*Start: 1:45 pm  
end: 1:48*

Danielle Barker 271-3093

Sen. Margaret Hassan

Chairman

**Commerce, Labor & Consumer Protection Committee  
Hearing Report**

**To:** Members of the Senate  
**From:** Greg Silverman, *Legislative Aide*  
**Re:** Hearing report on **HB286-FN** relative to life insurance form disapproval.

**Hearing date:** April 8<sup>th</sup>, 2010

**Members of the Committee Present:** Senator DeVries, District 18; Senator Reynolds, District 2; Senator Roberge, District 9; Senator Cilley, District 6.

**Members of the Committee Absent:** Senator Bragdon, District 11; Senator Hassan, District 23.

**Sponsors:** Rep. Reardon, Merr 11.

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**What the bill does:** This bill establishes a procedure to allow the insurance commissioner to disapprove of forms for group life insurance.

This bill is a request of the insurance department.

**Who supports this bill:** Michael Wilkey, Insurance Dept.

**Who opposes this bill:** None.

**Summary of testimony received:**

Michael Wilkey, Insurance Dept.

- Supports HB286.
- This bill is an amendment to the rule making filing statute, where the filing of a certificate of language for submissions for life insurance.
- It conforms with other statutes of similar products and legitimizes rules in place.
- Places in statute what the department does in practice.

**Action:** Senator Reynolds moved Ought to Pass. Senator DeVries seconded the motion. The committee voted 2-0 in favor. Senator Reynolds takes the bill out.

RP

Date: April 8, 2010  
Time: 1:45 p.m.  
Room: SH 103

The Senate Committee on Commerce, Labor and Consumer Protection held a hearing on the following:

HB 286-FN relative to life insurance form disapproval.

Members of Committee present: Senator DeVries  
Senator Reynolds  
Senator Roberge

The Vice Chair, Senator Betsi DeVries, opened the hearing on HB 286, and in the absence of the prime sponsor, invited Senator Reynolds to introduce the legislation.

Senator Deborah R. Reynolds, D. 2: Thank you, Madam Chair. For the record my name is Deb Reynolds. I have the honor and privilege of serving as the New Hampshire State Senator for Senate District 2. I am here to introduce House Bill 286-FN, relative to life insurance form disapprovals.

I would ask the Chair to defer questions to one of our great representatives from the New Hampshire Insurance Department. This bill is at the request of the Department. Thank you, Madam Chair.

Senator Betsi DeVries, D. 18: Thank you, Senator Reynolds.

Recognizing Michael Wilkey for the New Hampshire Insurance.

Michael Wilkey: Thank you. For the record, Michael Wilkey. I am the Director of Life, Accident and Health at the New Hampshire Insurance Department.

Just very quickly on House Bill 286 and this should move much faster than HB 660. What we are doing here is asking for an amendment to, in essence, takes the guidelines that we currently have within our rulemaking under



INS 300, but particularly INS 400, as far as the filing requirements. We have the rules but we don't have it in the RSA. And, we need it in the RSA.

We currently have this same language that appears in credit life insurance and all of our accident and health statutes. And, it really gives the formal guidance for a submission of, or filing of certificate and policy language as it deals with life insurance policies. And, this is no different than again, what we currently do in practice, what we have in rule, and what we have in for credit life and for accident and health. So, when this was noticed, it was felt that we needed to incorporate this into the RSA.

Senator Betsi DeVries, D. 18: Thank you. If, if I might? The interpretation of what you just said is that you had been noted in JLCAR not to have statutory authority?

Mr. Wilkey: No, it wasn't noted in JLCAR. We noticed it as we went through. And, we do have rules that talk about the submission of filings under life insurance. But, there was nothing under the RSA and we felt that it needed to be under the RSA.

Senator Betsi DeVries, D. 18: And, will that be problematic as forms need to be updated?

Mr. Wilkey: Not at all. Again, this is the current practice that we have in place, and we don't anticipate changing that practice in the near future, at the very least.

Senator Betsi DeVries, D. 18: Questions from the Committee? Senator Reynolds.

Senator Deborah R. Reynolds, D. 2: Thank you very much, Madam Chair. Thank you very much, Mr. Wilkey. Just so we can piece this issue out today. Is this to make this in conformance with other statutes that you have? Is that why you are doing this?

Mr. Wilkey: It is to, to make it consistent with other statutes for other products, as well as to legitimize really, I guess is the right word, the rules that we have in place.

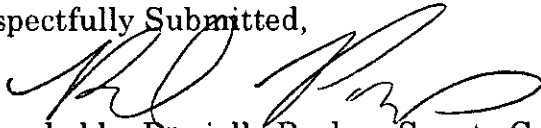
Senator Deborah R. Reynolds, D. 2: Thank you very much, sir.

Mr. Wilkey: Thank you, Senator.

Senator Betsi DeVries, D. 18: Further questions from the Committee?  
Seeing none, we thank you for your testimony. I will close the hearing for  
House Bill 286.

Hearing closed at 1:48 p.m.

Respectfully Submitted,



Recorded by Danielle Barker, Senate Committee Secretary  
Transcribed by Richard Parsons, Senate Committee Secretary

5/25/10

# Speakers



# Voting Sheets

# Senate Commerce, Labor & Consumer Protection Committee EXECUTIVE SESSION

Bill # HB 286-FN

Hearing date: 4/8/10

Executive session date: 4-8-10

Motion of: OTD

VOTE: 2-0

<u>Made by</u>	Hassan	<input type="checkbox"/>	<u>Seconded</u>	Hassan	<input type="checkbox"/>	<u>Reported</u>	Hassan	<input type="checkbox"/>
<u>Senator:</u>	DeVries	<input type="checkbox"/>	<u>by Senator:</u>	DeVries	<input checked="" type="checkbox"/>	<u>by Senator:</u>	DeVries	<input type="checkbox"/>
	Reynolds	<input checked="" type="checkbox"/>		Reynolds	<input type="checkbox"/>		Reynolds	<input checked="" type="checkbox"/>
	Cilley	<input type="checkbox"/>		Cilley	<input type="checkbox"/>		Cilley	<input type="checkbox"/>
	Bragdon	<input type="checkbox"/>		Bragdon	<input type="checkbox"/>		Bragdon	<input type="checkbox"/>
	Roberge	<input type="checkbox"/>		Roberge	<input type="checkbox"/>		Roberge	<input type="checkbox"/>

Motion of: \_\_\_\_\_

VOTE: \_\_\_\_\_

<u>Made by</u>	Hassan	<input type="checkbox"/>	<u>Seconded</u>	Hassan	<input type="checkbox"/>	<u>Reported</u>	Hassan	<input type="checkbox"/>
<u>Senator:</u>	DeVries	<input type="checkbox"/>	<u>by Senator:</u>	DeVries	<input type="checkbox"/>	<u>by Senator:</u>	DeVries	<input type="checkbox"/>
	Reynolds	<input type="checkbox"/>		Reynolds	<input type="checkbox"/>		Reynolds	<input type="checkbox"/>
	Cilley	<input type="checkbox"/>		Cilley	<input type="checkbox"/>		Cilley	<input type="checkbox"/>
	Bragdon	<input type="checkbox"/>		Bragdon	<input type="checkbox"/>		Bragdon	<input type="checkbox"/>
	Roberge	<input type="checkbox"/>		Roberge	<input type="checkbox"/>		Roberge	<input type="checkbox"/>

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Hassan, Chairman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator DeVries, Vice-Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Reynolds	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Cilley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Bragdon	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Roberge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\*Amendments: \_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

# Committee Report

STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Date: April 8, 2010

THE COMMITTEE ON Commerce, Labor and Consumer Protection  
to which was referred House Bill 286-FN

AN ACT                   relative to life insurance form disapproval.

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

**OUGHT TO PASS**

BY A VOTE OF:   2-0

AMENDMENT #        s

Senator Deborah R. Reynolds  
For the Committee

Danielle Barker 271-3093



## New Hampshire General Court - Bill Status System

**Docket of HB286**

Docket Abbreviations

**Bill Title:** relative to life insurance form disapproval.*Official Docket of HB286:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
01/08/2009	H	Introduced and Referred to Commerce and Consumer Affairs; <b>HJ 12</b> , PG.222
01/14/2009	H	Public Hearing: 1/29/2009 2:15 PM LOB 302
02/10/2009	H	==CANCELLED== Executive Session: 3/5/2009 1:00 PM LOB 302
03/11/2009	H	Executive Session: 3/12/2009 11:00 AM LOB 302
03/12/2009	H	Retained in Committee
08/03/2009	H	Retained Bill - Subcommittee Work Session: 8/19/2009 9:30 AM LOB 302
08/19/2009	H	Retained Bill - Subcommittee Work Session: 8/26/2009 9:30 AM LOB 302
10/01/2009	H	Retained Bill - Executive Session: 10/28/2009 LOB 302 1:00 PM or Immediately Following Session
10/01/2009	H	=CANCELLED= Retained Bill - Continued Executive Session If Needed: 11/3/2009 10:00 AM LOB 302
10/28/2009	H	Retained Bill - Continued Executive Session If Needed: 11/12/2009 10:00 AM LOB 302
11/03/2009	H	Committee Report: Ought to Pass with Amendment #2371h for Jan 6 CC (vote 16-0); <b>HC 2</b> , PG.79
11/03/2009	H	Proposed Committee Amendment #2371h; <b>HC 1</b> , PG.9
01/06/2010	H	Amendment #2371h Adopted, VV; <b>HJ 6</b> , PG.250
01/06/2010	H	Ought to Pass with Amendment #2371h: MA VV; <b>HJ 6</b> , PG.250
03/17/2010	S	Introduced and Referred to Commerce, Labor and Consumer Protection, <b>SJ 10</b> , Pg.171
04/01/2010	S	Hearing: April 8, 2010, Room 103, State House, 1:00 p.m.; <b>SC14</b>
04/08/2010	S	Committee Report: Ought to Pass 4/14/10; <b>SC15</b>
04/14/2010	S	Ought to Pass, MA, VV; OT3rdg; <b>SJ 14</b> , Pg.286
04/14/2010	S	Passed by Third Reading Resolution; <b>SJ 14</b> , Pg.295
04/21/2010	S	Enrolled; <b>SJ 15</b> , Pg.331
04/28/2010	H	Enrolled; <b>HJ 36</b> , PG.1729
05/10/2010	H	Signed By the Governor 05/07/2010; Effective 07/06/2010; Chapter 0012

NH House

NH Senate

Contact Us

New Hampshire General Court Information Systems  
 107 North Main Street - State House Room 31, Concord NH 03301

# Other Referrals

# COMMITTEE REPORT FILE INVENTORY

HB236-FN ORIGINAL REFERRAL

RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE SECRETARY 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 on which you have taken attendance
- HEARING REPORT (written summary of hearing testimony)
- HEARING TRANSCRIPT (verbatim transcript of hearing)  
List attachments (testimony and submissions which are part of the transcript) by number [1 thru 4 or 1, 2, 3, 4] here: \_\_\_\_\_
- SIGN-UP SHEET

**ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:**

\_\_\_\_ - AMENDMENT # \_\_\_\_\_      \_\_\_\_ - AMENDMENT # \_\_\_\_\_  
\_\_\_\_ - AMENDMENT # \_\_\_\_\_      \_\_\_\_ - AMENDMENT # \_\_\_\_\_

**ALL AVAILABLE VERSIONS OF THE BILL:**

AS INTRODUCED                       AS AMENDED BY THE HOUSE  
 FINAL VERSION                      \_\_\_\_ AS AMENDED BY THE SENATE

**PREPARED TESTIMONY AND OTHER SUBMISSIONS (Which are not part of the transcript)**

List by letter [ a thru g or a, b, c, d] here: \_\_\_\_\_

EXECUTIVE SESSION REPORT

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

AMENDED FISCAL NOTE

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK 9/16/10

  
COMMITTEE SECRETARY