Bill as Introduced

SB 38 – AS INTRODUCED

2007 SESSION

07-0361

03/05

SENATE BILL *38*

AN ACT relative to uninsured or hit-and-run motor vehicle coverage.

SPONSORS: Sen. D'Allesandro, Dist 20; Sen. DeVries, Dist 18; Sen. Hassan, Dist 23; Sen. Sgambati, Dist 4; Sen. Gottesman, Dist 12; Sen. Reynolds, Dist 2; Sen. Fuller Clark, Dist 24

COMMITTEE: Commerce, Labor and Consumer Protection

ANALYSIS

This bill requires that rejection by the insured of certain uninsured motorist coverage be in writing.

- -

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

07-0361

03/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Seven

AN ACT relative to uninsured or hit-and-run motor vehicle coverage.

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

1 Uninsured or Hit-and-Run Motor Vehicle Coverage; Rejection by Insured. Amend RSA 264:15, I to read as follows:

I. No policy shall be issued under the provisions of RSA 264:14, with respect to a vehicle registered or principally garaged in this state, unless coverage is provided therein or supplemental thereto at least in amounts or limits prescribed for bodily injury or death for a liability policy under this chapter, for the protection of persons insured thereunder who are legally entitled to recover damages from owners or drivers of uninsured motor vehicles, and hit-and-run vehicles because of bodily injury, sickness, or disease, including death resulting therefrom. When an insured elects to purchase liability insurance in an amount

greater than the minimum coverage required by RSA 259:61, [~~his~~] ***the insured's*** uninsured motorist coverage shall automatically be equal to the liability coverage elected. For the purposes of this paragraph umbrella or excess policies that provide excess limits to policies described in RSA 259:61[~~,~~] shall also provide uninsured motorist coverage equal to the limits of liability purchased, unless the named insured rejects such coverage ***in writing***. ***A rejection in writing shall not be required if the policy was purchased via the internet. If the policy was purchased over the telephone, compliance shall be satisfied if the insurer or insurance producer, with the agreement of the insured, indicates in the application or insured's file that the coverage was rejected.***

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

Amendments

Rep. Matheson, Graf. 4
May 8, 2007
2007-1530h
03/01

Amendment to SB 38

Amend the bill by replacing section 1 with the following:

1 Uninsured or Hit-and-Run Motor Vehicle Coverage; Rejection by Insured. Amend RSA 264:15, I to read as follows:

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Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # SB 38 Date 4-25-07

Committee Commerce

** Please Print All Information **

Name	Address	Phone	Representing	(check one) Pro	Con
Sen Martha Fuller Clark	8H		Dist 24	X	
Jim Haberm	900 Elm St Manchester	628-4062	State Farm	X	
David Gatteman			Senate 12	X	
Sen. Maggie Hassan			Dist 23	✓	
Sen. Betsi DeVries			Dist 18	✓	

Hearing Minutes

HOUSE COMMITTEE ON COMMERCE

PUBLIC HEARING ON SB 38

BILL TITLE: relative to uninsured or hit-and-run motor vehicle coverage.

DATE: April 25, 2007

LOB ROOM: 302 **Time Public Hearing Called to Order:** 10 am

Time Adjourned: 10:47 am

(please circle if present)

Committee Members: Reps. Reardon, DeStefano, Kopka, McEachern, Butler, J. Hammond, Houde, Matheson, Nord, Spratt, Warren, Winters, Hunt, Belanger, D. Flanders, Charles Clark, Marshall Quandt, Matthew Quandt, Martin and Pelkey.

Bill Sponsors: Sens. D'Allesandro, DeVries, Hassan, Sgambati, Gottesman, Reynolds and Fuller Clark

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Michael McCardle, representing Sen. Lou D'Allesandro – Introduced the bill.

Michael McLaughlin, GEICO??? – Bill addresses issue of insured misunderstanding whether or not excess coverage is in fact in place.

Q: Was person who had this problem dealing with Internet?

A: No, excess coverage not available over Internet.

Deborah O'Loughlin, NH Insurance Dept. – Supports the bill. Bill requires notification of motorist decision not in include uninsured motorist coverage in umbrella. This is due to lack of requirement to include uninsured motorist in excess coverage-consumer must ask for it. Proposed amendment from Senator not supported by NHID. Roussos amendment could be supported by NHID.

Q: Where is uninsured motorist addressed in excess coverage?

A: Traditionally uninsured motorist is included and a waiver is necessary to exclude.

***George Roussos, NH Assn. of Domestic Insurance Companies & AIA** – Supports as amended. Making it clear that insured has rejected umbrella coverage in umbrella policy.

Q: Do not see the reason for the amendment.

A: Legal cases point to problem with multiple car stacking.

Jim Townsend, Trial Lawyers & self – Supports the bill. Case leading to bill was where consumer alleged that coverage existed. Bill is just a means of having absolute verification of uninsured motorist coverage in umbrella policies.

Respectfully Submitted:

Stephen P. Spratt, Clerk

HOUSE COMMITTEE ON COMMERCE

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UNINSURED MOTORIST

Respectfully Submitted:

Stephen P. Spratt, Clerk

HOUSE COMMITTEE ON COMMERCE

PUBLIC HEARING ON SB 38

BILL TITLE: relative to uninsured or hit-and-run motor vehicle coverage.

DATE: ~~{Type HEARING DATE here}~~ 4-25-07

SUBCOM MATTHESON MCEACHERN FLANDERS

LOB ROOM: 302 **Time Public Hearing Called to Order:** {Time} 10:00

Time Adjourned: {Time} 10:47

(please circle if present)

Committee Members: Reps. Reardon, DeStefano, Kopka, McEachern, Butler, J. Hammond, Houde, Matheson, Nord, Spratt, Warren, Winters, Hunt, Belanger, D. Flanders, Charles Clark, Marshall Quandt, Matthew Quandt, Martin and Pelkey

Bill Sponsors: Sens. D'Allesandro, DeVries, Hassan, Sgambati, Gottesman, Reynolds and Fuller Clark

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

(F) (1) MICHAEL MCCARDLE - INTRODUCED BILL

(2) MIKE MCLAUGHLIN GEICO - BILL ADDRESSES ISSUE OF INSURED MISUNDERSTANDING WHETHER OR NOT EXCESS COVERAGE IS IN FACT IN PLACE
Q WAS PERSON WHO HAD THIS PROBLEM DEALING W/INTERNET
A- NO - EXCESS COVERAGE NOT AVAIL. OVER INTERNET

(F) (3) DEB O'LOUGHLIN/DENISE LAMY - NHID - BILL REQUIRES NOTIFICATION OF MOTORIST DECISION NOT TO INCLUDE UM COVERAGE IN UMBRELLA THIS IS DUE TO LACK OF REQUIREMENT TO INCLUDE UM COVERAGE IN EXCESS COVERAGE - CONSUMER MUST ASK FOR IT. PROPOSED AMENDMENT FROM SENATOR NOT SUPPORTED BY NHID - ROUSSOS AMENDMENT COULD BE SUPPORTED BY NHID
Q - WHERE IS UM COVERAGE addressed IN EXCESS COVERAGE
A- TRADITIONALLY UM IS INCLUDED AS A WAIVER IS NECESSARY TO EXCLUDE

(F) (4) GEORGE ROUSSOS - NHAJIC, AIA - SUPPORTS AS AMENDED - MAKING IT CLEAR THAT INSURED has rejected UM COVERAGE IN UMBRELLA POLICY
Q - DO NOT SEE THE REASON FOR THE AMENDMENT
A- LEGAL CASES POINT TO PROBLEM WITH MULTIPLE CAR STACKING

4/25/07
JP

SB38 CONT'D

(5) JIM TOWNSEND - TRIAL LAWYERS - CASE LEADING TO BILL WAS WHERE CONSUMER ALLEGED THAT COVERAGE EXISTED BILL IS JUST A MEANS OF HAVING ABSOLUTE VERIFICATION OF UM COVERAGE IN UMBRELLA POLICIES

Sub-Committee Actions

HOUSE COMMITTEE ON COMMERCE

SUBCOMMITTEE WORK SESSION ON SB 38

BILL TITLE: relative to uninsured or hit-and-run motor vehicle coverage.

DATE: May 9, 2007

Subcommittee Members: Reps. Maatheson, Flanders, and Kopka

Comments and Recommendations:

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Flanders

Seconded by Rep. Kopka

Vote: 3-0

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Flanders

Seconded by Rep. Kopka

Vote: 3-0

Respectfully submitted,

Rep. Matheson
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON COMMERCE

SUBCOMMITTEE WORK SESSION ON SB 38

BILL TITLE: relative to uninsured or hit-and-run motor vehicle coverage.

DATE: ~~{Type DATE}~~ 5-9-07

Subcommittee Members: Reps. {Type NAMES}

Matheson Flanders Kopka

Comments and Recommendations:

Amendments:

Sponsor: Rep. matheson — OLS Document #:

Sponsor: Rep. — OLS Document #:

Sponsor: Rep. — OLS Document #:

Motions: (OTP), OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Flanders

Seconded by Rep. Kopka

Vote: 3-0 OTP

Motions: (OTP), OTP/A, ITL, Interim Study (Please circle one.) Bill as ammended

Moved by Rep. Flanders

Seconded by Rep. Kopka

Vote: 3-0 OTP as ammended

Respectfully submitted,

Rep. {Type NAME}
Subcommittee Chairman/Clerk

Rep. Matheson, Graf. 4
May 8, 2007
2007-1530h
03/01

Amendment to SB 38

Amend the bill by replacing section 1 with the following:

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Testimony

SUBMITTED FOR CONSIDERATION BY
GEORGE ROUSSOS

Amendment to SB 38

Amend Section 1 by adding the following to RSA 264:15, I:

Rejection of such coverage by a named insured shall constitute a rejection of coverage by all insureds, shall apply to all vehicles now or thereafter eligible to be covered under the policy, and shall remain effective upon policy amendment or renewal, unless the named insured requests such coverage in writing.

440074_1

Voting Sheets

HOUSE COMMITTEE ON COMMERCE

EXECUTIVE SESSION on SB 38

BILL TITLE: **relative to uninsured or hit-and-run motor vehicle coverage.**

DATE: May 9, 2007

LOB ROOM: {Type ROOM NO.}

Amendments:

Sponsor: Rep. Matheson	OLS Document #:	2007	1530h
Sponsor: Rep.	OLS Document #:		
Sponsor: Rep.	OLS Document #:		

Motions: (OTP), OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Matheson

Seconded by Rep. Kopka

Vote: 14-4 (Please attach record of roll call vote.)

Motions: OTP, (OTP/A), ITL, Interim Study (Please circle one.)

Moved by Rep. Mattheson

Seconded by Rep. Kopka

Vote: 14-4 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: Regular

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Stephen P. Spratt, Clerk

HOUSE COMMITTEE ON COMMERCE

EXECUTIVE SESSION on SB 38

BILL TITLE: **relative to uninsured or hit-and-run motor vehicle coverage.**

DATE: ~~{Type DATE}~~ 5-9-07

LOB ROOM: 302

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: (OTP), OTP/A, ITL, Interim Study (Please circle one.) 2007-1530h

Moved by Rep. MATTHESON

Seconded by Rep. KURKA

Vote: (Please attach record of roll call vote.)

14-4

Motions: OTP, (OTP/A), ITL, Interim Study (Please circle one.)

Moved by Rep. MATTHESON

Seconded by Rep. KURKA

Vote: (Please attach record of roll call vote.)

14-4

CONSENT CALENDAR VOTE: {Type VOTE} REGULAR

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Stephen P. Spratt, Clerk

COMMERCE

Bill #: SB 38 Title:

PH Date: / / Exec Session Date: 5 / 9 / 07

Motion: OTP/A Amendment #: 2007-1530h

MEMBER	YEAS	NAYS
Reardon, Tara G, Chairman		
DeStefano, Stephen T, V Chairman	✓	
Kopka, Angeline K	✓	
McEachern, Paul	✓	
Butler, Edward A	✓	
Hammond, Jill Shaffer	✓	
Houde, Matthew S		✓
Matheson, Robert F	✓	
Nord, Susi	✓	
Spratt, Stephen P	✓	
Warren, Nancy H		✓
Winters, Joel F		✓
Hunt, John B	✓	
Belanger, Ronald J	✓	
Flanders, Donald H	✓	
Clark, Charles L	✓	
Quandt, Marshall E	✓	
Quandt, Matthew J		
Martin, James R	✓	
Pelkey, Stephen T		✓
	14	4

TOTAL VOTE:

Printed: 1/9/2007

COMMERCE

Bill #: SB 38 Title: _____

PH Date: ____/____/____ Exec Session Date: ____/____/____

Motion: OTP Amendment #: _____

MEMBER	YEAS	NAYS
Reardon, Tara G, Chairman	✓	
DeStefano, Stephen T, V Chairman		
Kopka, Angeline K	✓	
McEachern, Paul	✓	
Butler, Edward A	✓	
Hammond, Jill Shaffer	✓	
Houde, Matthew S		✓
Matheson, Robert F	✓	
Nord, Susi	✓	
Spratt, Stephen P	✓	
Warren, Nancy H		✓
Winters, Joel F		✓
Hunt, John B	✓	
Belanger, Ronald J	✓	
Flanders, Donald H	✓	
Clark, Charles L	✓	
Quandt, Marshall E	✓	
Quandt, Matthew J		
Martin, James R	✓	
Pelkey, Stephen T		✓
	14	4

TOTAL VOTE:

Printed: 1/9/2007

Committee Report

REGULAR CALENDAR

May 16, 2007

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on COMMERCE to which was referred SB38,

AN ACT relative to uninsured or hit-and-run motor vehicle coverage. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Robert F Matheson

FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	**COMMERCE**
Bill Number:	**SB38**
Title:	**relative to uninsured or hit-and-run motor vehicle coverage.**
Date:	**May 10, 2007**
Consent Calendar:	**NO**
Recommendation:	**OUGHT TO PASS WITH AMENDMENT**

STATEMENT OF INTENT

The bill as amended addresses a problem in motor vehicle insurance coverage. It clarifies that if an insured elects to raise his liability coverage, the insured "uninsured motorist coverage" shall automatically raise to an equal amount. It further states if this is not desired by the insured then this must be in writing. The amendment goes on to say rejection will also cover anyone on the policy as well as all the vehicles on the policy.

Vote 14-4.

Rep. Robert F Matheson
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

COMMERCE

SB38, relative to uninsured or hit-and-run motor vehicle coverage. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert F Matheson for COMMERCE. The bill as amended addresses a problem in motor vehicle insurance coverage. It clarifies that if an insured elects to raise his liability coverage, the insured "uninsured motorist coverage" shall automatically raise to an equal amount. It further states if this is not desired by the insured then this must be in writing. The amendment goes on to say rejection will also cover anyone on the policy as well as all the vehicles on the policy. **Vote 14-4.**

Original: House Clerk
Cc: Committee Bill File

SB 38

The bill as amended addresses a problem in motor vehicle insurance coverage. It clarifies that if an insured elects to raise his liability coverage, the insured "uninsured motorist coverage" shall automatically raise to an equal amount. It further states if this is not desired by the insured then this must be in writing. The amendment goes on to say rejection will also cover anyone on the policy as well as all the vehicles on the policy.



Blurb

The bill

SB38 as amended addresses a problem in motor vehicle insurance coverage. It clarifies that if an insured elects to raise his liability coverage, the insured "uninsured motorist coverage" shall automatically raise to an equal amount. It further states if this is not desired by the insured then this must be in writting. The Amendment also goes on to say rejection will also cover anyone on the policy as well as all the vehicle on the policy