

HB 499-FN - VERSION ADOPTED BY BOTH BODIES

13Mar2025... 0364h

2025 SESSION

25-0497

05/09

HOUSE BILL            **499-FN**

AN ACT                making technical corrections to certain insurance laws.

SPONSORS:            Rep. Hunt, Ches. 14

COMMITTEE:          Commerce and Consumer Affairs

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ANALYSIS

This bill makes various technical corrections to the insurance laws.

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                          Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Five*

AN ACT making technical corrections to certain insurance laws.

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

1 1 Managed Care Law; Determining the Fair Value of Certain Health Care Items or Services  
2 Provided by Nonparticipating Providers. Amend RSA 420-J:8-e, XII(c) to read as follows:

3 (c) Each party participating in a fair value dispute resolution process under this section  
4 shall submit, together with ~~or no later than 10 days after~~ its submission of an offer for a payment  
5 amount as provided under paragraph III, one half of the fee charged by the certified IDR entity. If  
6 any party does not timely submit its half of the IDR entity's fee together with its offer for a payment  
7 amount, then the IDR entity shall, without further consideration, select the offer of the party that  
8 has paid its half of the fee as the winning offer and notify the parties of the determination as  
9 provided in paragraph VIII.

10 2 Insurance Companies and Agents; Discontinuance of Lines of Business; Notice. Amend RSA  
11 402:84 to read as follows:

12 402:84 Discontinuance of Lines of Business; Notice Required. Any licensed insurance company  
13 authorized to transact fire or casualty business in this state shall provide 120 days' notice to ***the***  
14 ***insurance department and*** its appointed agents of record in New Hampshire of the insurance  
15 company's decision to cease writing an entire line of business. Any nonrenewal notices to affected  
16 policyholders shall be issued in accordance with applicable law, provided that the effective date of  
17 any such nonrenewals shall be at least 120 days after notice to the agents of record under this  
18 section.

19 3 Insurance Claims Adjusters; Prohibition. Amend RSA 402-B:1 to read as follows:

20 402-B:1 Prohibition. It is unlawful for any person, whether as agent or employee, to act directly  
21 or indirectly, as an insurance claims adjuster ***on policies written on risks located*** in this state for  
22 any insurance company, ***including unadmitted surplus lines companies***, unless licensed as  
23 provided in this chapter.

24 4 Foreign Insurance Companies and Their Agents; Licenses for Agents of Unlicensed  
25 Companies; Applicability. Amend RSA 405:24, I to read as follows:

26 I. Foreign unlicensed companies that satisfy the provisions of RSA 405:26 and are approved  
27 by the commissioner as unadmitted surplus lines companies are not subject to any statutory or  
28 regulatory provision unless the statute or regulation specifically references unadmitted surplus lines  
29 companies; provided however, unadmitted surplus lines companies shall be subject to RSA 417:1  
30 through RSA 417:22 ***and investigations under RSA 400-A:16 with respect to any statutory or***  
31 ***regulatory provision to which unadmitted surplus lines companies are subject.***

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1           5 Unfair Insurance Trade Practices; Unfair Methods, Acts and Practices Defined. Amend RSA  
2 417:4, VIII(e) to read as follows:

3           (e) Refusing to insure risks solely because of age (except in the case of life, accident or  
4 health insurance), place or area ~~of~~ **of** residence, race, color, creed, national origin, ancestry, marital  
5 status, lawful occupation including the military service (except in the case of life, accident or health  
6 insurance), of anyone who is or seeks to become insured or solely because another insurer has  
7 refused to write a policy, or has cancelled or has refused to renew an existing policy in which that  
8 person was the name insured or, except in the instance of excess coverages, solely because the  
9 insured does not insure collateral primary, personal types of insurance with the insurer. The  
10 exemption in this subparagraph shall not permit a mortgage life insurance policy or certificate to  
11 cease, cancel or terminate solely on the basis of the mortgagor's age, until the mortgagor has reached  
12 the age of 80.

13           6 Insurance Department. Amend RSA 400-A:10, III to read as follows:

14           III. If necessary to ensure the timely review of rates and forms submitted for approval under  
15 title XXXVII, the commissioner may retain, without appropriation under RSA 9 and without  
16 qualifying as a department expenditure under RSA 4:15, independent actuaries or other  
17 professionals or specialists as reviewers, the cost of which shall be borne by the regulated entity  
18 whose rates or forms are the subject of the review. The entity shall pay the retained professional or  
19 specialists directly for their costs. The commissioner shall conduct oversight of such independent  
20 reviewers in a manner that is consistent with standards for the use of independent reviewers  
21 established by the National Association of Insurance Commissioners in its Financial Condition  
22 Examiners Handbook and Market Regulation Handbook and shall ensure that costs are reasonable  
23 for the work performed. The amount paid by the company under this paragraph in ~~[any fiscal]~~ **the**  
24 **preceding calendar** year shall be applied as a nontransferable credit against and to the extent of  
25 the company's administrative ~~[fee]~~ **assessment** under RSA 400-A:39 in the subsequent fiscal year  
26 and not thereafter.

27           7 Insurance Department; Annual Financial Statement. Amend RSA 400-A:36, X to read as  
28 follows:

29           X. The commissioner may retain, without appropriation under RSA 9 and without qualifying  
30 as a department expenditure under RSA 4:15, attorneys, independent actuaries, independent  
31 certified public accountants, or other professionals or specialists to review financial statements, the  
32 cost of which shall be borne by the company which is the subject of the financial analysis. The  
33 company shall pay the retained professional or specialists directly for their costs. The commissioner  
34 shall conduct oversight of such independent reviewers in a manner that is consistent with standards  
35 for the use of independent reviewers established by the National Association of Insurance  
36 Commissioners in its Financial Condition Examiners Handbook and Market Regulation Handbook  
37 and shall ensure that costs are reasonable for the work performed. The amount paid by the company

1 under this paragraph in ~~[any fiscal]~~ *the preceding calendar* year shall be applied as a  
2 nontransferable credit against and to the extent of the company's administrative [fee] *assessment*  
3 under RSA 400-A:39 in the subsequent fiscal year and not thereafter.

4 8 Own Risk and Solvency Assessment; Contents of ORSA Summary Report. Amend RSA 401-  
5 C:7, II to read as follows:

6 II. The review of the ORSA summary report, and any additional requests for information,  
7 shall be made using similar procedures currently used in the analysis and examination of multi-  
8 state or global insurers and insurance groups. To assist in the review of ORSA summary reports,  
9 the commissioner may retain, without appropriation under RSA 9 and without qualifying as a  
10 department expenditure under RSA 4:15, attorneys, appraisers, independent actuaries, independent  
11 certified public accountants, or other professionals and specialists, the cost of which shall be borne  
12 by the company subject to such review. The company shall pay the retained professional or  
13 specialists directly for their costs. The commissioner shall conduct oversight of such independent  
14 reviewers in a manner that is consistent with standards for the use of independent reviewers  
15 established by the National Association of Insurance Commissioners in its Financial Condition  
16 Examiners Handbook and Market Regulation Handbook and shall ensure that costs are reasonable  
17 for the work performed. The amount paid by the company under this paragraph in ~~[any fiscal]~~ *the*  
18 *preceding calendar* year shall be applied as a nontransferable credit against and to the extent of  
19 the company's administrative [fee] *assessment* under RSA 400-A:39 in the subsequent fiscal year  
20 and not thereafter.

21 9 New Subparagraph; Contract Between Public Adjuster and Insured. Amend RSA 402-D:13, II  
22 by inserting after subparagraph (c) the following new subparagraph:

23 (d) Requires the insured to pursue any litigation, arbitration, or dispute resolution  
24 process against the adjuster in a venue outside New Hampshire.

25 10 Paid-up Capital. Amend RSA 401:4 to read as follows:

26 401:4 Paid-up Capital. All stock companies organized *on or after January 1, 2026*, under the  
27 provisions of this chapter shall have a paid-up capital of at least ~~[\$800,000]~~ *\$3,000,000*. *Stock*  
28 *companies organized prior to January 1, 2026, shall have and at all times maintain paid*  
29 *up capital of not less than the minimum capital required for the point in time at which the*  
30 *company was organized.*

31 11 Stock Company. Amend RSA 405:2 to read as follows:

32 405:2 Stock Company. No such stock insurance company *organized on or after January 1,*  
33 *2026* shall be licensed to do business in the state unless it shall possess a paid-up capital of  
34 ~~[\$800,000]~~ *\$3,000,000*, invested in securities readily convertible into cash, 1/2 at least of which are  
35 not loans secured by real estate; nor unless it shall possess, in addition to such capital, assets equal  
36 in amount to all its outstanding liabilities, estimating 50 percent of premiums received on unexpired  
37 fire risks running one year or less from date of policy, and a pro rata amount of all premiums

1 received on unexpired risks running more than one year from date of policy, and on marine risks 50  
2 percent of the amount of premiums written on policies upon yearly risks, and upon risks covering  
3 more than one passage not terminated, and the full amount of premiums written on policies of all  
4 other marine risks not terminated as a liability. ***Stock companies organized prior to January 1,***  
5 ***2026, shall have and at all times maintain paid up capital of not less than the minimum***  
6 ***capital required for the point in time at which the company was organized.***

7 12 Domestic Life Insurance Companies; Capital Stock. Amend RSA 411:1 to read as follows:

8 411:1 Capital Stock. Any corporation organized under the laws of this state and engaged wholly  
9 or in part in the life insurance business as a stock company shall have a capital stock of not less than  
10 [~~\$600,000~~] ***\$3,000,000*** paid in, which shall be invested as provided in RSA 411-A. One-half of such  
11 capital shall be deposited with the insurance commissioner.

12 13 Insurance Department; Fees. Amend RSA 400-A:29 to read as follows:

13 400-A:29 Fees.

14 I. ***All fees shall be collected upon submission and shall be non-refundable.***

15 ***I-a.*** Certificate of authority

16 (a) Application \$1,000

17 (b) Initial certificate \$100

18 (c) Annual renewal \$100

19 (d) Reinstatement \$50

20 (e) Amendment \$25

21 II. Charter documents (other than those filed or transmitted with application for certificate  
22 of authority)

23 (a) For filing or transmitting articles of amendment, domestic companies \$25

24 (b) For filing or transmitting a copy of amendment to the articles of incorporation of a  
25 foreign or alien company, \$35. If the amendment is filed or transmitted more than 60 days after the  
26 same has become effective in the home state, the corporation shall pay to the commissioner a penalty  
27 of \$50.

28 III. Filing or transmitting of annual statement \$100

29 IV. Application for withdrawal and final report of foreign or alien insurance company \$25

30 V. Application to reserve corporation name (~~[90]~~ ***120*** days) \$25

31 VI. Advisory organizations and statistical agents.

32 (a) Application fee \$300

33 (b) Initial certificate \$150

34 (c) Annual renewal \$150

35 (d) Form filing-each form filing \$20

36 (e) Rate filing-each rate filing \$20

37 VII. Health service corporations

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- 1 (a) Corporation's annual certificate of authority \$200
- 2 (b) Annual statement \$100
- 3 VIII. Road and tourist services
- 4 (a) Application fee for certificate of authority \$300
- 5 (b) Initial certificate \$100
- 6 (c) Annual renewal \$100
- 7 VIII-a. Consumer Guaranty Contract Obligors
- 8 (a) Registration fee \$300
- 9 (b) Annual renewal fee \$150
- 10 IX. [Repealed.]
- 11 X. Producers; resident and non-resident
- 12 (a) [~~Non-refundable~~] Application and license fee \$210
- 13 (b) [~~Non-refundable~~] Biennial renewal \$150
- 14 (c) Amendment to license - ***except change of name, change of address, or change of***
- 15 ***the designated registered license producer as required by RSA 402-J:6, II(b)*** \$50
- 16 (d) Additional fee for late renewal \$150
- 17 (e) Fee for late completion of continuing education \$50
- 18 (f) Appointment fee \$25
- 19 (g) Termination ***of appointment*** fee \$25
- 20 [~~(h) Address change fee \$10~~]
- 21 [~~(i) Mail return fee \$25~~]
- 22 XI. Surplus lines; Company annual application for inclusion in approved list \$250
- 23 [~~XII. Insurance vending machines~~]
- 24 [~~(a) Application fee, each machine \$50~~]
- 25 [~~(b) Initial license, each machine \$50~~]
- 26 [~~(c) Annual renewal, each machine \$50~~]
- 27 [~~XIII.~~]**XII.** Other licensing documents; producer, consultant, adjuster, public adjuster; copies
- 28 (all documents) \$1 per page.
- 29 [~~XIV.~~]**XIII.** Variable life and annuity
- 30 (a) Certificates \$5
- 31 (b) Company registration \$100
- 32 (c) Annual renewal \$100
- 33 [~~XV.~~]**XIV.** Adjuster's licenses; resident and non-resident
- 34 (a) [~~Non-refundable~~] Application and license fee \$75
- 35 (b) [~~Non-refundable~~] Biennial renewal \$75
- 36 (c) Amendment to license - ***except change of name or change of address*** \$50
- 37 (d) Additional fee for late renewal \$75

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- 1 (e) Fee for late completion of continuing education \$25  
2 [~~(f) Address change fee \$10~~  
3 (~~(g) Mail return fee \$25~~]

4 [~~XVI.]~~**XV.** Service of process on commissioner \$25

5 [~~XVII.]~~**XVI.** The commissioner shall also collect in advance, reasonable fees, as determined  
6 by the commissioner for such other official acts and services as may be necessary or required by Title  
7 XXXVII or XXXVIII.

8 [~~XVIII.]~~ **XVII.** Public adjusters; resident and non-resident

- 9 (a) [~~Non-refundable~~] Application and license fee \$100  
10 (b) [~~Non-refundable~~] Biennial renewal \$100  
11 (c) Additional fee for late renewal \$100  
12 (d) Fee for late completion of continuing education \$25  
13 [~~(e) Address change fee \$10~~  
14 (~~(f) Mail return fee \$25~~]

15 [~~XIX.]~~ ~~Insurance consultants; resident and non-resident~~

- 16 [~~(a) Non-refundable application and license fee \$210~~  
17 [~~(b) Non-refundable biennial renewal \$150~~  
18 [~~(c) Amendment to license \$50~~  
19 [~~(d) Additional fee for late renewal \$150~~  
20 [~~(e) Fee for late completion of continuing education \$50~~  
21 [~~(f) Address change fee \$10~~  
22 [~~(g) Mail return fee \$25~~]

23 [~~XX.]~~**XVIII.** Managing general agents

- 24 (a) Application fee \$50  
25 (b) Original license \$350  
26 (c) Renewal license \$250

27 [~~XXI.]~~**XIX.** Reinsurance intermediaries

- 28 (a) Application fee \$50  
29 (b) Original license \$350  
30 (c) Renewal license \$250

31 [~~XXII.]~~**XX.** Discount Medical Plan Organizations

- 32 (a) Original Application \$300  
33 (b) Renewal \$150

34 [~~XXIII.]~~**XXI.** Continuing education course submission fee

- 35 (a) Initial \$25  
36 (b) Renewal \$25

37 14 Insurance Claims Adjusters; License to Issue. Amend RSA 402-B:7, II to read as follows:

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1 II. Licensees shall inform the commissioner by any means acceptable to the commissioner of  
2 a change of address within 30 days of the change. [~~Change of address shall be accompanied by the~~  
3 ~~fee required pursuant to RSA 400-A:29.~~]

4 15 Public Adjusters; Licenses. Amend RSA 402-D:9, VII to read as follows:

5 VII. The license shall contain the licensee's name, business street address, mailing address,  
6 personal identification number, the date of issuance, the expiration date, and any other information  
7 the commissioner deems necessary. Licensees shall inform the commissioner by any means  
8 acceptable to the commissioner of a change of address within 30 days of the change. [~~Failure to~~  
9 ~~timely inform the commissioner of a change in address shall result in an additional fee pursuant to~~  
10 ~~RSA 400-A:29.~~]

11 16 Third Party Administrators; Certificate of Authority Required. Amend the introductory  
12 paragraph of RSA 402-H:11, II to read as follows:

13 II. Applicants to be an administrator shall make an application to the commissioner upon a  
14 form to be furnished by the commissioner and fee paid pursuant to RSA 400-A:29, [~~I(a)~~] **I-a(a)**. The  
15 application shall include or be accompanied by the following information and documents:

16 17 Producer Licensing; License. Amend RSA 402-J:7, VI to read as follows:

17 VI. Licensees shall inform the commissioner by any means acceptable to the commissioner of  
18 a change of address within 30 days of the change. [~~Change of address shall be accompanied by the~~  
19 ~~fee required pursuant to RSA 400-A:29.~~]

20 18 Discount Medical Plan Organizations; Registration Requirement; Reference Change. Amend  
21 the introductory paragraphs of RSA 415-I:5, III to read as follows:

22 III. Each applicant for a certificate of registration shall make an application to the  
23 commissioner upon a form to be furnished by the commissioner and fee paid pursuant to RSA 400-  
24 A:29, [~~XXII(a)~~] **XX(a)**. The application shall include or be accompanied by the following information  
25 and documents:

26 19 Discount Medical Plan Organizations; Registration Requirement; Reference Change. Amend  
27 the RSA 415-I:5, IV to read as follows:

28 IV. Each certificate of registration shall expire each year on June 1. At least 60 days before  
29 a certificate of registration expires, the discount medical plan organization shall submit a renewal  
30 application to the commissioner upon a form to be furnished by the commissioner and fee paid  
31 pursuant to RSA 400-A:29, [~~XXII(b)~~] **XX(b)**.

32 20 Insurance Department; Fees for Continuing Education Course Submissions; Special Fund  
33 Established; Reference Change. Amend RSA 400-A:29-a, I to read as follows:

34 I. The commissioner may impose and collect reasonable application fees as provided in RSA  
35 400-A:29, [~~XXIII~~] **XXI(a)** and (b) from sponsoring organizations for submissions of continuing  
36 education courses to meet educational requirements established by rule for producers, consultants,  
37 and adjusters.

1           21 Managed Care Law; Network Adequacy; Reporting Requirement. Amend RSA 420-J:7, V to  
2 read as follows:

3           V. The commissioner shall [~~provide a report annually on the findings associated with~~  
4 ~~network adequacy review to the chairpersons of the house and senate committees having jurisdiction~~  
5 ~~over insurance issues~~] ***make available to the public information regarding each health***  
6 ***carrier's managed care network.***

7           22 Managed Care Law; Coverage and Payment for Emergency Services Provided by  
8 Nonparticipating Providers or Nonparticipating Emergency Facilities. Amend RSA 420-J:8-g, II to  
9 read as follows:

10           II. The patient's cost-sharing for items or emergency services provided by a nonparticipating  
11 provider or nonparticipating emergency facility shall be calculated by the health carrier based on the  
12 ***lesser of the*** qualifying payment amount, ***the billed amount, or the allowed amount for the***  
13 ***item or service.***

14           23 Managed Care Law; Coverage and Payment for Services Provided at Participating Facilities  
15 by Nonparticipating Providers. Amend RSA 420-J:8-h, II to read as follows:

16           II. The patient's cost-sharing for items or services provided by a nonparticipating provider at  
17 a participating facility shall be calculated [~~using~~] ***by the health carrier based on the lesser of the***  
18 ***qualified payment amount, the billed amount, or the allowed amount*** for the item or service.

19           24 Consumer Guaranty Contracts; Exemption; Manufacturer's Service Contracts. Amend RSA  
20 415-C:1, III to read as follows:

21           III. "Consumer guaranty contract":

22           (a) Is an agreement in which one party, for consideration, promises to pay, indemnify,  
23 provide a specified or determinable amount or benefit, or to do some act of value for another party,  
24 based upon a determinable risk contingency or peril, but which is not insurance or does not warrant  
25 full application of the state's insurance statutes or rules.

26           (b) Includes the following agreements:

27           (1) Service contracts, also known as extended warranties or warranty service  
28 contracts, that apply to motor vehicles, homes, and consumer products.

29           (2) [Repealed.]

30           (3) [Repealed.]

31           (4) Contracts deemed by the commissioner by rule or order subject to this chapter.

32           ~~[(9) Manufacturer's service contracts on the manufacturer's products.]~~

33           (c) Does not include any of the following:

34           (1) Expressed or implied warranties.

35           (2) Maintenance agreements.

36           (3) Motor vehicle road service, tourist service and repairs under RSA 407-C.

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1                   (4) Warranties, service contracts, or maintenance agreements offered by public  
2 utilities on their transmission devices regulated by the public utilities commission.

3                   (5) Warranties, service contracts, and maintenance agreements that are conditioned  
4 upon or otherwise associated with the sale or supply of heating fuel.

5                   (6) Warranties, service contracts, and maintenance agreements sold or offered for  
6 sale to persons other than consumers.

7                   (7) Debt cancellation or debt suspension contracts between a creditor and a borrower  
8 for the cancellation or suspension of the debt.

9                   (8) Prepaid legal contracts.

10                   **(9) *Manufacturer's service contracts on the manufacturer's products.***

11           25 Repeal. RSA 400-A:31, I(a), relative to the general premium tax report calculation by title  
12 insurers, is repealed.

13           26 Effective Date. This act shall take effect 60 days after passage.

**HB 499-FN- FISCAL NOTE**  
AS AMENDED BY THE HOUSE (AMENDMENT #2025-0364h)

AN ACT making technical corrections to certain insurance laws.

**FISCAL IMPACT:** This bill does not provide funding, nor does it authorize new positions.

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
<b>Revenue</b>	\$0	\$20,000 to \$30,000 (Decrease)	\$20,000 to \$30,000 (Decrease)	\$20,000 to \$30,000 (Decrease)
<i>Revenue Fund(s)</i>	General Fund			
<b>Expenditures*</b>	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			
<b>Appropriations*</b>	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

\*Expenditure = Cost of bill

\*Appropriation = Authorized funding to cover cost of bill

**METHODOLOGY:**

This bill clarifies language in the Unfair Insurance Trade Practice Law, amends reporting requirements for producers and insurers, and clarifies the laws with the Insurance Department's long-term interpretation and practice of granting eligible credits against the Department's Administrative Assessment based on the preceding calendar year, rather than the preceding fiscal year. It also raises the capital requirement for starting a new Domestic Insurance Company or licensing a Foreign Insurance Company from \$800,000 for Property and Casualty Insurance Companies and \$600,000 for Life Insurance Companies to \$3,000,000. According to the Department, in the last five years, no domestic or foreign insurer has applied with less than \$10,000,000 in capital.

Additionally, this bill eliminates certain fees for licensed producers in the state under circumstances where processes are now done electronically and no longer require Department staff to process applications, resulting in a loss of \$20,000 to \$30,000 in annual revenue.

The Department collects a \$50 fee for manually changing the Designated Responsible Licensed Producer (DRLP). Annually, the Department processes between 400 to 600 DRLP changes per year. Therefore the estimated loss in revenue is  $400 \times \$50 = \$20,000$  to  $600 \times \$50 = \$30,000$

annually. Since the Department has technology already implemented that eliminates the need for Department staff to manually process these changes they do not feel justified to assess the \$50 fee.

It is assumed that any fiscal impact would occur after FY 2025.

**AGENCIES CONTACTED:**

Insurance Department