

CHAPTER 191  
HB 499-FN - FINAL VERSION

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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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:*

1 191:1 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 shall  
4 submit, together with [~~or no later than 10 days after~~] its submission of an offer for a payment amount as  
5 provided under paragraph III, one half of the fee charged by the certified IDR entity. If any party does not  
6 timely submit its half of the IDR entity's fee together with its offer for a payment amount, then the IDR  
7 entity shall, without further consideration, select the offer of the party that has paid its half of the fee as the  
8 winning offer and notify the parties of the determination as provided in paragraph VIII.

9 191:2 Insurance Companies and Agents; Discontinuance of Lines of Business; Notice. Amend RSA  
10 402:84 to read as follows:

11 402:84 Discontinuance of Lines of Business; Notice Required. Any licensed insurance company  
12 authorized to transact fire or casualty business in this state shall provide 120 days' notice to ***the insurance***  
13 ***department and*** its appointed agents of record in New Hampshire of the insurance company's decision to  
14 cease writing an entire line of business. Any nonrenewal notices to affected policyholders shall be issued  
15 in accordance with applicable law, provided that the effective date of any such nonrenewals shall be at  
16 least 120 days after notice to the agents of record under this section.

17 191:3 Insurance Claims Adjusters; Prohibition. Amend RSA 402-B:1 to read as follows:

18 402-B:1 Prohibition. It is unlawful for any person, whether as agent or employee, to act directly or  
19 indirectly, as an insurance claims adjuster ***on policies written on risks located*** in this state for any  
20 insurance company, ***including unadmitted surplus lines companies***, unless licensed as provided in this  
21 chapter.

22 191:4 Foreign Insurance Companies and Their Agents; Licenses for Agents of Unlicensed  
23 Companies; Applicability. Amend RSA 405:24, I to read as follows:

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

30 191:5 Unfair Insurance Trade Practices; Unfair Methods, Acts and Practices Defined. Amend RSA  
31 417:4, VIII(e) to read as follows:

32 (e) Refusing to insure risks solely because of age (except in the case of life, accident or  
33 health insurance), place or area [~~of~~] ***of*** residence, race, color, creed, national origin, ancestry, marital

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1 status, lawful occupation including the military service (except in the case of life, accident or health  
2 insurance), of anyone who is or seeks to become insured or solely because another insurer has refused to  
3 write a policy, or has canceled or has refused to renew an existing policy in which that person was the  
4 name insured or, except in the instance of excess coverages, solely because the insured does not insure  
5 collateral primary, personal types of insurance with the insurer. The exemption in this subparagraph shall  
6 not permit a mortgage life insurance policy or certificate to cease, cancel or terminate solely on the basis  
7 of the mortgagor's age, until the mortgagor has reached the age of 80.

8 191:6 Insurance Department. Amend RSA 400-A:10, III to read as follows:

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

21 191:7 Insurance Department; Annual Financial Statement. Amend RSA 400-A:36, X to read as  
22 follows:

23 X. The commissioner may retain, without appropriation under RSA 9 and without qualifying as a  
24 department expenditure under RSA 4:15, attorneys, independent actuaries, independent certified public  
25 accountants, or other professionals or specialists to review financial statements, the cost of which shall be  
26 borne by the company which is the subject of the financial analysis. The company shall pay the retained  
27 professional or specialists directly for their costs. The commissioner shall conduct oversight of such  
28 independent reviewers in a manner that is consistent with standards for the use of independent reviewers  
29 established by the National Association of Insurance Commissioners in its Financial Condition Examiners  
30 Handbook and Market Regulation Handbook and shall ensure that costs are reasonable for the work  
31 performed. The amount paid by the company under this paragraph in [~~any fiscal~~] *the preceding calendar*  
32 year shall be applied as a nontransferable credit against and to the extent of the company's administrative  
33 [~~fee~~] *assessment* under RSA 400-A:39 in the subsequent fiscal year and not thereafter.

34 191:8 Own Risk and Solvency Assessment; Contents of ORSA Summary Report. Amend RSA 401-  
35 C:7, II to read as follows:

36 II. The review of the ORSA summary report, and any additional requests for information, shall be  
37 made using similar procedures currently used in the analysis and examination of multi-state or global  
38 insurers and insurance groups. To assist in the review of ORSA summary reports, the commissioner may  
39 retain, without appropriation under RSA 9 and without qualifying as a department expenditure under RSA

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1 4:15, attorneys, appraisers, independent actuaries, independent certified public accountants, or other  
2 professionals and specialists, the cost of which shall be borne by the company subject to such review.  
3 The company shall pay the retained professional or specialists directly for their costs. The commissioner  
4 shall conduct oversight of such independent reviewers in a manner that is consistent with standards for  
5 the use of independent reviewers established by the National Association of Insurance Commissioners in  
6 its Financial Condition Examiners Handbook and Market Regulation Handbook and shall ensure that  
7 costs are reasonable for the work performed. The amount paid by the company under this paragraph in  
8 ~~[any fiscal]~~ ***the preceding calendar*** year shall be applied as a nontransferable credit against and to the  
9 extent of the company's administrative ~~[fee]~~ ***assessment*** under RSA 400-A:39 in the subsequent fiscal  
10 year and not thereafter.

11 191:9 New Subparagraph; Contract Between Public Adjuster and Insured. Amend RSA 402-D:13, II  
12 by inserting after subparagraph (c) the following new subparagraph:

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

15 191:10 Paid-up Capital. Amend RSA 401:4 to read as follows:

16 401:4 Paid-up Capital. All stock companies organized ***on or after January 1, 2026***, under the  
17 provisions of this chapter shall have a paid-up capital of at least ~~[\$800,000]~~ ***\$3,000,000***. ***Stock companies***  
18 ***organized prior to January 1, 2026, shall have and at all times maintain paid up capital of not less than the***  
19 ***minimum capital required for the point in time at which the company was organized.***

20 191:11 Stock Company. Amend RSA 405:2 to read as follows:

21 405:2 Stock Company. No such stock insurance company ***organized on or after January 1, 2026***  
22 shall be licensed to do business in the state unless it shall possess a paid-up capital of ~~[\$800,000]~~  
23 ***\$3,000,000***, invested in securities readily convertible into cash, 1/2 at least of which are not loans secured  
24 by real estate; nor unless it shall possess, in addition to such capital, assets equal in amount to all its  
25 outstanding liabilities, estimating 50 percent of premiums received on unexpired fire risks running one  
26 year or less from date of policy, and a pro rata amount of all premiums received on unexpired risks  
27 running more than one year from date of policy, and on marine risks 50 percent of the amount of  
28 premiums written on policies upon yearly risks, and upon risks covering more than one passage not  
29 terminated, and the full amount of premiums written on policies of all other marine risks not terminated as  
30 a liability. ***Stock companies organized prior to January 1, 2026, shall have and at all times maintain paid***  
31 ***up capital of not less than the minimum capital required for the point in time at which the company was***  
32 ***organized.***

33 191:12 Domestic Life Insurance Companies; Capital Stock. Amend RSA 411:1 to read as follows:

34 411:1 Capital Stock. Any corporation organized under the laws of this state and engaged wholly or in  
35 part in the life insurance business as a stock company shall have a capital stock of not less than  
36 ~~[\$600,000]~~ ***\$3,000,000*** paid in, which shall be invested as provided in RSA 411-A. One-half of such  
37 capital shall be deposited with the insurance commissioner.

38 191:13 Insurance Department; Fees. Amend RSA 400-A:29 to read as follows:

39 400-A:29 Fees.



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1	(e) Fee for late completion of continuing education		\$50
2	(f) Appointment fee		\$25
3	(g) Termination <i>of appointment fee</i>		\$25
4	<del>(h) Address change fee</del>		<del>\$10</del>
5	<del>(i) Mail return fee</del>		<del>\$25]</del>
6	XI. Surplus lines; Company annual application for inclusion in approved list		\$250
7	<del>[XII. Insurance vending machines</del>		
8	<del>(a) Application fee, each machine</del>	<del>\$50</del>	
9	<del>(b) Initial license, each machine</del>	<del>\$50</del>	
10	<del>(c) Annual renewal, each machine</del>	<del>\$50</del>	
11	<del>XIII.] XII. Other licensing documents; producer, consultant, adjuster, public adjuster; copies (all</del>		
12	<del>documents) \$1 per page.</del>		
13	<del>[XIV.] XIII. Variable life and annuity</del>		
14	<del>(a) Certificates</del>	<del>\$5</del>	
15	<del>(b) Company registration</del>	<del>\$100</del>	
16	<del>(c) Annual renewal</del>	<del>\$100</del>	
17	<del>[XV.] XIV. Adjuster's licenses; resident and non-resident</del>		
18	<del>(a) [Non-refundable] Application and license fee</del>		<del>\$75</del>
19	<del>(b) [Non-refundable] Biennial renewal</del>		<del>\$75</del>
20	<del>(c) Amendment to license - <i>except change of name or change of address</i></del>	<del>\$50</del>	
21	<del>(d) Additional fee for late renewal</del>		<del>\$75</del>
22	<del>(e) Fee for late completion of continuing education</del>		<del>\$25</del>
23	<del>[(f) Address change fee</del>		<del>\$10</del>
24	<del>(g) Mail return fee</del>		<del>\$25</del>
25	<del>XVI.] XV. Service of process on commissioner</del>	<del>\$25</del>	
26	<del>[XVII.] XVI. The commissioner shall also collect in advance, reasonable fees, as determined by</del>		
27	<del>the commissioner for such other official acts and services as may be necessary or required by Title</del>		
28	<del>XXXVII or XXXVIII.</del>		
29	<del>[XVIII.] XVII. Public adjusters; resident and non-resident</del>		
30	<del>(a) [Non-refundable] Application and license fee</del>	<del>\$100</del>	
31	<del>(b) [Non-refundable] Biennial renewal</del>	<del>\$100</del>	
32	<del>(c) Additional fee for late renewal</del>	<del>\$100</del>	
33	<del>(d) Fee for late completion of continuing education</del>	<del>\$25</del>	
34	<del>[(e) Address change fee</del>	<del>\$10</del>	
35	<del>(f) Mail return fee</del>	<del>\$25</del>	
36	<del>XIX. Insurance consultants; resident and non-resident</del>		
37	<del>(a) Non-refundable application and license fee</del>	<del>\$210</del>	
38	<del>(b) Non-refundable biennial renewal</del>	<del>\$150</del>	
39	<del>(c) Amendment to license</del>	<del>\$50</del>	

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1	<del>(d) Additional fee for late renewal</del>	\$150
2	<del>(e) Fee for late completion of continuing education</del>	\$50
3	<del>(f) Address change fee</del>	\$10
4	<del>(g) Mail return fee</del>	\$25

5 ~~XX.] XVIII.~~ Managing general agents

6	(a) Application fee	\$50
7	(b) Original license	\$350
8	(c) Renewal license	\$250

9 ~~[XXI.] XIX.~~ Reinsurance intermediaries

10	(a) Application fee	\$50
11	(b) Original license	\$350
12	(c) Renewal license	\$250

13 ~~[XXII.] XX.~~ Discount Medical Plan Organizations

14	(a) Original Application	\$300
15	(b) Renewal	\$150

16 ~~[XXIII.] XXI.~~ Continuing education course submission fee

17	(a) Initial	\$25
18	(b) Renewal	\$25

19 191:14 Insurance Claims Adjusters; License to Issue. Amend RSA 402-B:7, II to read as follows:

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

23 191:15 Public Adjusters; Licenses. Amend RSA 402-D:9, VII to read as follows:

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

29 191:16 Third Party Administrators; Certificate of Authority Required. Amend the introductory  
30 paragraph of RSA 402-H:11, II to read as follows:

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

34 191:17 Producer Licensing; License. Amend RSA 402-J:7, VI to read as follows:

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

38 191:18 Discount Medical Plan Organizations; Registration Requirement; Reference Change. Amend  
39 the introductory paragraphs of RSA 415-I:5, III to read as follows:

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

4           191:19 Discount Medical Plan Organizations; Registration Requirement; Reference Change. Amend  
5 the RSA 415-I:5, IV to read as follows:

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

10          191:20 Insurance Department; Fees for Continuing Education Course Submissions; Special Fund  
11 Established; Reference Change. Amend RSA 400-A:29-a, I to read as follows:

12           I. The commissioner may impose and collect reasonable application fees as provided in RSA  
13 400-A:29, ~~[XXIII]~~ **XXI(a)** and (b) from sponsoring organizations for submissions of continuing education  
14 courses to meet educational requirements established by rule for producers, consultants, and adjusters.

15          191:21 Managed Care Law; Network Adequacy; Reporting Requirement. Amend RSA 420-J:7, V to  
16 read as follows:

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

21          191:22 Managed Care Law; Coverage and Payment for Emergency Services Provided by  
22 Nonparticipating Providers or Nonparticipating Emergency Facilities. Amend RSA 420-J:8-g, II to read as  
23 follows:

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

27          191:23 Managed Care Law; Coverage and Payment for Services Provided at Participating Facilities  
28 by Nonparticipating Providers. Amend RSA 420-J:8-h, II to read as follows:

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

32          191:24 Consumer Guaranty Contracts; Exemption; Manufacturer's Service Contracts. Amend RSA  
33 415-C:1, III to read as follows:

34           III. "Consumer guaranty contract":

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

39           (b) Includes the following agreements:

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

3                   (2) [Repealed.]

4                   (3) [Repealed.]

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

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

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

8                   (1) Expressed or implied warranties.

9                   (2) Maintenance agreements.

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

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

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

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

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

19                  (8) Prepaid legal contracts.

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

21                  191:25 Repeal. RSA 400-A:31, I(a), relative to the general premium tax report calculation by title  
22 insurers, is repealed.

23                  191:26 Effective Date. This act shall take effect 60 days after passage.

Approved: July 15, 2025  
Effective Date: September 13, 2025

