

**HB 499-FN - AS INTRODUCED**

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

---

ANALYSIS

This bill makes various technical corrections to the insurance laws.

The bill is a request of the insurance department.

-----

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                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

**HB 499-FN - AS INTRODUCED**

**- Page 2 -**

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 under the provisions of this chapter shall  
27 have a paid-up capital of at least [~~\$800,000~~] **\$3,000,000**.

28 11 Stock Company. Amend RSA 405:2 to read as follows:

29 405:2 Stock Company. No such stock insurance company shall be licensed to do business in the  
30 state unless it shall possess a paid-up capital of [~~\$800,000~~] **\$3,000,000**, invested in securities readily  
31 convertible into cash, 1/2 at least of which are not loans secured by real estate; nor unless it shall  
32 possess, in addition to such capital, assets equal in amount to all its outstanding liabilities,  
33 estimating 50 percent of premiums received on unexpired fire risks running one year or less from  
34 date of policy, and a pro rata amount of all premiums received on unexpired risks running more than  
35 one year from date of policy, and on marine risks 50 percent of the amount of premiums written on  
36 policies upon yearly risks, and upon risks covering more than one passage not terminated, and the  
37 full amount of premiums written on policies of all other marine risks not terminated as a liability.

HB 499-FN - AS INTRODUCED

- Page 4 -

1 12 Domestic Life Insurance Companies; Capital Stock. Amend RSA 411:1 to read as follows:  
2 411:1 Capital Stock. Any corporation organized under the laws of this state and engaged wholly  
3 or in part in the life insurance business as a stock company shall have a capital stock of not less than  
4 ~~[\$600,000]~~ **\$3,000,000** paid in, which shall be invested as provided in RSA 411-A. One-half of such  
5 capital shall be deposited with the insurance commissioner.

6 13 Insurance Department; Fees. Amend RSA 400-A:29 to read as follows:  
7 400-A:29 Fees.

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

9 I-a. Certificate of authority

10 (a) Application \$1,000

11 (b) Initial certificate \$100

12 (c) Annual renewal \$100

13 (d) Reinstatement \$50

14 (e) Amendment - **address** \$25

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

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

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

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

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

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

25 VI. Advisory organizations and statistical agents.

26 (a) Application fee \$300

27 (b) Initial certificate \$150

28 (c) Annual renewal \$150

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

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

31 VII. Health service corporations

32 (a) Corporation's annual certificate of authority \$200

33 (b) Annual statement \$100

34 VIII. Road and tourist services

35 (a) Application fee for certificate of authority \$300

36 (b) Initial certificate \$100

37 (c) Annual renewal \$100

- 1 VIII-a. Consumer Guaranty Contract Obligors  
2 (a) Registration fee \$300  
3 (b) Annual renewal fee \$150  
4 IX. [Repealed.]  
5 X. Producers; resident and non-resident  
6 (a) [~~Non-refundable~~] Application and license fee \$210  
7 (b) [~~Non-refundable~~] Biennial renewal \$150  
8 (c) Amendment to license - **except change of name, change of address, or change of**  
9 **the designated registered license producer as required by RSA 402-J:6, II(b)** \$50  
10 (d) Additional fee for late renewal \$150  
11 (e) Fee for late completion of continuing education \$50  
12 (f) Appointment fee \$25  
13 (g) Termination **of appointment** fee \$25  
14 [~~(h) Address change fee \$10~~]  
15 [~~(i) Mail return fee \$25~~]  
16 XI. Surplus lines; Company annual application for inclusion in approved list \$250  
17 [~~XII. Insurance vending machines~~]  
18 [~~(a) Application fee, each machine \$50~~]  
19 [~~(b) Initial license, each machine \$50~~]  
20 [~~(c) Annual renewal, each machine \$50~~]  
21 [~~XIII.~~]**XII.** Other licensing documents; producer, consultant, adjuster, public adjuster; copies  
22 (all documents) \$1 per page.  
23 [~~XIV.~~]**XIII.** Variable life and annuity  
24 (a) Certificates \$5  
25 (b) Company registration \$100  
26 (c) Annual renewal \$100  
27 [~~XV.~~]**XIV.** Adjuster's licenses; resident and non-resident  
28 (a) [~~Non-refundable~~] Application and license fee \$75  
29 (b) [~~Non-refundable~~] Biennial renewal \$75  
30 (c) Amendment to license - **shall not include change of name or change of address**  
31 \$50  
32 (d) Additional fee for late renewal \$75  
33 (e) Fee for late completion of continuing education \$25  
34 [~~(f) Address change fee \$10~~]  
35 [~~(g) Mail return fee \$25~~]  
36 [~~XVI.~~]**XV.** Service of process on commissioner \$25

**HB 499-FN - AS INTRODUCED**  
**- Page 6 -**

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

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

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

11           ~~XIX. Insurance consultants; 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 \$50~~
- 15           ~~(d) Additional fee for late renewal \$150~~
- 16           ~~(e) Fee for late completion of continuing education \$50~~
- 17           ~~(f) Address change fee \$10~~
- 18           ~~(g) Mail return fee \$25]~~

19           ~~XX.]~~**XVIII.** Managing general agents

- 20           (a) Application fee \$50
- 21           (b) Original license \$350
- 22           (c) Renewal license \$250

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

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

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

- 28           (a) Original Application \$300
- 29           (b) Renewal \$150

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

- 31           (a) Initial \$25
- 32           (b) Renewal \$25

33           14 Insurance Claims Adjusters; License to Issue. Amend RSA 402-B:7, II to read as follows:

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

37           15 Public Adjusters; Licenses. Amend RSA 402-D:9, VII to read as follows:

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

7 16 Third Party Administrators; Certificate of Authority Required. Amend the introductory  
8 paragraph of RSA 402-H:11, II to read as follows:

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

12 17 Producer Licensing; License. Amend RSA 402-J:7, VI to read as follows:

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

16 18 Discount Medical Plan Organizations; Registration Requirement; Reference Change. Amend  
17 the introductory paragraphs of RSA 415-I:5, III to read as follows:

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

22 19 Discount Medical Plan Organizations; Registration Requirement; Reference Change. Amend  
23 the RSA 415-I:5, IV to read as follows:

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

28 20 Insurance Department; Fees for Continuing Education Course Submissions; Special Fund  
29 Established; Reference Change. Amend RSA 400-A:29-a, I to read as follows:

30 I. The commissioner may impose and collect reasonable application fees as provided in RSA  
31 400-A:29, [~~XXIII~~] **XXI(a)** and (b) from sponsoring organizations for submissions of continuing  
32 education courses to meet educational requirements established by rule for producers, consultants,  
33 and adjusters.

34 21 Repeal. The following are repealed:

35 I. RSA 420-J:7, V, relative to the annual legislative report regarding network adequacy  
36 review by the insurance commissioner.

**HB 499-FN - AS INTRODUCED**

**- Page 8 -**

1           II. RSA 400-A:31, I(a), relative to the general premium tax report calculation by title  
2 insurers.

3           22 Effective Date. This act shall take effect 60 days after passage.

**HB 499-FN- FISCAL NOTE  
AS INTRODUCED**

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