

CHAPTER 100  
SB 222 – FINAL VERSION

03/21/12 0653s  
03/21/12 1234s

2012 SESSION

12-2846  
01/10

SENATE BILL **222**

AN ACT relative to property and casualty insurance, insurance investigations, and insurance certificates.

SPONSORS: Sen. White, Dist 9; Sen. Houde, Dist 5; Rep. Hunt, Ches 7; Rep. Schlachman, Rock 13; Rep. Flanders, Belk 4; Rep. Headd, Rock 3; Rep. Infantine, Hills 13

COMMITTEE: Commerce

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AMENDED ANALYSIS

This bill:

- I. Makes technical corrections in the laws relating to property and casualty insurance.
- II. Clarifies the insurance commissioner's ability to share information during investigations and examinations.
- III. Clarifies the law regarding certificates of insurance.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to property and casualty insurance, insurance investigations, and insurance certificates.

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

1 100:1 Insurance Companies and Agents; Cancellation or Termination of Policies. Amend  
2 RSA 402:80 to read as follows:

3 402:80 Cancellation or Termination of Policies. No cancellation or termination of an insurance  
4 policy of any type for nonpayment of a premium shall be effective if:

5 I. Payment of the premium is actually received by the insurance company ***or by the***  
6 ***insurance company's agent, before the date and time of the cancellation or termination of***  
7 ***the policy as stated in the notice of cancellation or termination; [and] or***

8 II. Payment of the premium is sent ***to the insurance company, or the insurance***  
9 ***company's agent***, by certified mail before the [effective] date and time of cancellation or  
10 termination of the policy as stated in the notice of cancellation or termination[~~or is received by the~~  
11 ~~insurance company's agent before such date~~].

12 100:2 Public Adjusters; Contract Between Public Adjuster and Insured. Amend RSA 402-D:13,  
13 VI to read as follows:

14 VI. After the time to rescind has elapsed ~~[but]~~ ***and*** within ~~[3]~~ ***6*** working days after the date  
15 the contract is signed, the public adjuster shall give written notice to the insurer, its adjuster, or its  
16 attorney that the public adjuster has entered into a written contract with the insured.

17 100:3 Cancellation or Refusal to Renew Commercial Insurance; Notice of Cancellation. Amend  
18 RSA 417-C:1, I(a) to read as follows:

19 (a) Nonpayment of a premium, ***including nonpayment of any additional premiums***  
20 ***due from an audit conducted in accordance with law for the prior policy term***; or

21 100:4 Investigations; Enforcement. Amend RSA 400-A:16, III(b) to read as follows:

22 (b) The commissioner may share documents, materials, or other information, including  
23 the confidential and privileged documents, materials, or other information under paragraph III, with  
24 other state, federal, and international regulatory agencies ***including the Bank for International***  
25 ***Settlements***, with the ***International Association of Insurance Supervisors or the*** National  
26 Association of Insurance Commissioners, ~~[its]~~ ***their*** affiliates or subsidiaries, and with state, federal,  
27 and international law enforcement authorities; provided, that the recipient agrees to maintain the

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1 confidentiality and privileged status of the document, material, or other information.

2 100:5 Examinations. Amend RSA 400-A:37, IV-a(e)(1) to read as follows:

3 (1) May share documents, materials, or other information, including the confidential  
4 and privileged documents, materials, or information subject to subparagraphs (a) and (b), with other  
5 state, federal, and international regulatory agencies *including the Bank for International*  
6 *Settlements*, with the *International Association of Insurance Supervisors or the* National  
7 Association of Insurance Commissioners and ~~[its]~~ *their* affiliates and subsidiaries, and with state,  
8 federal, and international law enforcement authorities; provided, that the recipient agrees to  
9 maintain the confidentiality and privileged status of the document, material, communication, or  
10 other information.

11 100:6 Certificates of Insurance. Amend RSA 412:6-b, II(b)(1) to read as follows:

12 (1) Each certificate shall contain the following statement, *or language*  
13 *substantially similar*, in sufficient font and size and located on the certificate to be readily  
14 identifiable:

15 “This certificate of insurance is issued as a matter of information only and confers no rights upon  
16 the certificate holder. This certificate does not amend, extend, or alter the coverage, terms,  
17 exclusions, and conditions afforded by the policy or policies referenced herein.”

18 100:7 Certificates of Insurance. Amend RSA 412:6-b, II(b)(4) to read as follows:

19 (4) No person shall prepare or issue a certificate of insurance that purports to  
20 affirmatively or negatively alter, amend, or extend the coverage provided by any policy of insurance  
21 referenced in the certificate; *provided that with respect to subparagraph (3) and this*  
22 *subparagraph a certificate may show an umbrella/excess liability limit less than the*  
23 *actual policy limit if the certificate is issued with respect to a particular agreement or*  
24 *contract and such lower limit meets the requirements of the agreement.*

25 100:8 Certificates of Insurance. Amend RSA 412:6-b, II(e) to read as follows:

26 (e) An insurance producer may charge a reasonable fee for providing a certificate. *A fee*  
27 *shall be reasonable if it accurately reflects the actual effort and cost to the producer*  
28 *required to prepare and issue the certificate.*

29 100:9 Repeal. RSA 412:43, III, relative to rulemaking regarding certificates of insurance, is  
30 repealed.

31 100:10 Effective Date. This act shall take effect 60 days after its passage.

32 Approved: May 29, 2012

33 Effective Date: July 28, 2012