

CHAPTER 42
HB 1559 - FINAL VERSION

2022 SESSION

22-2323
11/10

HOUSE BILL

1559

AN ACT

relative to laws administered by the insurance department.

SPONSORS:

Rep. Bartlett, Merr. 19; Rep. Hunt, Ches. 11; Rep. Potucek, Rock. 6

COMMITTEE:

Commerce and Consumer Affairs

ANALYSIS

This bill makes technical changes to the laws administered by the insurance department.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to laws administered by the insurance department.

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

1 42:1 Insurance Department; General Premium Tax: Report. Amend RSA 400-A:31, II to read as
2 follows:

3 II. The report shall be ~~[verified by oath or affirmation of]~~ **signed by** the insurer's president, vice-
4 president, secretary, treasurer, or manager. **Any person that submits false information in a report shall be**
5 **subject to prosecution for unsworn falsification, pursuant to RSA 641:3.**

6 42:2 Insurance Department; Examinations. Amend RSA 400-A:37, IV(a) to read as follows:

7 (a) No later than 60 days following completion of the examination, the examiner in charge
8 shall file with the department a verified written report of examination under oath. Upon receipt of the
9 verified report, the department shall transmit the report to the company examined, together with a notice
10 which shall afford the company examined ~~[not more than]~~ 30 days to make a written submission or
11 rebuttal with respect to any matters contained in the examination report. **The company examined may**
12 **request, within the 30 day period and for good cause shown, additional time to make the written**
13 **submission or rebuttal.**

14 42:3 Insurance Companies and Agents; Insurance Referrals. Amend RSA 402:16-b to read as
15 follows:

16 402:16-b Insurance Referrals. Notwithstanding other provisions of this title, a person who has not
17 complied with all applicable state insurance licensing and appointment laws and regulations may refer a
18 party to a person who has complied with all applicable state insurance licensing and appointment laws
19 and regulations, if the person making such referral is compensated for such referral in an amount that
20 does not exceed [a] **the** nominal amount **of \$25** and such amount is not based on or related to the party's
21 purchase of insurance.

22 42:4 Insurance Companies; Claim Forms and Applications. Amend RSA 402:82, I to read as follows:

23 I. All insurance claim forms shall contain [a] **the following** statement ~~[that clearly states in~~
24 ~~substance the following]~~: "Any person who, with a purpose to injure, defraud, or deceive any insurance
25 company, files a statement of claim containing any false, incomplete, or misleading information is subject
26 to prosecution and punishment for insurance fraud, as provided in RSA 638:20."

27 42:5 Third Party Administrators; Certificate of Authority Required. Amend RSA 402-H:11, II(g) to
28 read as follows:

29 (g) **Contact information for a designated agent in this state for service of process.**

30 (h) Such other pertinent information as may be required by the commissioner.

31 42:6 Rate Regulation-General Provisions; Rate Filings. Amend RSA 412:16, I(c) to read as follows:

32 (c) Commercial inland marine ~~[that is not written according to manual rates or rating plans].~~

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1 42:7 Accident and Health Insurance; Patients' Bill of Rights. Amend RSA 415:6-f to read as follows:
2 415:6-f Patients' Bill of Rights. Any insurer issuing an individual policy, *plan, or contract of accident*
3 *or health insurance providing benefits for medical or hospital expenses* under this chapter shall provide to
4 each new policyholder who is a resident of this state a copy of the patients' bill of rights law under RSA
5 151:21.

6 42:8 General Group or Blanket Policy Provisions. Amend RSA 415:18, XIV to read as follows:
7 XIV. An insurer issuing policies, *plans, or contracts* of group insurance *providing accident or*
8 *health insurance providing benefits for medical or hospital expenses* shall provide to each new certificate
9 holder who is a resident of this state a copy of the patients' bill of rights law under RSA 151:21.

10 42:9 Standards for Accident and Health Insurance; Definitions; Accident and Health Insurance.
11 Amend RSA 415-A:1, I to read as follows:

12 I. "Accident and health insurance" means insurance written under RSA 415, *RSA 21-I:99- 21-*
13 *I:111, RSA 282-B*, and coverages written under RSA 415-E, RSA 420-A, RSA 420-B, and RSA 420-C.
14 For purposes of this chapter, multiple-employer welfare arrangements, nonprofit health service
15 corporations, health maintenance organizations, and preferred provider agreements subject to RSA 420-
16 C shall be deemed to be engaged in the business of insurance.

17 42:10 Standards for Accident and Health; Definitions; Form. Amend RSA 415-A:1, II to read as
18 follows:

19 II. "Form" means policies, contracts, riders, endorsements, and applications as provided in RSA
20 415, *RSA 21-I:99-21-I:111, RSA 282-B*, RSA 415-E, RSA 420-A, RSA 420-B, and RSA 420-C.

21 42:11 Standards for Accident and Health Insurance; Minimum Standards for Benefits. Amend RSA
22 415-A:3, I-III to read as follows:

23 I. The commissioner [~~shall~~] *may* adopt rules to establish minimum standards for benefits under
24 each of the following categories of coverage:

- 25 (a) Basic hospital expense coverage.
- 26 (b) Basic medical-surgical expense coverage.
- 27 (c) Basic hospital/medical-surgical expense coverage.
- 28 (d) Hospital confinement indemnity coverage.
- 29 (e) Major medical expense coverage.
- 30 (f) Basic medical expense coverage.
- 31 (g) Disability income protection coverage.
- 32 (h) Accident only coverage.
- 33 (i) Specified disease coverage.
- 34 (j) Specified accident coverage.
- 35 (k) Limited benefit health coverage.
- 36 (l) Student major medical expense coverage.
- 37 (m) *Paid family medical leave coverage.*

38 II. Nothing in this section shall preclude the issuance of any policy or contract which combines 2
39 or more of the categories of coverage enumerated in subparagraphs I(a) through ~~(l)~~ (m).

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1 III. No policy shall be delivered or issued for delivery in this state which does not meet the
2 prescribed minimum standards for the categories of coverage listed in subparagraphs I(a) through ~~[(h)]~~ (m)
3 which are contained within the policy unless the commissioner finds such policy will be in the public
4 interest and such policy meets the requirements set forth in RSA 415. The commissioner may disapprove
5 specific policy forms pursuant to RSA 415:2 and 3.

6 42:12 Unfair Insurance Trade Practices; Rebates. Amend RSA 417:4, IX(b)(16) to read as follows:

7 (16) The payment or assignment of all or part of a producer's commission on the sale of
8 insurance to an employee of the producer[-];

9 *(17) In limited circumstances, activities that promote the public interest without harmfully*
10 *affecting licensees, as determined by the commissioner. Such activities include, but are not limited to, the*
11 *reduction of premium rate of an insurance policy based on the loss or expense thereunder, at the end of*
12 *the first or any subsequent policy period, provided that there is no discrimination in favor of insured*
13 *individuals within the same rate class and risk assessment.*

14 42:13 Refusal to Issue, Cancellation and Refusal to Renew Automobile Insurance; Notice. Amend
15 RSA 417-A:5, II(a) to read as follows:

16 (a) The policy is being cancelled or not renewed for nonpayment of premium, *provided that*
17 *nonpayment notices shall not be issued until nonpayment has occurred*, or

18 42:14 Cancellation or Refusal to Renew Commercial Insurance; Grounds for Cancellation. Amend
19 RSA 417-C:1, II to read as follows:

20 II. An insurer shall cancel a policy at the specific request of the insured *subject to contractual*
21 *notice provisions not to exceed 10 days.*

22 42:15 Continuing Care Communities; Lien on Behalf of Residents. Amend RSA 420-D:9 to read as
23 follows:

24 420-D:9 Lien on Behalf of Residents. The commissioner shall file a lien on all real and personal
25 property of a provider if he deems it necessary to protect the interests of the residents. *Notices of liens*
26 *upon real property shall be filed in the registry of deeds of the county in which the real property subject to*
27 *the liens is situated. The register of deeds shall receive, record, and index the same in accordance with*
28 *RSA 478. The filing and service of the notice and demand of said lien shall constitute a lien upon the real*
29 *estate, personal estate, property interest, right, or credit to which the notice and demand relates or which*
30 *may be subsequently discovered.* Such lien shall be effective for the period determined necessary by the
31 commissioner and may be renewed if the circumstances warrant it. A lien shall only be foreclosed to
32 protect the investment of residents, and the proceeds shall be distributed in a manner to satisfy any
33 continuing care contracts in effect at that time.

42:16 Effective Date. This act shall take effect 60 days after its passage.

Approved: May 03, 2022
Effective Date: July 02, 2022