



LEGISLATIVE POSITION

PROFESSIONAL INSURANCE AGENTS OF NEW HAMPSHIRE INC.

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DATE: Jan. 23, 2018
TO: House Commerce and Consumer Affairs Committee
FROM: Professional Insurance Agents of New Hampshire Inc.
Lisa Nolan, CPCU, Past President

STATEMENT RE: **H.B.1252—AN ACT RELATIVE TO CERTIFICATES
OF INSURANCE**

Professional Insurance Agents of New Hampshire Inc., an association of independent insurance agents throughout the state and their employees, support raised bill H.B.1252. The raised bill proposes an additional protection for agents and brokers to the current Certificate of Insurance Law by stating that the producer does not warrant or analyze the policy included in the supplemental questionnaire requested by banks and lending institutions. While PIANH was a vocal proponent of the original law, it appreciates amendments as necessary to increase protections for insurance producers.

Currently, the New Hampshire Certificate of Insurance Law does not include a protection for insurance producers against inferring that a producer warrants the contents of a certificate. This exposes producers to possible errors-and-omissions claims arising out of third-party claim denials where the third party relied on an out-of-date certificate of insurance. Other states have recognized this exposure and included protections in their corresponding statutes. For example, New York state authorized the New York State Department of Financial Services to impose penalties for requiring a certificate of insurance that includes language of any kind, including warranties of coverage, that is not expressly found in the underlying policy. By allowing the supplemental questionnaires, so long as the producer does not warrant or analyze the underlying policy, New Hampshire is taking a positive step toward enacting similar protections for agents and brokers across the state.

PIANH commends the Legislature for addressing this issue. PIANH supports H.B.1252 in its current form and would support any measure increasing the protections of agents and brokers in the event of third-party claim denials. PIANH welcomes the opportunity to work with the committee on this issue going forward.