

**STATE OF NORTH DAKOTA**  
**BEFORE THE INSURANCE COMMISSIONER**

**In the Matter of** )  
 )  
**New Hampshire Insurance Company,** )  
**FEIN 02-0172170,** )  
 )  
**Respondent.** )

**CONSENT ORDER**  
**FILE NO. AG-18-775**

Insurance Commissioner Jon Godfread, hereinafter "Commissioner", has determined as follows:

1. The Commissioner has authority in this matter pursuant to N.D.C.C. § 26.1-01-03.
2. New Hampshire Insurance Company, FEIN 02-0172170 ("Respondent"), is an insurance company that provides property and casualty insurance, is licensed under N.D.C.C. ch. 26.1-11 as a foreign corporation, and has been duly authorized to do business in North Dakota since January, 1909.
3. Respondent is an Illinois domiciled property and casualty insurer and is authorized to do business in 49 other states.
4. The Commissioner has jurisdiction over the Respondent and the subject matter of this Consent Order, and this Consent Order is made in the public interest.
5. N.D.C.C. § 26.1-25-04(1) requires an insurer to file its proposed rates with the Commissioner before using the rate.

Every insurer shall file with the commissioner, except as to inland marine risks which by general custom of the business are not written according to manual rates or rating plans, every manual, minimum class rate, rating schedule or rating plan, and every other rating rule, and every modification of any of the foregoing which it proposes to use. Every filing

must state the proposed effective date thereof and must indicate the character and extent of the coverage contemplated.

6. A rate filing must also be approved by the Commissioner before the insurer may use the rate.

No insurer may make or issue a contract or policy except in accordance with the filings that have been approved and are in effect for the insurer....

N.D.C.C. § 26.1-25-04(10).

7. Pursuant to N.D.C.C. § 26.1-30-19(4),

No casualty or fire and property insurance policy, certificate, contract, or agreement may be issued for delivery or delivered to any person in this state nor may any application, rider, or endorsement be used in connection therewith until the form thereof has been filed and approved by the commissioner to the extent rates are filed and approved pursuant to chapter 26.1-25.

8. In March 2017, the North Dakota Insurance Department ("Department") learned that the Respondent had been marketing and selling Portable Electronic Device insurance and Self-Storage unit insurance policies without filing the statutorily required form and rate filings with the Department. A total of three different programs were used in North Dakota without the appropriate forms and rates being filed.

9. Respondent's implementations of unapproved forms and rates are violations of N.D.C.C. §§ 26.1-25-04 and 26.1-30-19(4).

10. Pursuant to N.D.C.C. § 26.1-01-03.3, Respondent may be subjected to an administrative penalty for each violation of N.D.C.C. §§ 26.1-25-04 and 26.1-11-08(2).

12. Respondent has been duly apprised of all allegations.

13. Respondent and the Commissioner have agreed to an informal disposition of this matter without entry of a Cease and Desist Order by the Commissioner or other

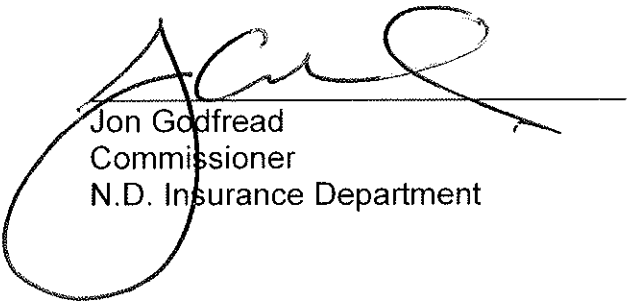
further administrative proceedings, as provided by N.D.C.C. § 28-32-22, and enter into the following Consent Order.

NOW, PURSUANT TO THE AGREEMENT OF THE PARTIES, IT IS HEREBY ORDERED THAT:

1. Respondent shall pay an administrative penalty in the sum of \$3,000 to the State of North Dakota within 30 days of the execution of this Order in addition to the premium taxes owed in the amount of \$665.00. Payment must be mailed to: North Dakota Insurance Department, 600 East Boulevard Avenue, Dept. 401, Bismarck, ND 58505.

2. The use of this Consent Order for competitive purposes by an insurance producer or agency holding a license in the State of North Dakota, or by any company holding a Certificate of Authority, or by anyone on their behalf, may be deemed unfair competition and be grounds for suspension or revocation of the license or authority.

DATED this 15<sup>th</sup> day of October, 201~~8~~



Jon Godfread  
Commissioner  
N.D. Insurance Department

**CONSENT TO ENTRY OF ORDER**

The undersigned, STEVEN R HARRIS, on behalf of **New Hampshire Insurance Company (the Company)**, states that the undersigned has read the foregoing Consent Order and is authorized by the Company to consent to the entry of this order. The undersigned, on behalf of the Company, fully understands the contents and effect of the Consent Order. The Company has been advised of its right to be represented by legal counsel, to request a hearing in this matter, to present evidence and arguments to the Commissioner, and of its right to appeal from an adverse determination after hearing. By the signing of this Consent to Entry of Order the undersigned on behalf of the Company waives those rights in their entirety and consents to the entry of this Consent Order by the Insurance Commissioner and agrees to be bound by it. It is further expressly understood that this Consent Order constitutes the entire settlement agreement between the parties hereto, there being no other promises or agreements, either express or implied.

DATED this 17<sup>th</sup> day of August, 2017.

New Hampshire Insurance Company

By: [Signature]

Print Name: Steven Harris

Title: Vice President, Deputy General Counsel

Subscribed and sworn to before me this 17<sup>th</sup> day of August, 2017.

Vincent J Patalano  
Notary Public

State of New York  
County of New York

My Commission Expires: OCTOBER 15, 2017

VINCENT J. PATALANO  
Notary Public, State of New York  
No. 01PA4987423  
Qualified in New York County  
Commission Expires October 15, 2017