

RECEIVED
NH INSURANCE DEPARTMENT
MAR 19 2021

**STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT**

Docket No.: INS No. 21-004-EP

CONSENT ORDER

This Consent Order is made between the New Hampshire Insurance Department (“NHID”) and United Services Automobile Association, USAA Casualty Insurance Company, USAA General Indemnity Company and Garrison Property and Casualty Insurance Company (“Respondents”), the terms of which are as follows:

FINDINGS OF FACTS

1. Respondents are licensed to write private passenger automobile insurance in the state of New Hampshire.
2. Respondents have a generic nationwide private passenger automobile (“automobile”) cancellation form that is used in states that do not have state specific automobile cancellation form requirements. They also have automobile cancellation forms that are written to comply with the specific state automobile cancellation requirements for the state in which they are used. New Hampshire has specific automobile cancellation form requirements at RSA 417-A:5 Cancellation, Refusal to Renew, Notice.
3. In the fall of 2018, Respondents revised the generic nationwide automobile cancellation form and began using it to cancel New Hampshire automobile policies on or about January 1, 2019. RSA 417-A:5 requires that automobile cancellation forms be filed with and approved by the NHID before being used in this state. Respondents did not file the cancellation form for approval before it was used to cancel automobile policies in New Hampshire. In addition, this form omitted statutory language and notice provisions required by RSA 417-A:5.

4. The NHID contacted the Respondents in August 2019 upon first learning of the use of an unfiled and unapproved automobile cancellation form in New Hampshire. Respondents corrected the form to include the missing RSA 417-A cancellation and non-renewal provisions. Respondents then filed the form with the NHID for review and approval. The form was approved for use on October 20, 2019. Respondents cancelled or nonrenewed 399 New Hampshire automobile policies using the unfiled and unapproved form.

CONCLUSIONS OF LAW

5. Based on the foregoing Findings of Fact and the applicable provisions of law, the NHID concludes and finds the following Conclusions of Law:

- a. The Respondents are subject to the jurisdiction of the NHID; and;
- b. The Respondents violated RSA 417-A:5 by failing to file the revised Cancellation form with the NHID prior to its use in New Hampshire on January 1, 2019 as described above; and
- c. Respondents used an unfiled unapproved automobile cancellation form 399 times in New Hampshire.

ORDER

WHEREFORE, the NHID orders and Respondents consent to the following:

- a. The Respondents waive all rights to a formal administrative hearing in this matter and agree that this Consent Order shall have the full force and effect of an Order fully entered in accordance with the adjudicatory procedure provided for in RSA Chapter 541-A and Ins Part 200.
- b. For the purposes of resolving this matter without a formal administrative hearing, the Respondents agree to an administrative penalty of \$25,000, due upon

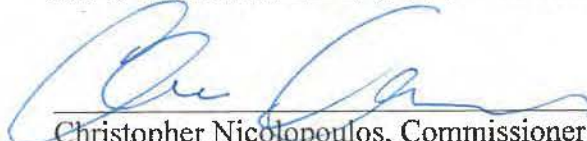
execution of this Consent Order, to be made payable to “Treasurer, State of New Hampshire,” and mailed to the attention of Sarah Prescott, New Hampshire Insurance Department, 21 South Fruit Street, Suite 14, Concord, New Hampshire 03301.

- c. In the event that the Respondents fail to meet any of the terms set forth in this section, the NHID may institute further administrative proceedings under the authority of RSA 400-A:15, III or any other applicable law.
- d. By entering into this Consent Order, the NHID and the Respondents intend to fully resolve all issues relating to the above-mentioned matters. This Consent Order shall be deemed a complete settlement and full and final resolution and is in lieu of any other action(s) that has and could have been brought by the NHID relating to these matters. Provided however, notwithstanding the foregoing, the NHID may take any and all appropriate actions should the Respondents violate any provision of the State’s insurance laws in the future.
- e. This Consent Order shall be fully enforceable in any Superior Court in the State of New Hampshire, and any actions to enforce this Consent Order shall be governed by the laws of the State of New Hampshire.
- f. This Consent Order is considered a public regulatory action and will be reported to the National Association of Insurance Commissioners.

IT IS SO ORDERED.


NEW HAMPSHIRE INSURANCE DEPARTMENT

Date: 3/22/2021



Christopher Nicolopoulos, Commissioner

Date: March 9, 2021



Robert Braggs, VP Senior Experience Owner
P&C Distribution and Service
United Services Automobile Association, USAA Casualty
Insurance Company, USAA General Indemnity Company
and Garrison Property and Casualty Insurance Company