

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL NO. 229

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in its entirety line 2 and substitute "Holocaust Victims - Inheritance Tax and Income Tax - Insurance Policies"; strike in their entirety lines 3 through 18, inclusive, and substitute:

"FOR the purpose of excluding from the inheritance tax certain assets or compensation for certain assets of Holocaust victims that were seized, misappropriated, or lost due to the actions or policies of Nazi Germany and certain payments or distributions to Holocaust victims or their spouses or descendants; providing a subtraction modification under the Maryland individual income tax for certain amounts included in federal adjusted gross income for income related to certain assets of Holocaust victims that were seized, misappropriated, or lost due to the actions or policies of Nazi Germany and for certain payments or distributions to Holocaust victims or their spouses or descendants; requiring the Insurance Commissioner to arrange for a certain toll-free telephone number to assist persons seeking to recover certain insurance proceeds of Holocaust victims; requiring certain insurers in receipt of certain claims of Holocaust victims to handle those claims in a certain manner; establishing certain rights of action for Holocaust victims seeking proceeds of certain insurance policies; requiring certain insurers, if directed to do so by the Insurance Commissioner, to file with the Commissioner within certain time periods certain reports relating to certain insurance policies issued to Holocaust victims; requiring the Commissioner to direct an insurer to file certain reports under certain circumstances; establishing certain penalties for certain violations; requiring the Commissioner to report to the Governor and General Assembly in a certain manner; defining certain terms; providing for the application of certain provisions of this Act; and generally relating to the taxation of distributions or payments made to Holocaust victims and to the recovery of proceeds from insurance policies issued to or covering the lives or property of Holocaust victims."

(Over)

On page 2, after line 6, insert:

“BY adding to

Article - Insurance

Section 28-101 through 28-110, inclusive, to be under the new title “Title 28. Holocaust  
Victims Insurance Act”

Annotated Code of Maryland

(1997 Volume and 1998 Supplement)”.

## AMENDMENT NO. 2

On page 2, strike in their entirety lines 11 through 27, inclusive, and substitute:

“(L) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE  
MEANINGS INDICATED.

(II) “HOLOCAUST VICTIM” MEANS AN INDIVIDUAL WHO DIED  
OR LOST PROPERTY AS A RESULT OF DISCRIMINATORY LAWS, POLICIES, OR  
ACTIONS TARGETED AGAINST DISCRETE GROUPS OF INDIVIDUALS BASED ON RACE,  
RELIGION, ETHNICITY, SEXUAL ORIENTATION, OR NATIONAL ORIGIN, WHETHER OR  
NOT THE INDIVIDUAL WAS ACTUALLY A MEMBER OF ANY OF THOSE GROUPS, OR  
BECAUSE THE INDIVIDUAL ASSISTED OR ALLEGEDLY ASSISTED ANY OF THOSE  
GROUPS, BETWEEN JANUARY 1, 1929 AND DECEMBER 31, 1945, IN THE COUNTRY OF  
NAZI GERMANY, AREAS OCCUPIED BY NAZI GERMANY, THOSE EUROPEAN  
COUNTRIES ALLIED WITH NAZI GERMANY, AREAS OCCUPIED BY THOSE EUROPEAN  
COUNTRIES ALLIED WITH NAZI GERMANY, OR ANY OTHER NEUTRAL EUROPEAN  
COUNTRY OR AREA IN EUROPE UNDER THE INFLUENCE OR THREAT OF INVASION BY  
NAZI GERMANY OR BY ANY EUROPEAN COUNTRY ALLIED WITH OR OCCUPIED BY  
NAZI GERMANY.

(III) “NAZI GERMANY” MEANS:

1. FOR THE PERIOD FROM 1929 TO 1933, THE REPUBLIC  
OF GERMANY, COMMONLY REFERRED TO AS THE WEIMAR REPUBLIC; AND

2. FOR THE PERIOD FROM 1933 THROUGH 1945,  
DEUTSCHE REICH.

(2) THE INHERITANCE TAX DOES NOT APPLY TO THE RECEIPT OF  
PROPERTY THAT IS:

(I) TANGIBLE OR INTANGIBLE PROPERTY OR COMPENSATION FOR TANGIBLE OR INTANGIBLE PROPERTY THAT WAS SEIZED, MISAPPROPRIATED, OR LOST AS A RESULT OF THE ACTIONS OR POLICIES OF NAZI GERMANY TOWARD A HOLOCAUST VICTIM; OR

(II) AMOUNTS RECEIVED BY A DECEDENT AS REPARATIONS OR RESTITUTION FOR THE LOSS OF LIBERTY OR DAMAGE TO THE HEALTH OF THE DECEDENT BECAUSE THE DECEDENT WAS:

1. A HOLOCAUST VICTIM; OR

2. A SPOUSE OR DESCENDANT OF A HOLOCAUST VICTIM.”;

in line 31, after “A” insert “HOLOCAUST”; and in the same line, strike “OF NAZI PERSECUTION”.

On page 3, in line 3, after “WITH” insert “THE”.

AMENDMENT NO. 3

On page 3, strike in their entirety lines 5 through 11 and substitute:

“(5) THE SUBTRACTION UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION SHALL ONLY APPLY IF THE DECEDENT:

(I) WAS THE FIRST RECIPIENT OF THE ASSETS DESCRIBED IN PARAGRAPH (2)(I) OF THIS SUBSECTION AFTER THEIR RECOVERY; AND

(II) WAS:

1. A HOLOCAUST VICTIM; OR

(Over)

2. A SPOUSE OR DESCENDANT OF A HOLOCAUST VICTIM.”.

On page 3, strike in their entirety lines 16 through 29, inclusive, and substitute:

“(T) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) “HOLOCAUST VICTIM” MEANS AN INDIVIDUAL WHO DIED OR LOST PROPERTY AS A RESULT OF DISCRIMINATORY LAWS, POLICIES, OR ACTIONS TARGETED AGAINST DISCRETE GROUPS OF INDIVIDUALS BASED ON RACE, RELIGION, ETHNICITY, SEXUAL ORIENTATION, OR NATIONAL ORIGIN, WHETHER OR NOT THE INDIVIDUAL WAS ACTUALLY A MEMBER OF ANY OF THOSE GROUPS, OR BECAUSE THE INDIVIDUAL ASSISTED OR ALLEGEDLY ASSISTED ANY OF THOSE GROUPS, BETWEEN JANUARY 1, 1929 AND DECEMBER 31, 1945, IN THE COUNTRY OF NAZI GERMANY, AREAS OCCUPIED BY NAZI GERMANY, THOSE EUROPEAN COUNTRIES ALLIED WITH NAZI GERMANY, AREAS OCCUPIED BY THOSE EUROPEAN COUNTRIES ALLIED WITH NAZI GERMANY, OR ANY OTHER NEUTRAL EUROPEAN COUNTRY OR AREA IN EUROPE UNDER THE INFLUENCE OR THREAT OF INVASION BY NAZI GERMANY OR BY ANY EUROPEAN COUNTRY ALLIED WITH OR OCCUPIED BY NAZI GERMANY.

(III) “NAZI GERMANY” MEANS:

1. FOR THE PERIOD FROM 1929 TO 1933, THE REPUBLIC OF GERMANY, COMMONLY REFERRED TO AS THE WEIMAR REPUBLIC; AND

2. FOR THE PERIOD FROM 1933 THROUGH 1945, DEUTSCHE REICH.

(2) THE SUBTRACTION UNDER SUBSECTION (A) OF THIS SECTION INCLUDES:

(I) INCOME OF AN INDIVIDUAL RELATED TO TANGIBLE OR INTANGIBLE PROPERTY THAT WAS SEIZED, MISAPPROPRIATED, OR LOST AS A

RESULT OF THE ACTIONS OR POLICIES OF NAZI GERMANY TOWARD A HOLOCAUST VICTIM; AND

(II) AMOUNTS RECEIVED BY AN INDIVIDUAL AS REPARATIONS OR RESTITUTION FOR THE LOSS OF LIBERTY OR DAMAGE TO THE HEALTH OF THE INDIVIDUAL BECAUSE THE INDIVIDUAL IS:

1. A HOLOCAUST VICTIM; OR
2. A SPOUSE OR DESCENDANT OF A HOLOCAUST VICTIM.”.

On page 3, in line 32, after “ISSUED” insert “TO A HOLOCAUST VICTIM”; in the same line, strike “IMMEDIATELY”; and in line 33, strike “TO A VICTIM OF NAZI PERSECUTION”.

AMENDMENT NO. 4

On pages 3 and 4, strike in their entirety the lines beginning with line 34 on page 3 through line 9 on page 4, inclusive, and substitute:

“(4) THE SUBTRACTION UNDER PARAGRAPH (2) OF THIS SUBSECTION DOES NOT INCLUDE:

(I) ASSETS ACQUIRED WITH THE ASSETS DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION; OR

(II) ASSETS ACQUIRED WITH THE PROCEEDS FROM THE SALE OF THE ASSETS DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION.

(5) THE SUBTRACTION UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION SHALL ONLY APPLY IF THE INDIVIDUAL:

(I) IS THE FIRST RECIPIENT OF THE ASSETS DESCRIBED IN PARAGRAPH (2)(I) OF THIS SUBSECTION AFTER THEIR RECOVERY; AND

(Over)

(II) IS:

1. A HOLOCAUST VICTIM; OR
2. A SPOUSE OR DESCENDANT OF A HOLOCAUST VICTIM.”.

AMENDMENT NO. 5

On page 4, after line 9, insert:

“Article - Insurance

TITLE 28. HOLOCAUST VICTIMS INSURANCE ACT.

28-101.

(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “HOLOCAUST VICTIM” MEANS AN INDIVIDUAL, CLAIMANT, OR THE ESTATE, HEIR, LEGATEE, DESCENDANT, SURVIVOR, BENEFICIARY, OR OTHER SUCCESSOR-IN-INTEREST OF THE INDIVIDUAL, WHO DIED OR LOST PROPERTY AS A RESULT OF DISCRIMINATORY LAWS, POLICIES, OR ACTIONS TARGETED AGAINST DISCRETE GROUPS OF INDIVIDUALS BASED ON RACE, RELIGION, ETHNICITY, SEXUAL ORIENTATION, OR NATIONAL ORIGIN, WHETHER OR NOT THE INDIVIDUAL WAS ACTUALLY A MEMBER OF ANY OF THOSE GROUPS, OR BECAUSE THE INDIVIDUAL ASSISTED OR ALLEGEDLY ASSISTED ANY OF THOSE GROUPS, BETWEEN JANUARY 1, 1929, AND DECEMBER 31, 1945, IN AREAS UNDER NAZI INFLUENCE.

(C) (1) “INSURANCE POLICY” MEANS A POLICY OF INSURANCE SUBSTANTIALLY SIMILAR TO ANY KIND OF INSURANCE THAT WAS AUTHORIZED AT ANY TIME IN MARYLAND BETWEEN AND INCLUDING THE YEARS 1929 AND 1945 OR AUTHORIZED BY THE JURISDICTION IN WHICH THE POLICY WAS SOLD AT THE TIME IT WAS SOLD.

(2) "INSURANCE POLICY" INCLUDES ANY FORM OF LIFE, ACCIDENT, HEALTH, ANNUITIES, PROPERTY, CASUALTY, EDUCATION, OR DOWRY INSURANCE.

(D) "PROCEEDS" MEANS THE FACE OR OTHER PAY-OUT VALUE OF AN INSURANCE POLICY OR ANNUITY PLUS REASONABLE INTEREST TO DATE OF PAYMENT AS REQUIRED BY REGULATIONS ADOPTED BY THE COMMISSIONER.

(E) "AREAS UNDER NAZI INFLUENCE" MEANS THE COUNTRY OF NAZI GERMANY, AREAS OCCUPIED BY NAZI GERMANY, THOSE EUROPEAN COUNTRIES ALLIED WITH NAZI GERMANY, AREAS OCCUPIED BY THOSE EUROPEAN COUNTRIES ALLIED WITH NAZI GERMANY, OR ANY OTHER NEUTRAL EUROPEAN COUNTRY OR AREA IN EUROPE UNDER THE INFLUENCE OR THREAT OF INVASION BY NAZI GERMANY OR BY ANY EUROPEAN COUNTRY ALLIED WITH OR OCCUPIED BY NAZI GERMANY.

(F) "INTERNATIONAL COMMISSION" MEANS THE TWELVE MEMBER COMMISSION, AND ANY SUCCESSOR ORGANIZATION, ESTABLISHED BY THE SEPTEMBER 1998 MEMORANDUM OF UNDERSTANDING EXECUTED BY THE MARYLAND INSURANCE COMMISSIONER, INSURANCE REGULATORS FROM OTHER STATES, EUROPEAN INSURERS, AND INTERNATIONAL JEWISH ORGANIZATIONS.

(G) "NAZI GERMANY" MEANS:

(1) FOR THE PERIOD FROM 1929 TO 1933, THE REPUBLIC OF GERMANY, COMMONLY REFERRED TO AS THE WEIMAR REPUBLIC; AND

(2) FOR THE PERIOD FROM 1933 THROUGH 1945, DEUTSCHE REICH.

28-102.

THE COMMISSIONER SHALL ARRANGE FOR A TOLL-FREE TELEPHONE

(Over)

NUMBER, AVAILABLE IN ENGLISH AS WELL AS OTHER APPROPRIATE LANGUAGES, TO ASSIST ANY PERSON SEEKING TO RECOVER PROCEEDS FROM AN INSURANCE POLICY ISSUED TO OR COVERING THE LIFE OR PROPERTY OF A HOLOCAUST VICTIM.

28-103.

(A) NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS TITLE, ANY INSURER AUTHORIZED TO DO INSURANCE BUSINESS IN THE STATE, IN RECEIPT OF A CLAIM AGAINST IT ARISING FROM AN OCCURRENCE DURING THE PERIOD BETWEEN JANUARY 1, 1929, AND DECEMBER 31, 1945, FROM AN INDIVIDUAL THAT THE INSURER KNOWS, OR REASONABLY SHOULD HAVE KNOWN, IS A HOLOCAUST VICTIM SHALL:

(1) DILIGENTLY AND EXPEDITIOUSLY INVESTIGATE THE CLAIM;

(2) ALLOW CLAIMANTS TO PROVIDE ALTERNATIVE DOCUMENTATION THAT DOES NOT MEET THE USUAL STANDARDS OF PROOF REQUIRED BY THE INSURER TO SUBSTANTIATE THE PARTICULAR CLAIM, SUBJECT TO STANDARDS ESTABLISHED FOR ALTERNATIVE DOCUMENTATION AS REQUIRED BY REGULATIONS ADOPTED BY THE COMMISSIONER; AND

(3) ATTEMPT TO RESOLVE, SETTLE, AND, IF APPROPRIATE, MAKE PAYMENTS ON CLAIMS IRRESPECTIVE OF ANY STATUTE OF LIMITATIONS OR NOTICE REQUIREMENTS IMPOSED BY LAW OR THE INSURANCE POLICY ISSUED TO OR COVERING THE LIFE, PROPERTY, OR INTERESTS OF A HOLOCAUST VICTIM, IF THE CLAIM IS SUBMITTED TO THE INSURER WITHIN 10 YEARS AFTER THE EFFECTIVE DATE OF THIS TITLE.

(B) A VIOLATION OF THIS SECTION IS AN UNFAIR OR DECEPTIVE ACT OR PRACTICE IN THE BUSINESS OF INSURANCE IN VIOLATION OF TITLE 27 OF THIS ARTICLE.

(C) (1) THIS TITLE SHALL SERVE AS ADDITIONAL AND CONCLUSIVE NOTICE THAT THE COMMISSIONER IS CURRENTLY INVESTIGATING ALL CLAIMS PERTAINING TO THE VICTIMS OF THE HOLOCAUST.

(2) EVIDENCE OF THE INTENTIONAL DESTRUCTION OR ALTERATION OF ANY RECORDS OR OTHER MATERIALS PERTAINING TO A CLAIM SHALL BE ADMISSIBLE IN BOTH ADMINISTRATIVE AND JUDICIAL PROCEEDINGS AS EVIDENCE IN SUPPORT OF ANY CLAIM BEING MADE AGAINST THE INSURER INVOLVING THE DESTROYED OR ALTERED MATERIAL.

(3) IT MAY BE INFERRED IN AN ADMINISTRATIVE OR JUDICIAL PROCEEDING THAT THE INTENTIONAL DESTRUCTION OR ALTERATION OF ANY RECORDS OR OTHER MATERIALS PERTAINING TO A CLAIM WAS DONE IN ORDER TO PREVENT DISCOVERY OF INFORMATION TO SUPPORT ANY CLAIM OF A HOLOCAUST VICTIM.

28-104.

(A) NOTWITHSTANDING ANY LAW OR AGREEMENT AMONG THE PARTIES TO AN INSURANCE POLICY TO THE CONTRARY, ANY ACTION ARISING FROM AN OCCURRENCE DURING THE PERIOD BETWEEN JANUARY 1, 1929, AND DECEMBER 31, 1945, BROUGHT BY A HOLOCAUST VICTIM SEEKING PROCEEDS OF AN INSURANCE POLICY ISSUED TO OR COVERING THE LIFE OR PROPERTY OF A HOLOCAUST VICTIM BEFORE DECEMBER 31, 1945, MAY NOT BE DISMISSED FOR FAILURE TO COMPLY WITH ANY STATUTE OF LIMITATIONS OR LACHES OR OTHER SIMILAR PROVISION OF ANY APPLICABLE LAW RELATING TO THE TIMELINESS OF THE FILING OF CLAIMS THAT MIGHT PREVENT A CLAIM FROM BEING HEARD ON ITS MERITS, OR ANY NOTICE REQUIREMENTS IMPOSED BY ANY INSURANCE POLICY IF THE ACTION IS COMMENCED WITHIN 10 YEARS AFTER THE EFFECTIVE DATE OF THIS TITLE.

(B) ANY ACTION ARISING FROM AN OCCURRENCE DURING THE PERIOD BETWEEN JANUARY 1, 1929, AND DECEMBER 31, 1945, BROUGHT BY A HOLOCAUST VICTIM SEEKING PROCEEDS OF AN INSURANCE POLICY ISSUED TO OR COVERING THE LIFE OR PROPERTY OF A HOLOCAUST VICTIM BEFORE DECEMBER 31, 1945, MAY NOT BE STAYED OR DISMISSED UNDER THE MARYLAND RULES OF CIVIL PROCEDURE.

(Over)

(C) IN RECOGNITION OF THE SIGNIFICANT PERIOD OF TIME THAT HAS PASSED AND IN ORDER TO EFFECT THE GOALS OF SUBSTANTIAL JUSTICE, THE RULES REGARDING THE ADMISSIBILITY OF EVIDENCE, AND PRINCIPLES OF LAW OR OTHER RULES RELATING TO THE ADMISSION OF HEARSAY EVIDENCE SHALL BE RELAXED AT THE DISCRETION OF THE TRIAL JUDGE IN ANY ACTION OR PROCEEDING AUTHORIZED BY THIS SECTION.

28-105.

(A) (1) IF DIRECTED TO DO SO BY THE COMMISSIONER, AN INSURER AUTHORIZED TO DO INSURANCE BUSINESS IN THE STATE SHALL FILE OR CAUSE ITS HOLDING COMPANY TO FILE WITH THE COMMISSIONER, A REPORT SETTING FORTH THE INSURER'S PLAN FOR COMPLYING WITH THIS TITLE.

(2) EACH INSURER THAT HAS DETERMINED THAT IT DOES NOT HAVE ANY OF THE INFORMATION REQUESTED IN SUBSECTION (B) OF THIS SECTION SHALL FILE OR CAUSE ITS HOLDING COMPANY TO FILE A REPORT STATING THAT THEY HAVE NO INFORMATION.

(3) IN ADDITION, AN INSURER MAY REQUEST TO BE RELIEVED FROM FILING ANY FURTHER REPORTS AFTER PROVIDING EVIDENCE SATISFACTORY TO THE COMMISSIONER THAT THE INSURER HAS FULFILLED ITS OBLIGATIONS UNDER THIS TITLE.

(B) IF DIRECTED TO DO SO BY THE COMMISSIONER, AN INSURER AUTHORIZED TO DO INSURANCE BUSINESS IN THE STATE SHALL REPORT OR CAUSE ITS HOLDING COMPANY TO REPORT TO THE COMMISSIONER THE FOLLOWING INFORMATION:

(1) WHETHER IT IS A MEMBER OF A HOLDING COMPANY SYSTEM INCLUDING ANY INSURER, ANY OTHER MEMBER, SUBSIDIARY, OR DIVISION IN EACH CASE WHETHER A LICENSEE OR NOT, THAT COULD POSSIBLY BE EXPECTED TO HAVE ISSUED AN INSURANCE POLICY TO A HOLOCAUST VICTIM BETWEEN JANUARY

1, 1920, AND DECEMBER 31, 1945, AND A LIST OF EACH ENTITY;

(2) THE APPROXIMATE NUMBER AND THE TOTAL VALUE OF ALL INSURANCE POLICIES ISSUED TO HOLOCAUST VICTIMS BETWEEN JANUARY 1, 1920, AND DECEMBER 31, 1945, BY THE INSURER OR BY ANY OTHER MEMBER, SUBSIDIARY, OR DIVISION WITHIN THE REPORTING INSURER'S HOLDING COMPANY SYSTEM, THAT, AS OF THE DATE OF THE REPORT, REMAIN UNPAID OR WERE PAID TO, OR EXPROPRIATED BY, A GOVERNMENT LOCATED IN AREAS UNDER NAZI INFLUENCE, THAT WAS NOT THE NAMED BENEFICIARY OF THE INSURANCE POLICY;

(3) ATTEMPTS MADE BY THE INSURER TO LOCATE THE BENEFICIARIES OF ANY INSURANCE POLICIES ISSUED TO HOLOCAUST VICTIMS BETWEEN JANUARY 1, 1920, AND DECEMBER 31, 1945, FOR WHICH NO CLAIM OF BENEFITS HAS BEEN MADE;

(4) IF REQUESTED BY THE COMMISSIONER AND TO THE EXTENT CONSISTENT WITH APPLICABLE LAWS AND CONFIDENTIALITY OBLIGATIONS, WITH RESPECT TO EACH INSURANCE POLICY ISSUED TO HOLOCAUST VICTIMS BETWEEN JANUARY 1, 1920, AND DECEMBER 31, 1945, THE NAME OF THE OWNER, THE NAME OF THE BENEFICIARY, AND THE FACE AMOUNT OR PAY-OUT VALUE;

(5) THE NUMBER OF CLAIMS FILED BY INDIVIDUALS WHO ALLEGE OR HAVE ALLEGED THAT THEY ARE HOLOCAUST VICTIMS AND WHETHER EACH CLAIM HAS BEEN PAID OR PAYMENT HAS BEEN DENIED;

(6) IF REQUESTED BY THE COMMISSIONER, AN EXPLANATION OF ANY DENIAL OR PENDING PAYMENT OF A CLAIM TO ANY INDIVIDUAL WHO ALLEGES OR HAS ALLEGED TO BE A HOLOCAUST VICTIM;

(7) A SUMMARY OF THE LENGTH OF TIME FOR THE PROCESSING AND DISPOSITION OF A CLAIM TO AN INDIVIDUAL WHO ALLEGES OR HAS ALLEGED TO BE A HOLOCAUST VICTIM BY THE INSURER; AND

(Over)

(8) IF THE INSURER IS UNABLE TO PROVIDE ANY OF THE INFORMATION REQUIRED BY THIS SECTION, AN EXPLANATION OF THE REASONS WHY AND WHETHER THE INFORMATION MAY, IN THE FUTURE, BE ASCERTAINABLE.

(C) THE COMMISSIONER SHALL DIRECT AN INSURER IN THIS STATE TO FILE A REPORT UNDER THIS SECTION IF:

(1) THE COMMISSIONER DETERMINES THAT THE INTERNATIONAL COMMISSION IS NOT MOVING EFFECTIVELY TOWARD THE SWIFT AND EQUITABLE RESOLUTION OF INSURANCE CLAIMS MADE BY HOLOCAUST VICTIMS; OR

(2) THE COMMISSIONER DETERMINES THAT AN INSURER IS NOT MEANINGFULLY PARTICIPATING IN THE WORK OF THE INTERNATIONAL COMMISSION OR COOPERATING WITH THE INTERNATIONAL COMMISSION IN A MANNER REASONABLY CALCULATED TO EFFECT THE PROMPT INVESTIGATION AND RESOLUTION OF CLAIMS MADE BY HOLOCAUST VICTIMS.

(D) EXCEPT AS PROVIDED IN SUBSECTION (A) OF THIS SECTION, THE REPORTS REQUIRED BY SUBSECTION (B) OF THIS SECTION SHALL BE MADE WITHIN 30 DAYS AFTER THE END OF THE CALENDAR YEAR IN WHICH THE INSURER WAS DIRECTED BY THE COMMISSIONER TO FILE A REPORT AND THEN ANNUALLY FOR EACH OF THE SUCCEEDING 10 YEARS.

(E) A REPORT SUBMITTED TO THE COMMISSIONER UNDER THIS SECTION SHALL BE CERTIFIED AND AFFIRMED UNDER OATH AS BEING TRUE AND NOT MISLEADING AND AS CONTAINING THE MOST ACCURATE INFORMATION AVAILABLE AT THE TIME OF THE SUBMISSION OF THE REPORT.

(F) THE COMMISSIONER MAY WAIVE PENALTIES AND FINES IMPOSED BY THIS TITLE FOR THOSE INSURERS THAT, THROUGH NO FAULT OF THEIR OWN, WERE UNAWARE THAT THEY, OR MEMBERS OF A HOLDING COMPANY SYSTEM THAT INCLUDES THE INSURER, WERE OBLIGATED TO FILE REPORTS UNDER THIS TITLE AND TO COMPLY WITH THIS TITLE.

(G) THE COMMISSIONER IS AUTHORIZED TO USE ANY POWER AVAILABLE TO THE STATE TO COMPEL HOLDING COMPANY SYSTEMS THAT INCLUDE ISSUERS OF INSURANCE POLICIES TO HOLOCAUST VICTIMS TO SUBMIT REPORTS UNDER THIS TITLE AND TO COMPLY WITH THIS TITLE.

(H) (1) AN INSURER THAT KNOWINGLY OR RECKLESSLY FILES A FALSE OR MISLEADING CERTIFICATION REQUIRED BY THIS SECTION IS SUBJECT TO A FINE OF NOT LESS THAN \$100,000 OR A GREATER AMOUNT AS THE COMMISSIONER CONSIDERS APPROPRIATE BASED ON THE DEGREE OF MISREPRESENTATION, THE WILLFULNESS OF THE MISCONDUCT, AND THE AMOUNT OF FUNDS MISAPPROPRIATED.

(2) THE INSURER ALSO MAY BE BARRED FROM FURTHER SALES OF INSURANCE IN THE STATE FOR A PERIOD OF UP TO 10 YEARS.

28-106.

(A) ON OR BEFORE DECEMBER 1, 1999, AND THEN ON DECEMBER 1 FOR EACH OF THE SUCCEEDING 10 YEARS, THE COMMISSIONER SHALL REPORT TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY THE FOLLOWING INFORMATION:

(1) THE PROGRESS OF THE INTERNATIONAL COMMISSION IN RECEIVING, INVESTIGATING, AND RESOLVING INSURANCE CLAIMS OF HOLOCAUST VICTIMS; AND

(2) THE STATUS OF ANY REPORTS THAT INSURERS WERE DIRECTED TO FILE UNDER § 28-105 OF THIS TITLE.

(B) THE COMMISSIONER'S REPORT UNDER THIS SECTION SHALL INCLUDE:

(1) THE NUMBER OF INSURERS AUTHORIZED TO DO BUSINESS IN THE STATE AND THE NUMBER OF OTHER INSURERS THAT MAY BE IN THE SAME HOLDING COMPANY SYSTEM AS AN AUTHORIZED INSURER THAT COULD POSSIBLY

(Over)

BE EXPECTED TO HAVE ISSUED AN INSURANCE POLICY TO A HOLOCAUST VICTIM BETWEEN JANUARY 1, 1920, AND DECEMBER 31, 1945;

(2) THE APPROXIMATE NUMBER AND TOTAL VALUE OF ALL INSURANCE POLICIES ISSUED TO HOLOCAUST VICTIMS BETWEEN JANUARY 1, 1920, AND DECEMBER 31, 1945, THAT, AS OF THE DATE OF THE REPORT, REMAIN UNPAID OR WERE PAID TO, OR EXPROPRIATED BY, A GOVERNMENT LOCATED IN AREAS UNDER NAZI INFLUENCE THAT WAS NOT THE NAMED BENEFICIARY OF THE INSURANCE POLICY;

(3) A LISTING BY INSURER OF THE NUMBER OF CLAIMS FILED BY INDIVIDUALS WHO ALLEGE OR HAVE ALLEGED THAT THEY ARE HOLOCAUST VICTIMS AND WHETHER EACH CLAIM HAS BEEN PAID OR PAYMENT HAS BEEN DENIED;

(4) A SUMMARY OF THE LENGTH OF TIME FOR THE PROCESSING AND DISPOSITION OF CLAIMS FILED BY INDIVIDUALS WHO ALLEGE OR HAVE ALLEGED THAT THEY ARE HOLOCAUST VICTIMS BY THE INSURER; AND

(5) A LISTING OF THE CIRCUMSTANCES OF THE ACTIVITIES OF THE COMMISSIONER UNDER ITEM (4) OF THIS SUBSECTION AND § 28-107 OF THIS TITLE.

28-107.

(A) IN ADDITION TO ANY OTHER PENALTY AUTHORIZED BY THIS TITLE, ANY INSURER OR PERSON THAT VIOLATES THIS TITLE IS SUBJECT TO A CIVIL PENALTY OF UP TO \$100,000 FOR EACH DAY THE VIOLATION CONTINUES.

(B) IF THE COMMISSIONER FINDS THAT A VIOLATION OF THIS TITLE IS WILLFUL, THE INSURER SHALL BE FINED AN AMOUNT THAT THE COMMISSIONER CONSIDERS APPROPRIATE BASED ON THE DEGREE OF WILLFUL MISCONDUCT AND THE NATURE OF THE VIOLATION.

28-108.

AN INSURER MAY NOT BE CONSIDERED TO BE IN VIOLATION OF ANY PROVISION OF TITLE 27 OF THIS ARTICLE FOR COMPLYING WITH THIS TITLE.

28-109.

THE COMMISSIONER SHALL ADOPT REGULATIONS TO CARRY OUT THIS TITLE AND TO FACILITATE, MONITOR, AND VERIFY COMPLIANCE WITH THIS TITLE.

28-110.

THIS TITLE IS THE HOLOCAUST VICTIMS INSURANCE ACT.”.