
By: **Delegates Donoghue and Mitchell**

Introduced and read first time: February 21, 2000

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Insurance Administration - Fees - Form Filings**

3 FOR the purpose of altering the fees that must be paid to the Maryland Insurance
4 Commissioner by certain persons for certain form filings; requiring that fees for
5 certain form filings be set at a certain time and in a certain manner; providing
6 for a delayed effective date for certain provisions of this Act; and generally
7 relating to fees payable to the Maryland Insurance Commissioner for form
8 filings.

9 BY renumbering

10 Article - Insurance
11 Section 2-112(a)(12)
12 to be Section 2-112(a)(13)
13 Annotated Code of Maryland
14 (1997 Volume and 1999 Supplement)

15 BY repealing and reenacting, with amendments,

16 Article - Insurance
17 Section 2-112(a)(11) and (b)
18 Annotated Code of Maryland
19 (1997 Volume and 1999 Supplement)

20 BY adding to

21 Article - Insurance
22 Section 2-112(a)(12) and (c)
23 Annotated Code of Maryland
24 (1997 Volume and 1999 Supplement)

25 BY renumbering

26 Article - Insurance
27 Section 2-112(a)(14)
28 to be Section 2-112(a)(15)

1 Annotated Code of Maryland
2 (1997 Volume and 1999 Supplement)
3 (As enacted by Chapter 774 of the Acts of the General Assembly of 1998)

4 BY repealing and reenacting, with amendments,
5 Article - Insurance
6 Section 2-112(a)(13) and (b)
7 Annotated Code of Maryland
8 (1997 Volume and 1999 Supplement)
9 (As enacted by Chapter 774 of the Acts of the General Assembly of 1998)

10 BY adding to
11 Article - Insurance
12 Section 2-112(a)(14) and (c)
13 Annotated Code of Maryland
14 (1997 Volume and 1999 Supplement)
15 (As enacted by Chapter 774 of the Acts of the General Assembly of 1998)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That Section(s) 2-112(a)(12) of Article - Insurance of the Annotated
18 Code of Maryland be renumbered to be Section(s) 2-112(a)(13).

19 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
20 read as follows:

21 **Article - Insurance**

22 2-112.

23 (a) Fees for the following certificates, licenses, and services shall be collected
24 in advance by the Commissioner, and shall be paid by the appropriate persons to the
25 Commissioner:

26 (11) fees for [form and] rate filings under Title 11, Subtitles 2 and 4 and
27 §§ 12-203, 13-110, and 14-126 of this article \$125

28 (12) FEES FOR FORM FILINGS UNDER TITLE 11, SUBTITLES 2 AND 4 AND §§
29 12-203, 13-110, AND 14-126 OF THIS ARTICLE IN THE AMOUNT SET IN ACCORDANCE
30 WITH SUBSECTION (C) OF THIS SECTION.

31 (b) A court may award reimbursement of a service of process fee imposed
32 under subsection [(a)(12)] (A)(13) of this section to a prevailing plaintiff in any
33 proceeding against an insurer or surplus lines broker.

34 (C) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, FEES
35 FOR FORM FILINGS UNDER SUBSECTION (A)(12) OF THIS SECTION SHALL BE SET

1 ANNUALLY FOR THE FOLLOWING CALENDAR YEAR BY REGULATION ADOPTED BY
2 THE COMMISSIONER.

3 (2) THE FEE FOR FILING ONE FORM SHALL BE DETERMINED BY
4 DIVIDING THE EXPECTED ACTUAL COST OF THE FORM FILING ACTIVITIES OF THE
5 ADMINISTRATION BY THE NUMBER OF FORMS FILED IN THE PRECEDING CALENDAR
6 YEAR.

7 (3) THE MAXIMUM FEE FOR A FILING THAT CONTAINS MULTIPLE FORMS
8 MAY NOT BE MORE THAN FIVE TIMES THE FILING FEE FOR ONE FORM.

9 SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 2-112(a)(14) of
10 Article - Insurance of the Annotated Code of Maryland (as enacted by Chapter 774 of
11 the Acts of the General Assembly of 1998) be renumbered to be Section(s)
12 2-112(a)(15).

13 SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland
14 read as follows:

15 **Article - Insurance**

16 2-112.

17 (a) Fees for the following certificates, licenses, and services shall be collected
18 in advance by the Commissioner, and shall be paid by the appropriate persons to the
19 Commissioner:

20 (13) fees for [form and] rate filings under Title 11, Subtitles 2 and 4 and
21 §§ 12-203, 13-110, and 14-126 of this article \$125

22 (14) FEES FOR FORM FILINGS UNDER TITLE 11, SUBTITLES 2 AND 4 AND §§
23 12-203, 13-110, AND 14-126 OF THIS ARTICLE IN THE AMOUNT SET IN ACCORDANCE
24 WITH SUBSECTION (C) OF THIS SECTION.

25 (b) A court may award reimbursement of a service of process fee imposed
26 under subsection [(a)(14)] (A)(15) of this section to a prevailing plaintiff in any
27 proceeding against an insurer or surplus lines broker.

28 (C) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, FEES
29 FOR FORM FILINGS UNDER SUBSECTION (A)(14) OF THIS SECTION SHALL BE SET
30 ANNUALLY FOR THE FOLLOWING CALENDAR YEAR BY REGULATION ADOPTED BY
31 THE COMMISSIONER.

32 (2) THE FEE FOR FILING ONE FORM SHALL BE DETERMINED BY
33 DIVIDING THE EXPECTED ACTUAL COST OF THE FORM FILING ACTIVITIES OF THE
34 ADMINISTRATION BY THE NUMBER OF FORMS FILED IN THE PRECEDING CALENDAR
35 YEAR.

36 (3) THE MAXIMUM FEE FOR A FILING THAT CONTAINS MULTIPLE FORMS
37 MAY NOT BE MORE THAN FIVE TIMES THE FILING FEE FOR ONE FORM.

1 SECTION 5. AND BE IT FURTHER ENACTED, That Sections 3 and 4 of this
2 Act shall take effect on the taking effect of the termination provision specified in
3 Section 14 of Chapter 774 of the Acts of the General Assembly of 1998. If that
4 termination provision takes effect, Sections 1 and 2 of this Act shall be abrogated and
5 of no further force and effect. This Act may not be interpreted to have any effect on
6 that termination provision.

7 SECTION 6. AND BE IT FURTHER ENACTED, That, subject to the provisions
8 of Section 5 of this Act, this Act shall take effect October 1, 2000.