

Article - Insurance

[Previous][Next]

§11-503.

(a) An order or decision of the Commissioner under this title is subject to judicial review by appeal to the Circuit Court for Baltimore City.

(b) (1) Within 30 days after the issuance of an order or decision of the Commissioner, an appeal may be commenced by filing a notice of appeal with the Circuit Court for Baltimore City and a copy of the notice of appeal with the Commissioner.

(2) If an appeal is not commenced under paragraph (1) of this subsection, the right to appeal no longer exists.

(3) The Commissioner shall be made a party to each appeal under this section.

(c) (1) After a copy of the notice of appeal is filed with the Commissioner, the Commissioner shall prepare or cause to be prepared an official record.

(2) The official record:

(i) shall be certified by the Commissioner;

(ii) shall include a copy of:

1. all proceedings;

2. the findings and order of the Commissioner; and

3. a transcript of any testimony and exhibits or records; and

(iii) may be in typewritten form.

(3) If a hearing was not held by the Commissioner on the matter that is the subject of the appeal, the Commissioner shall prepare and certify a transcript of the files in the office of the Commissioner relating to the matter.

(4) Within 30 days after a copy of the notice of appeal is filed with the Commissioner, the Commissioner shall file the official record with the Circuit Court for Baltimore City.

(d) (1) Except as provided in paragraph (2) of this subsection, the filing of the notice of appeal acts as a stay of a ruling, order, or decision of the Commissioner pending the final determination of the issue if the ruling, order, or decision relates to an increase or decrease of premiums or rate or to a change in a rating system.

(2) Paragraph (1) does not apply if the ruling, order, or decision approves or allows a filing of an insurer or rating organization.

(e) (1) Within 60 days after the date of the filing of a notice of appeal, the Circuit Court for Baltimore City shall:

(i) hear and decide the appeal; and

(ii) affirm, reverse, or modify the order or decision of the Commissioner from which the appeal is taken.

(2) The Circuit Court for Baltimore City shall reverse or modify the order or decision of the Commissioner wholly or partly if the court finds that the order or decision:

(i) is not supported by the preponderance of the evidence on consideration of the record as a whole; or

(ii) is not in accordance with law.

(f) (1) An appeal to the Court of Special Appeals may be taken from the decision of the Circuit Court for Baltimore City as in other civil cases.

(2) The Commissioner shall be made a party to each appeal to the Court of Special Appeals under paragraph (1) of this subsection.

[Previous][Next]