

## Article - Insurance

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§2-203.

(a) With respect to an examination, investigation, or hearing conducted by the Commissioner, the Commissioner, deputy commissioner, or an examiner authorized by the Commissioner may:

(1) administer oaths;

(2) examine individuals under oath; and

(3) issue subpoenas for the attendance of witnesses to testify or the production of evidence.

(b) (1) A subpoena issued under this section shall be served:

(i) in the same manner as a subpoena of a circuit court may be served; or

(ii) in the same manner as a service of process in a civil action in a circuit court may be served.

(2) If a person fails to comply with a lawfully served subpoena, the Commissioner immediately shall file a complaint and a copy of the subpoena and proof of service with the circuit court for the county where the person was required to appear or produce evidence.

(3) On receipt of a complaint and a copy of the subpoena and proof of service, the circuit court shall:

(i) issue an order directing compliance with the subpoena or compelling testimony; and

(ii) impose penalties as if the person had failed to comply with a subpoena of the court.

(c) (1) A person is not excused from attending, testifying, or producing evidence in an examination, investigation, or hearing conducted by or under authority of the Commissioner on the ground that the testimony or evidence may:

(i) tend to incriminate the person; or

(ii) subject the person to a penalty of forfeiture.

(2) Before a person that claims the privilege against self-incrimination is required or allowed to testify or produce evidence, the Commissioner shall consult with

the Attorney General and, with the consent of the Attorney General, the person may not be prosecuted or punished in a criminal action because of an act, transaction, matter, or thing about which the person is compelled to produce evidence or testify under oath.

(3) A person that testifies is not exempt from prosecution and punishment for perjury committed while testifying.

(d) (1) A witness is entitled to the fees and mileage reimbursement allowed for testimony in a court.

(2) On submission of an itemized claim, witness fees, mileage, and actual necessary expenses incurred in securing attendance and testimony of a witness shall be paid by:

(i) the person being examined, if the person is found to have violated the law as to the matter about which the witness was subpoenaed; or

(ii) the person that requested the hearing, if the hearing was requested by a person other than the Commissioner.

(e) (1) A person may not willfully testify falsely under oath about any matter that is material to an examination, investigation, or hearing.

(2) A person that violates paragraph (1) of this subsection is guilty of perjury and on conviction shall be punished accordingly.

(f) (1) A person may not willfully fail to:

(i) appear and testify under oath before the Commissioner;

(ii) attend, answer, or produce evidence requested by the Commissioner; or

(iii) give the Commissioner full and truthful information and answer in writing to any material written inquiry of the Commissioner in relation to the subject of an examination, investigation, or hearing.

(2) In addition to or instead of any other applicable penalty, a person that violates paragraph (1) of this subsection is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 6 months or both.

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