

SENATE BILL 240

C4

6lr1657

By: **Senator Kelley**

Introduced and read first time: January 22, 2016

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 12, 2016

CHAPTER _____

1 AN ACT concerning

2 **Maryland Insurance Commissioner – Responsibility for Holding Hearings**
3 **– Delegation**

4 FOR the purpose of altering the authority of the Maryland Insurance Commissioner to
5 delegate to certain persons the responsibility for holding a hearing under certain
6 provisions of law; and generally relating to the authority of the Maryland Insurance
7 Commissioner to hold hearings.

8 BY repealing and reenacting, with amendments,
9 Article – Insurance
10 Section 2–210
11 Annotated Code of Maryland
12 (2011 Replacement Volume and 2015 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
14 That the Laws of Maryland read as follows:

15 **Article – Insurance**

16 2–210.

17 (a) (1) The Commissioner may hold hearings that the Commissioner considers
18 necessary for any purpose under this article.

19 (2) The Commissioner shall hold a hearing:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (i) if required by any provision of this article; or

2 (ii) except as otherwise provided in this article, on written demand
3 by a person aggrieved by any act of, threatened act of, or failure to act by the Commissioner
4 or by any report, regulation, or order of the Commissioner, except an order to hold a hearing
5 or an order resulting from a hearing.

6 (b) (1) A demand for a hearing shall state the grounds for the relief to be
7 demanded at the hearing.

8 (2) Within 30 consecutive days after receiving a demand for a hearing, the
9 Commissioner shall:

10 (i) grant and, unless postponed by mutual consent of the parties,
11 hold the hearing; or

12 (ii) issue an order refusing the hearing.

13 (3) If the Commissioner does not grant or refuse a hearing within the
14 30-day period, the hearing is deemed to have been refused.

15 (c) (1) Except as provided in paragraph (2) of this subsection, a hearing held
16 under this section shall be conducted in accordance with Title 10, Subtitle 2 of the State
17 Government Article (Administrative Procedure Act – Contested Cases).

18 (2) A hearing held under this section is not subject to § 10–216 of the State
19 Government Article.

20 (d) The Commissioner may delegate to the Deputy Commissioner, ~~an~~ an associate
21 deputy commissioner, ~~or~~ an associate commissioner, **OR ANY OTHER PERSON**
22 **~~DESIGNATED BY THE COMMISSIONER~~ ONE OTHER ADMINISTRATION EMPLOYEE**
23 **WHO IS DESIGNATED BY THE COMMISSIONER AND ADMITTED TO THE PRACTICE OF**
24 **LAW IN THE STATE** the responsibility for holding a hearing under this section or § 4–114
25 of this article.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
27 1, 2016.