

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL NO. 825

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 18, strike “protest” and substitute “request a hearing on”; in line 19, after “insurer;” insert “providing that in the case of a certain increase, a certain dismissal is deemed to be a final determination of the Insurance Commissioner within a certain number of days; providing an exception to the requirement that the Insurance Commissioner hold a hearing under certain circumstances;”; and in the same line, after “insured” insert “and the determination of the Insurance Commissioner”.

On page 2, in line 3, strike “27-605(b)” and substitute “27-605(b), (d), and (e)”.

AMENDMENT NO. 2

On page 5, strike beginning with “AND” in line 9 down through “1.” in line 14 and substitute “(VI)”; in line 15, after “and” insert “, EXCEPT IN THE CASE OF A PREMIUM INCREASE THAT IS CONSISTENT WITH THE INSURER’S SURCHARGE PLAN AS FILED WITH THE COMMISSIONER AND AUTHORIZED UNDER THE APPLICABLE PROVISIONS OF TITLE 11 OF THIS ARTICLE,”; in line 18, strike the brackets; in the same line, strike “2.”; in line 22, strike the brackets; in the same line, strike “3.”; and after line 31, insert:

“(d) (1) An insured may protest a proposed action of the insurer under this section by signing two copies of the notice and sending them to the Commissioner within 30 days after the mailing date of the notice.

(2) On receipt of a protest, the Commissioner shall notify the insurer of the filing of the protest.

(3) A protest filed with the Commissioner stays the proposed action of the insurer pending a final determination by the Commissioner.

(Over)

(4) (I) The insurer shall maintain in effect the same coverage and premium that were in effect on the day the notice of proposed action was sent to the insured until a final determination is made, subject to the payment of any authorized premium due or becoming due before the determination.

(II) IN THE CASE OF A PREMIUM INCREASE, A DISMISSAL OF THE PROTEST IS DEEMED TO BE A FINAL DETERMINATION OF THE COMMISSIONER WITHIN 20 DAYS AFTER THE MAILING DATE OF THE COMMISSIONER'S NOTICE OF ACTION.

(e) (1) Based on the information contained in the notice, the Commissioner:

(i) shall determine whether the protest by the insured has merit; and

(ii) either shall dismiss the protest or disallow the proposed action of the insurer.

(2) The Commissioner shall notify the insurer and the insured of the action of the Commissioner promptly in writing.

(3) [Within] SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, WITHIN 30 days after the mailing date of the Commissioner's notice of action, the aggrieved party may request a hearing.

(4) EXCEPT IN THE CASE OF A PREMIUM INCREASE THAT IS CONSISTENT WITH THE INSURER'S SURCHARGE PLAN AS FILED WITH THE COMMISSIONER AND AUTHORIZED UNDER THE APPLICABLE PROVISIONS OF TITLE 11 OF THIS ARTICLE, [The] THE Commissioner shall:

(i) hold a hearing within a reasonable time after the request for a hearing; and

(ii) give written notice of the time and place of the hearing at least 10 days before the hearing.

(5) A hearing held under this subsection shall be conducted in accordance with Title 10, Subtitle 2 of the State Government Article.

(6) At the hearing the insurer has the burden of proving its proposed action to be justified and, in doing so, may rely only on the reasons set forth in its notice to the insured.”.