

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL NO. 279

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after “qualification;” insert “prohibiting an insurer from prohibiting one of its agents from obtaining continuing education credits under certain circumstances;”; in line 23, after “brokers;” insert “providing for a certain exemption for certain insurance advisers; making certain corrections and clarifying that there must be notice and opportunity for a hearing under certain circumstances;”; and in line 31, strike “182(h)” and substitute “182(d)(2)(iii), (h),”.

On page 3, in line 32, after “Section” insert “10-204(c)(3),”; and in the same line after “10-211” insert a comma.

AMENDMENT NO. 2

On page 6, after line 13, and on page 26, after line 32, in each instance, insert:

“(6) AN INSURER MAY NOT PROHIBIT ONE OF ITS AGENTS FROM OBTAINING CONTINUING EDUCATION CREDITS FROM ANY COURSE APPROVED BY THE COMMISSIONER.”

AMENDMENT NO. 3

On page 6, strike beginning with the second “OF” in line 27 down through “OTHER” in line 32; and in line 36, strike “UPON” and substitute “AFTER RECEIVING”.

On page 7 in line 13, and on page 23 in lines 27 and 36, in each instance, after “STATE” insert “IN THAT KIND OF INSURANCE”.

On page 8 in lines 18 and 19, on page 12 in lines 14 and 15, on page 13 in lines 22 and 23, and on page 14 in lines 27 and 28, in each instance, strike “AT THE END OF THE” and substitute “AFTER THAT”.

(Over)

On page 8 in line 19, on page 12 in line 15, on page 13 in line 23, and on page 14 in line 28, in each instance, strike “IMMEDIATELY PRECEDING THE RENEWAL DATE”.

On page 8 in line 37, on page 9 in line 2, and on page 27 in lines 34 and 37, in each instance, strike “MAY NOT CONDUCT” and substitute “IS PROHIBITED FROM CONDUCTING”.

On page 9 in line 8, on page 12 in line 31, on page 13 in line 40, on page 15 in line 8, on page 16 in line 5, on page 21 in line 8, on page 22 in line 8, on page 28 in line 4, on page 31 in line 31, and on page 33 in line 9, in each instance, strike “THE END OF”.

On page 11, in lines 12 and 21, in each instance, strike “OR”; and in lines 12 and 22, in each instance, after “PARTNERSHIP” insert “, OR ANY OTHER BUSINESS ENTITY”.

On page 12 in line 28, on page 13 in line 36, on page 15 in line 4, on page 16 in line 2, on page 21 in line 4, on page 22 in line 5, on page 31 in line 27, and on page 33 in line 6, in each instance, strike “MAY NOT ACT” and substitute “IS PROHIBITED FROM ACTING”.

On page 13, in line 8, strike “NO”.

On page 15, in line 33, strike “(C)” and substitute “(B)”.

On page 25, in line 19, strike “CARRY out” and substitute “DEVELOP”.

On page 27, strike beginning with the second “OF” in line 5 down through “OTHER” in line 11; and in line 14, strike “ON” and substitute “AFTER RECEIVING”.

On page 29 in line 35, and on page 30 in line 5, in each instance, strike “OR”.

On page 29 in line 35, and on page 30 in line 6, in each instance, after “CORPORATION” insert “, OR ANY OTHER BUSINESS ENTITY”.

AMENDMENT NO. 4

On page 7, after line 18, insert:

“(III) THE COMMISSIONER MAY STAGGER THE TERMS OF MEMBERS OF EACH ADVISORY BOARD UNDER THIS SUBSECTION.”.

On page 24, after line 5, insert:

“(4) THE COMMISSIONER MAY STAGGER THE TERMS OF MEMBERS OF EACH ADVISORY BOARD UNDER THIS SECTION.”.

AMENDMENT NO. 5

On page 6, strike beginning with the colon in line 9 down through “(II)” in line 11; and in line 12, strike “OTHER CIRCUMSTANCES” and substitute “REASONS”.

On page 26, strike beginning with the colon in line 29 down through “(II)” in line 31; and in the same line, strike “OTHER”.

AMENDMENT NO. 6

On page 20, in line 35, after “(B)” insert “(1)”; and in the same line, strike “TWICE” and substitute “:

(I)”.

On page 21, in line 2, after “REINSTATEMENT” insert “; AND

(II) 1. \$25 FOR REINSTATEMENT DURING THE PERIOD FROM JULY 1 THROUGH JULY 31;

2. \$50 FOR REINSTATEMENT DURING THE PERIOD FROM AUGUST 1 THROUGH AUGUST 31; AND

3. \$75 FOR REINSTATEMENT DURING THE PERIOD FROM SEPTEMBER 1 THROUGH SEPTEMBER 30”.

On page 22, in line 1, after “(B)” insert “(1)”; in the same line, strike “TWICE” and substitute “:

(Over)

(I)”;

and in line 3, after “REINSTATEMENT” insert “; AND”

(II) 1. \$25 FOR REINSTATEMENT DURING THE PERIOD FROM JULY 1 THROUGH JULY 31;

2. \$50 FOR REINSTATEMENT DURING THE PERIOD FROM AUGUST 1 THROUGH AUGUST 31; AND

3. \$75 FOR REINSTATEMENT DURING THE PERIOD FROM SEPTEMBER 1 THROUGH SEPTEMBER 30”.

On page 27, in line 29, after “(B)” insert “(1)”; in the same line, strike “TWICE” and substitute “;”

(I)”;

and in line 32, after “REINSTATEMENT” insert “; AND”

(II) 1. \$25 FOR REINSTATEMENT DURING THE PERIOD FROM JULY 1 THROUGH JULY 31;

2. \$50 FOR REINSTATEMENT DURING THE PERIOD FROM AUGUST 1 THROUGH AUGUST 31; AND

3. \$75 FOR REINSTATEMENT DURING THE PERIOD FROM SEPTEMBER 1 THROUGH SEPTEMBER 30”.

On page 31, in line 22, after “(B)” insert “(1)”; in the same line, strike “TWICE” and substitute “;”

(I)”;

and in line 25, after “REINSTATEMENT” insert “; AND

(II) 1. \$25 FOR REINSTATEMENT DURING THE PERIOD FROM JULY 1 THROUGH JULY 31;

2. \$50 FOR REINSTATEMENT DURING THE PERIOD FROM AUGUST 1 THROUGH AUGUST 31; AND

3. \$75 FOR REINSTATEMENT DURING THE PERIOD FROM SEPTEMBER 1 THROUGH SEPTEMBER 30”.

On page 33, in line 1, after “(B)” insert “(1)”; in the same line, strike “TWICE” and substitute “;”

(I)”;

and in line 4, after “REINSTATEMENT” insert “; AND

(II) 1. \$25 FOR REINSTATEMENT DURING THE PERIOD FROM JULY 1 THROUGH JULY 31;

2. \$50 FOR REINSTATEMENT DURING THE PERIOD FROM AUGUST 1 THROUGH AUGUST 31; AND

3. \$75 FOR REINSTATEMENT DURING THE PERIOD FROM SEPTEMBER 1 THROUGH SEPTEMBER 30”.

AMENDMENT NO. 7

On page 9, after line 11, insert:

“(F) THE COMMISSIONER MAY LIMIT THE REINSTATEMENT FEE TO THE

(Over)

AMOUNT OF THE RENEWAL FEE IN CASES WHERE THE REINSTATEMENT APPLICANT DID NOT MAKE TIMELY RENEWAL BECAUSE OF TEMPORARY INCAPACITY, HOSPITALIZATION, OR OTHER HARDSHIP.”;

and in line 12, strike “(F)” and substitute “(G)”.

On page 12, after line 34, insert:

“(F) THE COMMISSIONER MAY LIMIT THE REINSTATEMENT FEE TO THE AMOUNT OF THE RENEWAL FEE IN CASES WHERE THE REINSTATEMENT APPLICANT DID NOT MAKE TIMELY RENEWAL BECAUSE OF TEMPORARY INCAPACITY, HOSPITALIZATION, OR OTHER HARDSHIP.”;

and in line 35, strike “(F)” and substitute “(G)”.

On page 13, after line 43, insert:

“(F) THE COMMISSIONER MAY LIMIT THE REINSTATEMENT FEE TO THE AMOUNT OF THE RENEWAL FEE IN CASES WHERE THE REINSTATEMENT APPLICANT DID NOT MAKE TIMELY RENEWAL BECAUSE OF TEMPORARY INCAPACITY, HOSPITALIZATION, OR OTHER HARDSHIP.”.

On page 14, in line 1, strike “(F)” and substitute “(G)”.

On page 15, after line 11, insert:

“(F) THE COMMISSIONER MAY LIMIT THE REINSTATEMENT FEE TO THE AMOUNT OF THE RENEWAL FEE IN CASES WHERE THE REINSTATEMENT APPLICANT DID NOT MAKE TIMELY RENEWAL BECAUSE OF TEMPORARY INCAPACITY, HOSPITALIZATION, OR OTHER HARDSHIP.”;

and in line 12, strike “(F)” and substitute “(G)”.

On page 16, after line 8, insert:

“(E) THE COMMISSIONER MAY LIMIT THE REINSTATEMENT FEE TO THE AMOUNT OF THE RENEWAL FEE IN CASES WHERE THE REINSTATEMENT APPLICANT DID NOT MAKE TIMELY RENEWAL BECAUSE OF TEMPORARY INCAPACITY, HOSPITALIZATION, OR OTHER HARDSHIP.”;

and in line 9, strike “(E)” and substitute “(F)”.

On page 21, after line 2, insert:

“(2) THE COMMISSIONER MAY LIMIT THE REINSTATEMENT FEE TO THE AMOUNT OF THE RENEWAL FEE IN CASES WHERE THE REINSTATEMENT APPLICANT DID NOT MAKE TIMELY RENEWAL BECAUSE OF TEMPORARY INCAPACITY, HOSPITALIZATION, OR OTHER HARDSHIP.”.

On page 22, after line 3, insert:

“(2) THE COMMISSIONER MAY LIMIT THE REINSTATEMENT FEE TO THE AMOUNT OF THE RENEWAL FEE IN CASES WHERE THE REINSTATEMENT APPLICANT DID NOT MAKE TIMELY RENEWAL BECAUSE OF TEMPORARY INCAPACITY, HOSPITALIZATION, OR OTHER HARDSHIP.”.

On page 27, after line 32, insert:

“(2) THE COMMISSIONER MAY LIMIT THE REINSTATEMENT FEE TO THE AMOUNT OF THE RENEWAL FEE IN CASES WHERE THE REINSTATEMENT APPLICANT DID NOT MAKE TIMELY RENEWAL BECAUSE OF TEMPORARY INCAPACITY, HOSPITALIZATION, OR OTHER HARDSHIP.”.

On page 31, after line 25, insert:

(Over)

“(2) THE COMMISSIONER MAY LIMIT THE REINSTATEMENT FEE TO THE AMOUNT OF THE RENEWAL FEE IN CASES WHERE THE REINSTATEMENT APPLICANT DID NOT MAKE TIMELY RENEWAL BECAUSE OF TEMPORARY INCAPACITY, HOSPITALIZATION, OR OTHER HARDSHIP.”.

On page 33, after line 4, insert:

“(2) THE COMMISSIONER MAY LIMIT THE REINSTATEMENT FEE TO THE AMOUNT OF THE RENEWAL FEE IN CASES WHERE THE REINSTATEMENT APPLICANT DID NOT MAKE TIMELY RENEWAL BECAUSE OF TEMPORARY INCAPACITY, HOSPITALIZATION, OR OTHER HARDSHIP.”.

AMENDMENT NO. 8

On page 8, in line 16, strike “HAS NOT BEEN RECEIVED BY THE COMMISSIONER” and substitute “IS NOT POSTMARKED”.

On page 12, in line 12, strike “HAS NOT BEEN RECEIVED BY THE COMMISSIONER” and substitute “IS NOT POSTMARKED”.

On page 13, in line 20, strike “HAS NOT BEEN RECEIVED BY THE COMMISSIONER” and substitute “IS NOT POSTMARKED”.

On page 14, in line 25, strike “HAS NOT BEEN RECEIVED BY THE COMMISSIONER” and substitute “IS NOT POSTMARKED”.

On page 15, after line 25, insert:

“(C) AN APPLICATION FOR RENEWAL OF A REGISTRATION SHALL BE CONSIDERED MADE IN A TIMELY MANNER IF IT IS POSTMARKED ON OR BEFORE JUNE 30 OF THE YEAR OF RENEWAL.”.

On page 20, after line 22, insert:

“(D) AN APPLICATION FOR RENEWAL OF A CERTIFICATE OF QUALIFICATION

SHALL BE CONSIDERED MADE IN A TIMELY MANNER IF IT IS POSTMARKED ON OR BEFORE JUNE 30 OF THE YEAR OF RENEWAL.”;

and in line 23, strike “(d)” and substitute “(E)”.

On page 21, after line 24, insert:

“(C) AN APPLICATION FOR RENEWAL OF A REGISTRATION SHALL BE CONSIDERED MADE IN A TIMELY MANNER IF IT IS POSTMARKED ON OR BEFORE JUNE 30 OF THE YEAR OF RENEWAL.”;

and in line 25, strike “(c)” and substitute “(D)”.

On page 25, after line 2, insert:

“(D) AN APPLICATION FOR RENEWAL OF A CERTIFICATE OF QUALIFICATION SHALL BE CONSIDERED MADE IN A TIMELY MANNER IF IT IS POSTMARKED ON OR BEFORE JUNE 30 OF THE YEAR OF RENEWAL.”;

and in lines 3 and 17, strike “(d)” and “(E)”, respectively, and substitute “(E)” and “(F)”, respectively.

On page 30, after line 36, insert:

“(D) AN APPLICATION FOR RENEWAL OF A CERTIFICATE OF QUALIFICATION SHALL BE CONSIDERED MADE IN A TIMELY MANNER IF IT IS POSTMARKED ON OR BEFORE JUNE 30 OF THE YEAR OF RENEWAL.”.

On page 31, in line 1, strike “(d)” and substitute “(E)”.

On page 32, after line 19, insert:

(Over)

“(D) AN APPLICATION FOR RENEWAL OF A CERTIFICATE OF QUALIFICATION SHALL BE CONSIDERED MADE IN A TIMELY MANNER IF IT IS POSTMARKED ON OR BEFORE JUNE 30 OF THE YEAR OF RENEWAL.”;

and in line 20, strike “(d)” and substitute “(E)”.

AMENDMENT NO. 9

On page 6, strike in their entirety lines 1 through 7, inclusive; and in line 8, strike “(6)” and substitute “(5)”.

On page 26, strike in their entirety lines 24 through 27, inclusive; and in line 28, strike “(6)” and substitute “(5)”.

AMENDMENT NO. 10

On page 12, after line 37, insert:

“(d) (2) [a] A license may be issued to:

(iii) 1. a nonresident of Maryland who is licensed as an insurance adviser in their actual state of residence; OR

2. IF THE COMMISSIONER DETERMINES THAT THE APPLICANT IS OTHERWISE QUALIFIED TO ACT AS AN INSURANCE ADVISER, A NONRESIDENT OF MARYLAND WHOSE STATE OF RESIDENCE DOES NOT ISSUE:

A. AN INSURANCE ADVISER’S LICENSE; OR

B. THE EQUIVALENT OF AN INSURANCE ADVISER’S LICENSE.”.

AMENDMENT NO. 11

On page 28, strike beginning with “AFTER” in line 11 down through “the” in line 12 and substitute “THE”; in line 13, after “applicant” insert “UNDER §§ 2-210 THROUGH 2-214 OF THIS

ARTICLE.”; and in line 14, after “qualification” insert “AFTER NOTICE AND OPPORTUNITY FOR HEARING UNDER §§ 2-210 THROUGH 2-214 OF THIS ARTICLE”.

On page 29, strike beginning with “Subject” in line 22 down through “corporation” in line 25 and substitute “THE COMMISSIONER MAY DENY A CERTIFICATE OF QUALIFICATION TO AN APPLICANT LIMITED LIABILITY COMPANY, PARTNERSHIP, OR CORPORATION UNDER §§ 2-210 THROUGH 2-214 OF THIS ARTICLE, OR SUSPEND, REVOKE, OR REFUSE TO RENEW OR REINSTATE A CERTIFICATE OF QUALIFICATION OF A LIMITED LIABILITY COMPANY, PARTNERSHIP, OR CORPORATION AFTER NOTICE AND OPPORTUNITY FOR HEARING UNDER §§ 2-210 THROUGH 2-214 OF THIS ARTICLE.”.

AMENDMENT NO. 12

On page 30, after line 9, insert:

“10-204.

(c) A license may be issued to:

(3) (I) a nonresident of the State who is licensed as an insurance adviser in the nonresident’s state of residence; OR

(II) IF THE COMMISSIONER DETERMINES THAT THE APPLICANT IS OTHERWISE QUALIFIED TO ACT AS AN INSURANCE ADVISER, A NONRESIDENT OF MARYLAND WHOSE STATE OF RESIDENCE DOES NOT ISSUE:

1. AN INSURANCE ADVISER’S LICENSE; OR

2. THE EQUIVALENT OF AN INSURANCE ADVISER’S LICENSE.”.

(Over)