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**By: Delegate La Vay**

Introduced and read first time: February 24, 1997

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

**2 Applicability of Insurance Article to Injured Workers' Insurance Fund**

3 FOR the purpose of providing that the Injured Workers' Insurance Fund shall be  
4 considered an insurer and is subject to regulation by the Insurance Commissioner  
5 under the Insurance Article; and generally relating to the applicability of the  
6 Insurance Article to the Injured Workers' Insurance Fund.

7 BY repealing and reenacting, with amendments,  
8 Article - Insurance  
9 Section 1-204  
10 Annotated Code of Maryland  
11 (1995 Volume and 1996 Supplement)  
12 (As enacted by Chapter \_\_\_\_ (H.B. 11) of the Acts of the General Assembly of  
13 1997)

14 BY repealing and reenacting, with amendments,  
15 Article - Labor and Employment  
16 Section 10-105  
17 Annotated Code of Maryland  
18 (1991 Volume and 1996 Supplement)

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

21 **Article - Insurance**

22 1-204.

23 (A) FOR PURPOSES OF THIS ARTICLE, THE INJURED WORKERS' INSURANCE  
24 FUND SHALL BE CONSIDERED AN INSURER AND, EXCEPT AS SPECIFICALLY  
25 PROVIDED OTHERWISE IN THIS ARTICLE, IS SUBJECT TO REGULATION BY THE  
26 COMMISSIONER UNDER THIS ARTICLE.

27 (B) For the purpose of workers' compensation insurance, this article does not  
28 apply to an employer who:

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1 (1) participates in a governmental self-insurance group under § 9-404 of the  
2 Labor and Employment Article; or

3 (2) self-insures under § 9-405 of the Labor and Employment Article.

4 **Article - Labor and Employment**

5 10-105.

6 (a) [The] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE  
7 Fund is independent of all State units.

8 (b) (1) Except as provided in paragraph (2) of this subsection AND  
9 SUBSECTION (C) OF THIS SECTION and elsewhere in this subtitle, the Fund is not subject  
10 to any law, including § 6-106 of the State Government Article, that affects governmental  
11 units.

12 (2) The Fund is subject to:

13 (i) Title 10, Subtitle 5 of the State Government Article;

14 (ii) Title 10, Subtitle 6, Part III of the State Government Article;

15 (iii) Title 12 of the State Government Article;

16 (iv) The Maryland Public Ethics Law; and

17 (v) Title 5, Subtitle 3 of the State Personnel and Pensions Article.

18 (3) Paragraph (1) of this subsection does not affect the exemption from  
19 property tax under § 7-210 of the Tax - Property Article.

20 (C) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, THE FUND  
21 SHALL BE CONSIDERED AN INSURER FOR PURPOSES OF THE INSURANCE ARTICLE  
22 AND, EXCEPT AS SPECIFICALLY PROVIDED OTHERWISE IN THE INSURANCE  
23 ARTICLE, IS SUBJECT TO REGULATION AS AN INSURER BY THE INSURANCE  
24 COMMISSIONER UNDER THE INSURANCE ARTICLE.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 1997.