

SENATE BILL 581

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C4

1998 Regular Session
(8lr2273)

ENROLLED BILL
-- Finance/Economic Matters --

Introduced by **Senators Astle and Derr**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Insurance - Administrative Hearings - Representation of ~~Corporations~~**
3 **Insurers**

4 FOR the purpose of requiring the Insurance Commissioner to allow ~~any corporation~~
5 an insurer that is a party to a hearing held by the Insurance Commissioner to
6 ~~appear through a corporate designee~~ be represented by a certain designee of the
7 insurer; authorizing an individual who is not licensed to practice law in the
8 State and who is a designee of ~~a corporation~~ an insurer to represent the
9 ~~corporation~~ insurer in a proceeding before the Office of Administrative Hearings
10 while appearing on behalf of the ~~corporation~~ insurer in an administrative
11 hearing under the Insurance Article; and generally relating to representation of
12 ~~corporations~~ insurers in administrative hearings under the Insurance Article.

13 BY repealing and reenacting, with amendments,
14 Article - Insurance
15 Section 2-213(b)(1)
16 Annotated Code of Maryland

1 (1997 Volume)

2 BY repealing and reenacting, with amendments,
 3 Article - State Government
 4 Section 9-1607.1(a)(3) *and* (4)
 5 Annotated Code of Maryland
 6 (1995 Replacement Volume and 1997 Supplement)

7 BY adding to
 8 Article - State Government
 9 Section 9-1607.1(a)(5)
 10 Annotated Code of Maryland
 11 (1995 Replacement Volume and 1997 Supplement)

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

14 **Article - Insurance**

15 2-213.

16 (b) (1) The Commissioner shall allow any party to a hearing to:

17 (i) appear in person ~~OR, IN THE CASE OF A CORPORATION,~~
 18 ~~THROUGH A CORPORATE DESIGNEE~~ [and];

19 (II) be represented;

20 1. by counsel; OR

21 2. IN THE CASE OF AN INSURER, BY A DESIGNEE OF THE
 22 INSURER WHO:

23 A. IS EMPLOYED BY THE INSURER IN CLAIMS,
 24 UNDERWRITING, OR AS OTHERWISE PROVIDED BY THE COMMISSIONER; AND

25 B. HAS BEEN GIVEN THE AUTHORITY BY THE INSURER TO
 26 RESOLVE ALL ISSUES INVOLVED IN THE HEARING;

27 [(ii)] (III) be present while evidence is given;

28 [(iii)] (IV) have a reasonable opportunity to inspect all
 29 documentary evidence and to examine witnesses; and

30 [(iv)] (V) present evidence.

1

Article - State Government

2 9-1607.1.

3 (a) An individual who is not licensed to practice law in this State may
4 represent a party in a proceeding before the Office if:

5 (3) the individual is a designee of a corporation while appearing on its
6 behalf in an administrative proceeding held under §§ 27-605 of the Insurance
7 Article; ~~or~~

8 (4) the individual is an officer of a corporation, an employee designated
9 by an officer of a corporation, a general partner in a business operated as a
10 partnership or an employee designated by a general partner, or an employee designated
11 by the owner of a business operated as a sole proprietorship while the officer, partner,
12 or employee is appearing on behalf of the corporation, partnership, or business in an
13 administrative hearing held under:

14 (i) § 8-312 of the Business Regulation Article (Home Improvement
15 Commission);

16 (ii) Title 5 of the Labor and Employment Article (Occupational
17 Safety and Health); or

18 (iii) regulations adopted pursuant to § 14-303 of the State Finance
19 and Procurement Article, concerning the decertification of a minority business
20 enterprise to conduct business with the Department of Transportation].; OR

21 (5) IN THE CASE OF AN INSURER, THE INDIVIDUAL IS A DESIGNEE OF
22 THE INSURER WHO:

23 (I) IS EMPLOYED BY THE INSURER IN CLAIMS, UNDERWRITING, OR
24 AS OTHERWISE PROVIDED BY THE COMMISSIONER; AND

25 (II) HAS BEEN GIVEN THE AUTHORITY BY THE INSURER TO
26 RESOLVE ALL ISSUES INVOLVED IN THE PROCEEDING.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 June 1, 1998.