

HOUSE BILL 1019
EMERGENCY BILL

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1999 Regular Session
9r2371

By: **Delegate Busch**

Introduced and read first time: February 15, 1999

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Insurance Commissioner - Stay of Order - Exception**

3 FOR the purpose of adding an exception to the instances in which a demand for a
4 hearing stays an order of the Insurance Commissioner; specifying the
5 determination that cannot be stayed by a demand for a hearing; making this Act
6 an emergency measure; and generally relating to final determinations of the
7 Insurance Commissioner.

8 BY repealing and reenacting, with amendments,
9 Article - Insurance
10 Section 2-212
11 Annotated Code of Maryland
12 (1997 Volume and 1998 Supplement)

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

15 **Article - Insurance**

16 2-212.

17 (a) (1) Except as provided in paragraph (2) of this subsection, a demand for
18 a hearing stays an order of the Commissioner pending the hearing and an order
19 resulting from it if the Commissioner receives the demand:

20 (i) before the effective date of the order; or

21 (ii) within 10 days after the order is served.

22 (2) Paragraph (1) of this subsection does not apply to an action taken or
23 proposed under an order:

24 (i) resulting from a hearing; [or]

1 (II) RESULTING FROM A FINAL DECISION OF THE INSURANCE
2 COMMISSIONER ON A COMPLAINT IN AN EMERGENCY CASE UNDER § 15-10A-03 OF
3 THIS ARTICLE; OR

4 [(ii)] (III) based on impairment of assets or unsound financial
5 condition of an insurer.

6 (b) If the Commissioner does not grant a written request for a stay, the
7 aggrieved person may apply to the Circuit Court for Baltimore City for a stay of the
8 proposed action of the Commissioner.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
10 measure, is necessary for the immediate preservation of the public health and safety,
11 has been passed by a ye and nay vote supported by three-fifths of all the members
12 elected to each of the two Houses of the General Assembly, and shall take effect from
13 the date it is enacted.