

SENATE BILL 158

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C4

2002 Regular Session
(2r0048)

ENROLLED BILL
-- Finance/Economic Matters --

Introduced by **Chairman, Finance Committee (Departmental - Insurance Administration, Maryland)**

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 **Maryland Insurance Administration - Subpoenas - Issuance**

3 FOR the purpose of allowing certain subpoenas issued by the Insurance
4 Commissioner to be served ~~by certified mail~~ in the same manner as a service of
5 process in a civil action in a circuit court; and generally relating to the issuance
6 of subpoenas by the Insurance Commissioner.

7 BY repealing and reenacting, with amendments,
8 Article - Insurance
9 Section 2-203(b)
10 Annotated Code of Maryland
11 (1997 Volume and 2001 Supplement)

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

1

Article - Insurance

2 2-203.

3 (b) (1) A subpoena issued under this section shall be [served] SERVED:

4 (I) in the same manner as a subpoena of a circuit court may be
5 [served] SERVED; OR6 (II) IN THE SAME MANNER AS A SERVICE OF PROCESS IN A CIVIL
7 ACTION IN A CIRCUIT COURT MAY BE SERVED.8 ~~(II) BY CERTIFIED MAIL "RESTRICTED DELIVERY".~~9 ~~(2) PRIOR TO FILING A COMPLAINT WITH THE CIRCUIT COURT UNDER~~
10 ~~PARAGRAPH (3) OF THIS SUBSECTION, IF A PERSON FAILS TO COMPLY WITH A~~
11 ~~SUBPOENA THAT THE COMMISSIONER SERVED BY CERTIFIED MAIL, THE SUBPOENA~~
12 ~~SHALL BE REISSUED AND SERVED IN THE SAME MANNER AS A SUBPOENA OF A~~
13 ~~CIRCUIT COURT MAY BE SERVED.~~14 ~~{(2)}~~ (3) If a person fails to comply with a lawfully served subpoena, the
15 Commissioner immediately shall file a complaint and a copy of the subpoena and
16 proof of service with the circuit court for the county where the person was required to
17 appear or produce evidence.18 ~~{(3)}~~ (4) On receipt of a complaint and a copy of the subpoena and proof
19 of service, the circuit court shall:20 (i) issue an order directing compliance with the subpoena or
21 compelling testimony; and22 (ii) impose penalties as if the person had failed to comply with a
23 subpoena of the court.24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
25 effect October 1, 2002.