

SENATE BILL 158

Unofficial Copy  
C4

2002 Regular Session  
2lr0048

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By: **Chairman, Finance Committee (Departmental - Insurance  
Administration, Maryland)**

Introduced and read first time: January 15, 2002

Assigned to: Finance

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A BILL ENTITLED

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; and generally relating to the  
5 issuance of subpoenas by the Insurance Commissioner.

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

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

13 **Article - Insurance**

14 2-203.

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

16 (I) in the same manner as a subpoena of a circuit court may be  
17 [served] SERVED; OR

18 (II) BY CERTIFIED MAIL - "RESTRICTED DELIVERY".

19 (2) PRIOR TO FILING A COMPLAINT WITH THE CIRCUIT COURT UNDER  
20 PARAGRAPH (3) OF THIS SUBSECTION, IF A PERSON FAILS TO COMPLY WITH A  
21 SUBPOENA THAT THE COMMISSIONER SERVED BY CERTIFIED MAIL, THE SUBPOENA  
22 SHALL BE REISSUED AND SERVED IN THE SAME MANNER AS A SUBPOENA OF A  
23 CIRCUIT COURT MAY BE SERVED.

24 [(2)] (3) If a person fails to comply with a lawfully served subpoena, the  
25 Commissioner immediately shall file a complaint and a copy of the subpoena and

1 proof of service with the circuit court for the county where the person was required to  
2 appear or produce evidence.

3                   [~~(3)~~]     (4)     On receipt of a complaint and a copy of the subpoena and proof  
4 of service, the circuit court shall:

5                                 (i)     issue an order directing compliance with the subpoena or  
6 compelling testimony; and

7                                 (ii)    impose penalties as if the person had failed to comply with a  
8 subpoena of the court.

9     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
10 effect October 1, 2002.