

SENATE BILL 158

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2002 Regular Session
2lr0048

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

Introduced and read first time: January 15, 2002

Assigned to: Finance

Committee Report: Favorable

Senate action: Adopted

Read second time: February 12, 2002

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; 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".

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

6 [(2)] (3) If a person fails to comply with a lawfully served subpoena, the
7 Commissioner immediately shall file a complaint and a copy of the subpoena and
8 proof of service with the circuit court for the county where the person was required to
9 appear or produce evidence.

10 [(3)] (4) On receipt of a complaint and a copy of the subpoena and proof
11 of service, the circuit court shall:

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

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

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