

HB0425/298874/2

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 425
(Third Reading File Bill)

AMENDMENT NO. 1

On page 8, in line 11, strike "INSURED" and substitute "INSURER".

On page 9, in line 14, strike "AMOUNT OF" and substitute "CLAIM FOR".

On page 10, in line 21, strike "PARAGRAPH (1) OF THIS SUBSECTION" and substitute "ITEM (I) OF THIS PARAGRAPH".

On page 12, in lines 4 and 16, in each instance, strike "A" and substitute "IF A PARTY RECEIVES AN ADVERSE DECISION, THE".

AMENDMENT NO. 2

On page 12, after line 19, insert:

"(2) (I) THIS PARAGRAPH APPLIES ONLY IF MORE THAN ONE PARTY RECEIVES AN ADVERSE DECISION FROM THE ADMINISTRATION.

(II) IF A PARTY REQUESTS A HEARING BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS AND ANOTHER PARTY FILES AN APPEAL TO A CIRCUIT COURT:

1. JURISDICTION OVER THE REQUEST FOR HEARING IS TRANSFERRED TO THE CIRCUIT COURT;

(Over)

2. THE REQUEST FOR HEARING, THE ADMINISTRATION'S DECISION, AND THE ADMINISTRATION'S CASE FILE, INCLUDING THE COMPLAINT, RESPONSE, AND ALL DOCUMENTS SUBMITTED TO THE ADMINISTRATION, SHALL BE TRANSMITTED PROMPTLY TO THE CIRCUIT COURT; AND

3. THE REQUEST FOR HEARING SHALL BE DOCKETED IN THE CIRCUIT COURT AND CONSOLIDATED FOR TRIAL WITH THE APPEAL.”;

and in line 20, strike “**(2)**” and substitute “**(3)**”.

AMENDMENT NO. 3

On page 12, after line 21, insert:

“(H) ON OR BEFORE JANUARY 1 OF EACH YEAR BEGINNING IN 2009, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE ADMINISTRATION SHALL REPORT TO THE GENERAL ASSEMBLY ON THE FOLLOWING FOR THE PRIOR FISCAL YEAR:

(1) THE NUMBER AND TYPES OF COMPLAINTS UNDER THIS SECTION OR § 3-1701 OF THE COURTS ARTICLE FROM INSUREDS REGARDING FIRST-PARTY INSURANCE CLAIMS UNDER PROPERTY AND CASUALTY INSURANCE POLICIES;

(2) THE ADMINISTRATIVE AND JUDICIAL DISPOSITIONS OF THE COMPLAINTS DESCRIBED IN ITEM (1) OF THIS SUBSECTION;

(3) THE NUMBER AND TYPES OF REGULATORY ENFORCEMENT ACTIONS INSTITUTED BY THE ADMINISTRATION FOR UNFAIR CLAIM

**SETTLEMENT PRACTICES UNDER § 27-303(9) OR § 24-304(18) OF THIS TITLE;
AND**

**(4) THE ADMINISTRATIVE AND JUDICIAL DISPOSITIONS OF THE
REGULATORY ENFORCEMENT ACTIONS FOR UNFAIR CLAIM SETTLEMENT
PRACTICES DESCRIBED UNDER ITEM (3) OF THIS SUBSECTION.”;**

and strike in their entirety lines 22 through 28, inclusive.

On page 13, in line 1, strike “4.” and substitute “2.”; strike beginning with “, notwithstanding” in line 1 down through “Act.” in line 2; strike in their entirety lines 5 through 18, inclusive; and in line 19, strike “6.” and substitute “3.”.