

HOUSE BILL 423

C3, C4
HB 1390/09 – HRU

0lr0947

By: **Delegate Sossi**

Introduced and read first time: January 29, 2010

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 10, 2010

CHAPTER _____

1 AN ACT concerning

2 **Life and Health Insurance Guaranty Corporation – Maximum Liability**

3 FOR the purpose of altering, for ~~certain life insurance death benefits, certain health~~
4 ~~insurance benefits, and~~ the present value of certain annuity benefits, the
5 maximum amounts of certain contractual obligations of certain impaired
6 insurers or certain insolvent insurers for which the Life and Health Insurance
7 Guaranty Corporation may become liable under certain circumstances; and
8 generally relating to the liability of the Life and Health Insurance Guaranty
9 Corporation for contractual obligations of impaired insurers and insolvent
10 insurers.

11 BY repealing and reenacting, with amendments,

12 Article – Insurance

13 Section 9–407(j)

14 Annotated Code of Maryland

15 (2003 Replacement Volume and 2009 Supplement)

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

18 **Article – Insurance**

19 9–407.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (j) (1) Subject to paragraphs (2) and (3) of this subsection and unless the
 2 contractual obligations of the impaired insurer or insolvent insurer are reduced under
 3 subsection (e) of this section, the contractual obligations of the impaired insurer or
 4 insolvent insurer for which the Corporation is or may become liable shall be as great
 5 as, but no greater than, the contractual obligations that the impaired insurer or
 6 insolvent insurer would have had in the absence of the impairment or insolvency.

7 (2) The Corporation is not liable for health care received after the date
 8 of the impairment or insolvency unless the health care was in progress on the date of
 9 the impairment or insolvency or unless other health care coverage is not available
 10 from another insurer or nonprofit health service plan.

11 (3) Benefits for which the Corporation may become liable may not
 12 exceed the lesser of:

13 (i) the contractual obligations for which the insurer is or would
 14 have been liable if it were not an impaired insurer or insolvent insurer; or

15 (ii) with respect to any one life, regardless of the number of
 16 policies or contracts:

17 1. ~~[\$300,000]~~ ~~\$500,000~~ in life insurance death benefits,
 18 but not more than \$100,000 in net cash surrender and net cash withdrawal values for
 19 life insurance;

20 2. ~~[\$300,000]~~ ~~\$500,000~~ in health insurance benefits,
 21 including net cash surrender and net cash withdrawal values; and

22 3. ~~[\$100,000]~~ ~~\$250,000~~ in the present value of annuity
 23 benefits, including net cash surrender and net cash withdrawal values.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 25 October 1, 2010.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.