

HOUSE BILL 697

C4

5lr2374

By: **Delegate Davis**

Introduced and read first time: February 12, 2015

Assigned to: Health and Government Operations

Committee Report: Favorable

House action: Adopted

Read second time: March 18, 2015

CHAPTER _____

1 AN ACT concerning

2 **Life Insurers – Reserve Investments – Loans Secured by Real Estate**

3 FOR the purpose of altering the maximum term of certain loans on certain real estate that
4 may be included in the reserve investments of life insurers; making certain
5 conforming changes; and generally relating to the reserve investments of life
6 insurers.

7 BY repealing and reenacting, with amendments,

8 Article – Insurance

9 Section 5–511(g)

10 Annotated Code of Maryland

11 (2011 Replacement Volume and 2014 Supplement)

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

14 **Article – Insurance**

15 5–511.

16 (g) (1) The reserve investments of a life insurer may include loans secured by
17 first mortgages, or deeds of trust, on unencumbered fee–simple or improved leasehold real
18 estate in a state or a province of Canada in an amount not exceeding 85% of the fair market
19 value of the real estate.

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 (2) A life insurer may not include an amount from an investment made
2 under paragraph (1) of this subsection that exceeds 75% of the fair market value of the real
3 estate in reserve and capital stock investments under this subtitle unless:

4 **(I)** the real estate:

5 **[(i)] 1.** is primarily improved by a residence; or

6 **[(ii)] 2.** is farm property used for farming purposes and the loan
7 amount on any one farm property does not exceed \$500,000; AND

8 **(II) THE LOAN ON THE REAL ESTATE PROVIDES FOR THE**
9 **AMORTIZATION OF PRINCIPAL OVER A PERIOD OF NOT MORE THAN 30 YEARS, WITH**
10 **PAYMENTS TO BE MADE AT LEAST ANNUALLY.**

11 (3) (i) Notwithstanding paragraph (1) of this subsection, but subject to
12 subparagraph (ii) of this paragraph, a life insurer may include an amount from an
13 investment made under paragraph (1) of this subsection not exceeding 95% of the fair
14 market value of the real estate if:

15 1. the real estate is improved by a dwelling primarily
16 intended for occupancy by not more than four families; and

17 2. a mortgage insurance company authorized to do business
18 in this State and not affiliated with the entity making the loan guarantees or insures that
19 part of the loan in excess of 85% of the fair market value of the real estate.

20 (ii) A life insurer may not place more than 3% of its admitted assets
21 in loans in which the amount of the loan exceeds 90% of the fair market value of the security
22 of the loan.

23 (4) [A loan authorized by this subsection must provide for the amortization
24 of principal over a period of not more than 30 years, with payments to be made at least
25 annually.

26 **(5)] (i)** If a loan is made on real estate improved by a building, the
27 improvements must be insured against loss by fire.

28 (ii) The fire insurance policy required by subparagraph (i) of this
29 paragraph shall:

30 1. contain the New York or Massachusetts standard
31 mortgage clause or its equivalent; and

32 2. be delivered to the mortgagee as additional security for the
33 loan.

1 (iii) A policy that insures against loss by fire and other coverages
2 satisfies the requirements of this subsection.

3 ~~[(6)]~~ (5) The requirements of this section and any other law of the State
4 that require security on a loan, prescribe the nature, amount, or form of security on a loan,
5 or limit the interest rate on a loan do not apply if the reserve investments consist of bonds,
6 notes, or other evidences of indebtedness secured by mortgages or deeds of trust that are
7 guaranteed or insured by an instrumentality of the United States under the National
8 Housing Act, Servicemen's Readjustment Act of 1944, or Bankhead-Jones Farm Tenant
9 Act.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2015.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.