

Chapter 121

(Senate Bill 188)

AN ACT concerning

Insurance – Managing General Agents – Review Requirements

FOR the purpose of repealing the requirement that an insurer’s review of the underwriting and claims processing operations of its managing general agent be conducted on–site; and generally relating to the review of managing general agents by insurers.

BY repealing and reenacting, with amendments,
 Article – Insurance
 Section 8–210
 Annotated Code of Maryland
 (2017 Replacement Volume and 2021 Supplement)

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

Article – Insurance

8–210.

(a) (1) An insurer shall maintain independent financial examinations, in a form acceptable to the Commissioner, of each managing general agent with whom the insurer has done business.

(2) The insurer shall keep records for at least 5 years.

(b) (1) If, by contract, an insurer allows a managing general agent to maintain loss reserves, the insurer annually shall get an opinion, attesting to the adequacy of the loss reserves established, from an independent actuary who is a member in good standing of the American Academy of Actuaries.

(2) The insurer shall keep the report of the actuary for at least 5 years.

(c) At least twice a year, an insurer shall conduct [an on–site] A review of the underwriting and claims processing operations of its managing general agent.

(d) (1) Within 30 days after entering into or terminating a contract with a managing general agent, an insurer shall notify the Commissioner in writing of doing so.

(2) The notice of entering into a contract shall include:

- (i) a statement of the duties and responsibilities of the managing general agent;
- (ii) the lines of insurance that the managing general agent is contractually authorized to negotiate, procure, or bind for the insurer;
- (iii) a copy of the contract; and
- (iv) any other information or documentation that the Commissioner requests.

(e) Unless the relationship between an insurer and managing general agent is controlled by and disclosed under Title 7, Subtitle 6 or 7 of this article, the insurer may not have on its board of directors an officer, director, employee, agent, or shareholder of its managing general agent.

(f) (1) Each insurer shall review its books and records each quarter to determine if any insurance producer has become a managing general agent.

(2) If the insurer determines that an insurance producer has become a managing general agent:

(i) the insurer promptly shall notify the insurance producer and the Commissioner of the determination; and

(ii) the insurer and insurance producer must comply fully with the provisions of this subtitle within 30 days after the determination.

(G) THE COMMISSIONER MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.

Approved by the Governor, April 12, 2022.