

allow to the plaintiff a reasonable attorney fee and include such fee in any judgment that may be rendered in such action. Such fee shall not exceed twelve and one-half per cent of the amount which the court or jury finds the plaintiff is entitled to recover against the insurer, but in no event shall such fee be less than twenty-five dollars. Failure of an insurer to defend any such action shall be deemed prima facie evidence that its failure to make payment was vexatious and without reasonable cause.

#### **211. Exemptions.**

The provisions of this Unauthorized Insurers Process Act shall not apply to any action, suit or proceeding against any unauthorized foreign or alien insurer arising out of a contract of

(a) Reinsurance of the liability of an admitted insurer;

(b) Insurance against perils of navigation, transit or transportation upon hulls, freights or disbursements, or other ship owner interest; upon goods, wares, merchandise and all other personal property and interests therein, in course of exportation from or importation into any country, or transportation coastwise, including transportation by land or water from point of origin to final destination and including war risks; and marine builder's risks, dry docks and marine railways, including insurance of ship repairer's liability, and protection and indemnity insurance, but excluding insurance covering bridges or tunnels.

(c) Aircraft insurance;

(d) Insurance on property or operations of railroads engaged in interstate commerce;

(e) Insurance effectuated in accordance with the Surplus Line Insurance Law, subtitle 13, or

(f) Insurance against legal liability arising out of the ownership, operation or maintenance of any property having a permanent situs outside of this State; or

(g) Insurance against loss of or damage to any property having a permanent situs outside this State.

Where such contract contains a provision designating the Commissioner and his successor or successors in office to be its true and lawful attorney upon whom may be served all lawful process in any action, suit or proceeding instituted by or on behalf of an insured or beneficiary arising out of any such contract or where the insurer enters a general appearance in any such action, suit or proceeding.

### **15. UNFAIR TRADE PRACTICES**

#### **212. Purposes of Trade Practices Law.**

The purpose of this subtitle is to regulate trade practices in the business of insurance in accordance with the intent of Congress as expressed in the Act of Congress of March 9, 1945 (Public Law 15, 79th Congress, ch. 20, 50 U. S. Stat. at Large 33), by defining, or providing for determination of, all such practices in this State which constitute unfair methods of competition or unfair or deceptive acts or practices and by prohibiting the trade practices so defined or determined.