

Article 48A - Insurance Code  
Section 40(1), 40(7), and 242B(2)  
Annotated Code of Maryland  
(1972 Replacement Volume and 1973 Supplement)

Preamble

STATEMENT OF LEGISLATIVE INTENT

WHEREAS, The Court of Appeals of Maryland, in its opinion rendered in the consolidated cases captioned "Insurance Commissioner of Maryland, et al. v. Allstate Insurance Company" and "Insurance Commissioner of Maryland v. Aetna Casualty and Surety Company", 268 Md. 428, at pages 444-45 (March 28, 1973), has expressed its own "grave doubts" as to whether the Insurance Commissioner of Maryland has been given the right to appeal from an adverse decision of the Baltimore City Court with regard to its review of an order or decision of the Insurance Commissioner of Maryland under the provisions of Section 40 of Article 48A of the Annotated Code of Maryland (1972 Replacement Volume);

WHEREAS, The Insurance Commissioner of Maryland has been charged with the continuing general duties of enforcing all of the provisions of Article 48A of the Annotated Code of Maryland (1972 Replacement Volume and 1973 Cumulative Supplement), of fulfilling all of the purposes of said Article 48A, and of effectuating all of the provisions of said Article 48A by rules and regulations, and hence, has an ongoing responsibility for a coherent and responsive implementation and elaboration of the said Article 48A, all to the end that the general welfare of the People of Maryland in the vital area of insurance be promoted;

WHEREAS, Though the Insurance Commissioner of Maryland, as a means to accomplish his continuing general duties aforesaid, has been authorized and empowered, among other things, to sit in a "quasi-judicial" capacity and hold such hearings for any purpose within the scope of Article 48A of the Annotated Code of Maryland (1972 Replacement Volume and 1973 Cumulative Supplement), as may be deemed by him to be necessary, when sitting in such capacity, the Insurance Commissioner of Maryland, while then and there functioning as an adjudicative authority which may decide the respective rights of private parties, nevertheless, remains the officer of the State of Maryland charged with the continuing general duties aforesaid which have for their end the promotion of the general welfare of the People of Maryland in the vital area of insurance;