

House Bill No. 1386

AN ACT concerning

Insurance – Viatical Settlements

FOR the purpose of ~~requiring the Maryland Insurance Commissioner to develop a course of continuing education in viaticals; providing that credits received by a viatical settlement broker in the course may be used to satisfy certain continuing education requirements; requiring a viatical settlement broker to provide a written disclosure to a viator before performing certain services for a viator at the time of each application for a viatical settlement; specifying certain contents of the written disclosure; requiring a viatical settlement broker, before entering into a viatical settlement brokerage relationship with a viator, to make a reasonable attempt to verify the accuracy and completeness of certain representations made by the viator under certain circumstances; prohibiting a viatical settlement broker from paying certain fees, commissions, or other compensation to another viatical settlement broker under certain circumstances; prohibiting a viatical settlement broker from purchasing, directly or indirectly, a policy that is the subject of a viatical settlement brokerage relationship contract between the viatical settlement broker and a viator; requiring a viatical settlement broker to submit certain offers, counter-offers, acceptances, and rejections to a viator within a certain time period; prohibiting a viatical settlement broker from soliciting other offers for a viator's policy after a certain contract is signed; altering a certain disclosure requirement relating to a viatical settlement broker's compensation; requiring a certain brochure to include a description of a certain fiduciary duty; requiring an insurer to respond to a certain request for verification of coverage within a certain time period under certain circumstances; establishing a certain limit on the fee an insurer may charge to respond to the request; authorizing an insurer to send an acknowledgment of receipt of the request to certain persons; requiring the Commissioner to adopt a certain form by regulation; providing that nothing in this Act shall affect the jurisdiction of the Securities Commissioner of the Office of the Attorney General; and generally relating to viatical settlements and viatical settlement brokers.~~

BY adding to

Article – Insurance

Section ~~8-604.1~~, 8-605.1, and 8-610.1

Annotated Code of Maryland

(2003 Replacement Volume and 2005 Supplement)

BY repealing and reenacting, with amendments,Article – InsuranceSection 8-606(c) and (f)(3)Annotated Code of Maryland(2003 Replacement Volume and 2005 Supplement)