

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 1986.

Approved April 29, 1986.

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CHAPTER 163

(Senate Bill 900)

AN ACT concerning

Insurance - Delinquency Proceedings - Immunity

FOR the purpose of providing certain immunity for the Insurance Commissioner, Deputy Insurance Commissioner, Special Deputy Commissioner, or any person or entity appointed to act as receiver for an insurer; extending this immunity to agents and employees of the receiver; providing that the Special Deputy Commissioner shall be entitled to representation by the Attorney General; providing for the retroactive application of this Act; and making this Act an emergency measure.

BY adding to

Article 48A - Insurance Code  
Section 164B  
Annotated Code of Maryland  
(1979 Replacement Volume and 1985 Supplement)

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

Article 48A - Insurance Code

164B.

-(+)- (A) NO CLAIM OF ANY NATURE WHATSOEVER THAT IS DIRECTLY RELATED TO THE RECEIVERSHIP OF AN INSURER SHALL ARISE AGAINST, AND NO LIABILITY SHALL BE IMPOSED UPON, THE INSURANCE COMMISSIONER, DEPUTY COMMISSIONER, SPECIAL DEPUTY COMMISSIONER, OR ANY PERSON OR ENTITY ACTING AS A RECEIVER OF AN INSURER, INCLUDING SURETY, IN REHABILITATION, LIQUIDATION, OR CONSERVATION AS A RESULT OF A COURT ORDER ISSUED ON OR AFTER JANUARY 1, 1985 FOR ANY STATEMENT MADE OR ACTIONS TAKEN OR NOT TAKEN IN THE GOOD FAITH EXERCISE OF THEIR POWERS UNDER LAW. HOWEVER THIS IMMUNITY SHALL NOT EXTEND TO ACTS OR OMISSIONS WHICH ARE MALICIOUS OR GROSSLY NEGLIGENT. THIS QUALIFIED IMMUNITY EXTENDS TO AGENTS AND EMPLOYEES OF THE RECEIVER.