

Defined terms: "Affiliate" § 7-101

"Control" § 1-101

"Insurance business" § 1-101

"Insurance holding company system" § 7-101

"Insurer" § 1-101

"Person" § 1-101

7-103. SCOPE OF TITLE.

(A) IN GENERAL.

EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED, THE PROVISIONS OF THIS TITLE ARE INTENDED TO APPLY TO AUTHORIZED INSURERS.

(B) NONPROFIT HEALTH SERVICE PLANS.

THE PROVISIONS OF THIS TITLE THAT APPLY TO AUTHORIZED INSURERS AND DOMESTIC INSURERS ALSO APPLY TO NONPROFIT HEALTH SERVICE PLANS LICENSED UNDER § 14-XXX OF THIS ARTICLE [SUBTITLE 20 OF ART. 48A].

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, § 492(e).

Former Art. 48A, § 492(e)(1) defined an "[i]nsurance company or insurer" as a company "qualified and licensed ... to transact the business of insurance in this State". Although former Art. 48A, § 492(e) was a definition of "[i]nsurance company or insurer", it served only to delimit the scope of this title. It is revised to clarify that function. The former term "insurer" was not used as it was defined in the former law. Instead, the phrase "insurer authorized to do business in this State" was used where appropriate in the former law. Accordingly, the defined term "authorized insurer" is substituted in the revision for the former phrase "insurer authorized to do business in this State". The Insurance Article Review Committee notes these changes for the consideration of the General Assembly. No substantive change is intended.

In subsection (a) of this section, the limitation "[e]xcept as otherwise specifically provided" is added to indicate that exceptions exist.

Defined terms: "Authorized insurer" § 1-101

"Domestic insurer" § 1-101

7-104. PRESUMPTION OF CONTROL; LIMITATION.

(A) IN GENERAL.

(1) CONTROL IS PRESUMED TO EXIST IF A PERSON DIRECTLY OR INDIRECTLY OWNS, DIRECTS THE VOTING OF, HOLDS WITH THE POWER TO VOTE, OR HOLDS PROXIES REPRESENTING 10% OR MORE OF THE VOTING SECURITIES OF ANOTHER PERSON.

(2) HOWEVER, CONTROL IS NOT PRESUMED TO EXIST IF PROXIES HAVE BEEN OBTAINED BY AN OFFICIAL OF THE PERSON SOLELY IN CONNECTION WITH VOTING AT A MEETING OF THE OWNERS OF THE PERSON.