

In subsection (b) of this section, the reference to actions by the "Commissioner" is added to clarify who gives the notice and opportunity for hearing and makes findings before imposing penalties.

Defined terms: "Commissioner" § 1-101
 "Person" § 1-101

7-803. SAME — FOR UNFAIR TRADE PRACTICE.

(A) IN GENERAL.

ANY VIOLATION OF THIS TITLE IS AN UNFAIR TRADE PRACTICE IN THE BUSINESS OF INSURANCE AND IS SUBJECT TO THE PROVISIONS OF TITLE XX (UNFAIR TRADE PRACTICES SUBTITLE) OF THIS ARTICLE.

(B) SANCTIONS.

IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, WITH RESPECT TO A PERSON THAT ENGAGES IN AN UNFAIR TRADE PRACTICE, THE COMMISSIONER, AFTER GIVING THE PERSON NOTICE AND AN OPPORTUNITY FOR A HEARING, MAY TAKE ANY OR ALL OF THE FOLLOWING ACTIONS:

(1) DENY THE PERSON'S APPLICATION FOR A LICENSE OR CERTIFICATE OF AUTHORITY, REFUSE TO RENEW OR REVOKE THE PERSON'S LICENSE OR CERTIFICATE OF AUTHORITY, OR SUSPEND THE PERSON'S LICENSE OR CERTIFICATE OF AUTHORITY FOR A PERIOD NOT EXCEEDING 1 YEAR;

(2) PROCEED AGAINST THE PERSON IN A COURT OF COMPETENT JURISDICTION IN OR OUTSIDE THE STATE TO ENJOIN AN ACT THAT WOULD VIOLATE THIS TITLE OR TO INVALIDATE A TRANSACTION MADE IN VIOLATION OF THIS TITLE; OR

(3) ORDER COMPLIANCE WITH THIS TITLE, INCLUDING THE FILING OF EVIDENCE OF COMPLIANCE AND PERIODIC REPORTS ABOUT THAT COMPLIANCE, AND ENFORCE THOSE ORDERS BY DENYING, REFUSING TO RENEW, SUSPENDING, OR REVOKING ANY LICENSE OR CERTIFICATE OF AUTHORITY OR OTHERWISE UNDER THE LAWS OF THE STATE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, § 500(c).

In subsection (a) of this section, the term "unfair trade practice" is substituted for the former phrase "unfair method of competition or an unfair or deceptive act and practice ... subject to the provisions of the Unfair Trade Practices subtitle of this article" for brevity.

In the introductory language of subsection (b) of this section, the reference to the "Commissioner" is substituted for the former obsolete reference to the "Department" for clarity and consistency.

In subsection (b)(1) and (3) of this section, the word "deny" is substituted for the former phrase "refuse to issue" for brevity and conformity.