

Also in subsection (b)(1) and (3) of this section, the former references to the "reissue" of a license or certificate of authority are deleted as unnecessary in light of the references to "renew[ing]" a license or certificate of authority.

In subsection (b)(1) of this section, the former reference to any person "found" to have violated this subtitle is deleted as implicit in the due process requirements of this subsection.

Defined terms: "Commissioner" § 1-101

"Certificate of authority" § 1-101

"Insurance" § 1-101

"Person" § 1-101

7-804. SAME — WHEN VIOLATION IMPAIRS FINANCIAL CONDITION.

IF THE COMMISSIONER FINDS THAT A VIOLATION OF THIS TITLE IMPAIRS THE FINANCIAL CONDITION OF A DOMESTIC INSURER SO AS TO THREATEN INSOLVENCY OR MAKE THE FURTHER TRANSACTION OF BUSINESS HAZARDOUS TO POLICYHOLDERS, CREDITORS, SHAREHOLDERS, OR THE PUBLIC, THE COMMISSIONER MAY INSTITUTE PROCEEDINGS IN ACCORDANCE WITH TITLE 9, SUBTITLE 2 OF THIS ARTICLE (SUBTITLE 10 OF ART. 48A) TO TAKE POSSESSION OF THE DOMESTIC INSURER'S PROPERTY AND CONDUCT ITS BUSINESS.

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

The reference to the Commissioner's "find[ing]" a violation is substituted for the former reference to a violation that "appears" to the Commissioner to reflect that a finding is required.

The phrase "institute proceedings" is substituted for the former word "proceed" for clarity.

Defined terms: "Commissioner" § 1-101

"Domestic insurer" § 1-101

"Person" § 1-101

7-805. CIVIL ACTIONS — IN GENERAL.

IF A PERSON ACQUIRES OR OFFERS TO ACQUIRE STOCK OF AN INSURER OR OF AN INSURANCE HOLDING COMPANY IN VIOLATION OF SUBTITLE 3 OF THIS TITLE, THE FOLLOWING PERSONS MAY PETITION A COURT OF COMPETENT JURISDICTION IN THE STATE FOR INJUNCTIVE AND OTHER APPROPRIATE RELIEF:

- (1) THE ISSUER OF THE STOCK;
- (2) A STOCKHOLDER OF THE ISSUER;
- (3) IF THE ISSUER IS AN INSURANCE HOLDING COMPANY, A STOCKHOLDER OF A SUBSIDIARY THAT IS AN INSURER;
- (4) A STOCKHOLDER OF THE INSURER; OR