

(3) THE MAXIMUM AMOUNT RECOVERABLE UNDER THIS SECTION IS THE AMOUNT NEEDED IN EXCESS OF ALL OTHER AVAILABLE ASSETS OF THE IMPAIRED OR INSOLVENT DOMESTIC INSURER TO PAY THE CONTRACTUAL OBLIGATIONS OF THE IMPAIRED OR INSOLVENT DOMESTIC INSURER AND TO REIMBURSE ANY GUARANTY FUNDS.

(B) LIABILITY.

(1) A PERSON THAT WAS A PARENT CORPORATION, HOLDING COMPANY, OR PERSON THAT OTHERWISE CONTROLLED THE DOMESTIC INSURER OR AFFILIATE WHEN A DISTRIBUTION WAS PAID IS LIABLE FOR AN AMOUNT NOT EXCEEDING THE DISTRIBUTION RECEIVED.

(2) A PERSON THAT OTHERWISE CONTROLLED THE DOMESTIC INSURER WHEN A DISTRIBUTION WAS DECLARED IS LIABLE FOR AN AMOUNT NOT EXCEEDING THE AMOUNT THAT THE PERSON WOULD HAVE RECEIVED IN AN IMMEDIATE DISTRIBUTION.

(3) TWO OR MORE PERSONS THAT ARE LIABLE WITH RESPECT TO THE SAME DISTRIBUTION ARE JOINTLY AND SEVERALLY LIABLE.

(4) TO THE EXTENT THAT A PERSON LIABLE TO PAY CLAIMS UNDER THIS SUBSECTION IS INSOLVENT OR OTHERWISE FAILS TO PAY CLAIMS DUE, THE LIABLE PERSON'S PARENT CORPORATION OR HOLDING COMPANY AND ANY OTHER PERSON THAT OTHERWISE CONTROLLED THE LIABLE PERSON WHEN THE DISTRIBUTION WAS PAID ARE JOINTLY AND SEVERALLY LIABLE FOR ANY RESULTING DEFICIENCY IN THE AMOUNT RECOVERED FROM THE DOMESTIC INSURER'S PARENT CORPORATION OR HOLDING COMPANY OR ANY OTHER PERSON THAT OTHERWISE CONTROLLED THE DOMESTIC INSURER.

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

In subsection (a)(1) of this section, the words "was filed" are added to specify the time in the process of liquidation or rehabilitation when the 1-year limitation period starts.

In subsection (b)(1) and (2) of this section, the former references to "payments" are deleted in light of the references to "distribution[s]".

In subsection (b)(4) of this section, the reference to the "liable person's" parent corporation or holding company is substituted for the former reference to "its" parent corporation or holding company, which referred to a person liable to pay claims, for clarity. Similarly, the reference to the liability of the person controlling the "liable person" is substituted for the former reference to the person controlling the "insurer" for clarity.

Also in subsection (b)(4) of this section, the references to the "domestic insurer's" parent corporation and holding company and other person controlling the "domestic insurer" are substituted for the former references to "such" parent corporation or holding company and other person controlling "it" for clarity.