

(1) "MANAGING GENERAL AGENT" MEANS A PERSON:

(I) THAT:

1. MANAGES ALL OR PART OF THE INSURANCE BUSINESS OF AN INSURER, INCLUDING THE MANAGEMENT OF A SEPARATE DIVISION, DEPARTMENT, OFFICE, OR SUBSIDIARY OF THE INSURER; AND

2. WITH OR WITHOUT AUTHORITY, SEPARATELY OR WITH AFFILIATES, DIRECTLY OR INDIRECTLY PRODUCES OR UNDERWRITES GROSS DIRECT WRITTEN PREMIUMS AT LEAST EQUAL TO 5% OF THE INSURER'S POLICYHOLDER SURPLUS FOR ANY QUARTER OR YEAR, AS REPORTED IN THE INSURER'S MOST RECENTLY FILED QUARTERLY REPORT OR ANNUAL STATEMENT; AND

(II) THAT:

1. NEGOTIATES OR BINDS CEDING REINSURANCE CONTRACTS FOR THE INSURER;

2. ADJUSTS OR PAYS CLAIMS OF MORE THAN \$500; OR

3. MAINTAINS LOSS RESERVES FROM WHICH CLAIMS MAY BE PAID.

(2) "MANAGING GENERAL AGENT" DOES NOT INCLUDE:

(I) AN EMPLOYEE OF THE INSURER;

(II) A UNITED STATES MANAGER OF THE UNITED STATES BRANCH OF AN ALIEN INSURER;

(III) AN ATTORNEY IN FACT AUTHORIZED BY AND ACTING FOR THE SUBSCRIBERS OF A RECIPROCAL INSURER UNDER A POWER OF ATTORNEY;

(IV) AN AUTHORIZED AGENT ACTING FOR A SURETY INSURER THAT ENGAGES EXCLUSIVELY IN THE BUSINESS OF ISSUING BAIL BONDS; OR

(V) AN UNDERWRITING MANAGER THAT, BY CONTRACT:

1. MANAGES ALL THE INSURANCE OPERATIONS OF THE INSURER;

2. IS UNDER COMMON CONTROL WITH THE INSURER AND IS SUBJECT TO TITLE 7, SUBTITLE 6 OF THIS ARTICLE; AND

3. IS NOT COMPENSATED BASED ON THE VOLUME OF PREMIUMS WRITTEN.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 48A, § 665(2).