

(4) ALL CLAIMS FILES ARE PROPERTY OF THE INSURER EXCEPT, IF THE COMMISSIONER OBTAINS AN ORDER OF LIQUIDATION, REHABILITATION, REORGANIZATION, OR CONSERVATION AGAINST AN INSURER, THE CLAIMS FILES BECOME THE PROPERTY OF THE PERSON APPOINTED LIQUIDATOR, REHABILITATOR, CONSERVATOR, OR RECEIVER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, § 668.

In subsections (b)(2)(ii) and (d)(3)(ii) of this section, the former references to the "pendency" of a dispute are deleted as unnecessary in light of the phrase "during a dispute".

In subsection (b)(9) of this section, the former phrase "but not limited to" is deleted as unnecessary in light of Art. 1, § 30 of the Code, which provides that the term "including" is used "by way of illustration and not by way of limitation".

In subsection (b)(12) of this section, the former phrase "in existence" is deleted as surplusage.

Subsection (d)(1) of this section is revised in the active voice to clarify that the managing general agent must report all claims. Similarly, subsection (d)(3)(i) of this section is revised to clarify that the insurer may terminate settlement authority.

Defined terms: "Casualty insurance" § 1-101

"Commissioner" § 1-101

"Insurer" § 1-101

"Managing general agent" § 8-201

"Person" § 1-101

"Policy" § 1-101

"Property insurance" § 1-101

"Underwrite" § 8-201

8-209. PROHIBITED ACTIVITIES OF MANAGING GENERAL AGENT.

(A) IN GENERAL.

A MANAGING GENERAL AGENT MAY NOT:

(1) COMMIT THE INSURER TO PARTICIPATE IN INSURANCE OR REINSURANCE SYNDICATES;

(2) APPOINT OR HIRE AN AGENT TO SOLICIT, PROCURE, OR NEGOTIATE INSURANCE CONTRACTS FOR THE INSURER WITHOUT ENSURING THAT THE AGENT IS QUALIFIED UNDER TITLE 10, SUBTITLE 1 OF THIS ARTICLE;

(3) TAKE AN ACTION THAT WOULD VIOLATE § XX-XXX OF THIS ARTICLE [48A, § 234B] IF TAKEN DIRECTLY BY THE INSURER;