

8-316. PROHIBITED ACTIVITIES OF ADMINISTRATOR.

(A) IN GENERAL.

WITH RESPECT TO A PLAN, AN ADMINISTRATOR, DIRECTLY OR INDIRECTLY:

(1) MAY NOT DEAL WITH THE ASSETS OF THE PLAN IN THE ADMINISTRATOR'S OWN INTEREST OR FOR THE ADMINISTRATOR'S OWN ACCOUNT;

(2) IN A TRANSACTION INVOLVING THE PLAN, MAY NOT ACT IN ANY CAPACITY ON BEHALF OF OR REPRESENT IN ANY CAPACITY A PARTY WHOSE INTERESTS ARE ADVERSE TO THE INTERESTS OF THE PLAN OR ITS PARTICIPANTS OR BENEFICIARIES;

(3) OTHER THAN COMMISSIONS OR SERVICE FEES RECEIVED FROM AN INSURER, MAY NOT RECEIVE CONSIDERATION FOR THE ADMINISTRATOR'S OWN PERSONAL ACCOUNT FROM A PARTY DEALING WITH THE PLAN IN CONNECTION WITH A TRANSACTION INVOLVING THE ASSETS OF THE PLAN; OR

(4) MAY NOT KNOWINGLY PARTICIPATE IN OR ATTEMPT TO CONCEAL AN ACT OR OMISSION OF ANOTHER ADMINISTRATOR INVOLVED IN THE ADMINISTRATION OF THAT PLAN, KNOWING THAT THE ACT OR OMISSION OF THE OTHER ADMINISTRATOR WOULD BE A VIOLATION OF THIS SUBTITLE.

(B) PROHIBITED BONDS.

AN ADMINISTRATOR MAY NOT PROCURE THE BOND REQUIRED BY THIS SUBTITLE FROM A SURETY INSURER OR OTHER COMPANY OR THROUGH AN AGENT OR BROKER IN WHOSE BUSINESS OPERATIONS THE ADMINISTRATOR HAS DIRECT OR INDIRECT CONTROL OR SIGNIFICANT FINANCIAL INTEREST.

(C) PRESUMPTION WHEN ADMINISTRATOR HOLDS ASSETS OR RECEIVES COMPENSATION.

NOTWITHSTANDING SUBSECTION (A)(1) OF THIS SECTION, AN ADMINISTRATOR IS NOT CONSIDERED TO HAVE DEALT WITH THE ASSETS OF A PLAN IN THE ADMINISTRATOR'S OWN INTEREST OR FOR THE ADMINISTRATOR'S OWN ACCOUNT SOLELY BECAUSE:

(1) THE ADMINISTRATOR HELD THE ASSETS, AT INTEREST FOR THE BENEFIT OF THE ADMINISTRATOR, FOR AN ADMINISTRATIVELY REASONABLE PERIOD OF TIME BEFORE REMITTING THE ASSETS TO AN INSURER OR OTHER PAYEE; OR

(2) THE COMPENSATION THAT THE ADMINISTRATOR RECEIVES FOR SERVICES NECESSARY FOR ESTABLISHING OR OPERATING THE PLAN DOES NOT EXCEED REASONABLE COMPENSATION.

REVISOR'S NOTE: This section formerly was Art. 48A, § 691(a) and (c).

In subsection (b) of this section, the reference to the bond "required by this subtitle" is added for clarity.