

## (E) PERJURY.

(1) A PERSON MAY NOT WILLFULLY TESTIFY FALSELY UNDER OATH ABOUT ANY MATTER THAT IS MATERIAL TO AN EXAMINATION, INVESTIGATION, OR HEARING.

(2) A PERSON THAT VIOLATES PARAGRAPH (1) OF THIS SUBSECTION IS GUILTY OF PERJURY AND ON CONVICTION SHALL BE PUNISHED ACCORDINGLY.

(F) FAILURE TO APPEAR AND TESTIFY, PRODUCE EVIDENCE, OR GIVE ANSWER.

(1) A PERSON MAY NOT WILLFULLY FAIL TO:

(I) APPEAR AND TESTIFY UNDER OATH BEFORE THE COMMISSIONER;

(II) ATTEND, ANSWER, OR PRODUCE EVIDENCE REQUESTED BY THE COMMISSIONER; OR

(III) GIVE THE COMMISSIONER FULL AND TRUTHFUL INFORMATION AND ANSWER IN WRITING TO ANY MATERIAL WRITTEN INQUIRY OF THE COMMISSIONER IN RELATION TO THE SUBJECT OF AN EXAMINATION, INVESTIGATION, OR HEARING.

(2) IN ADDITION TO OR INSTEAD OF ANY OTHER APPLICABLE PENALTY, A PERSON THAT VIOLATES PARAGRAPH (1) OF THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 6 MONTHS OR BOTH.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, §§ 27 and 28.

In subsection (a)(1) of this section, the former word "affirmations" is deleted as unnecessary in light of the word "oaths". See Art. 1, § 9 of the Code.

In subsection (a)(3) of this section, the general word "evidence" is substituted for the former words "records, books, papers, contracts, and other documents" for brevity and to conform to comparable provisions elsewhere in the Code. This substitution may expand slightly the types of evidence that the Commissioner, the Deputy Commissioner, or an examiner may require to be produced by subpoena. Similarly, in subsection (f)(2) of this section, the former specific references to "records" and "documents" are deleted as included in the general reference to "evidence". The Insurance Article Review Committee calls these substitutions to the attention of the General Assembly.

In subsection (b)(2) of this section, the phrase "or produce evidence" is added to conform to subsection (a)(3) of this section.

In subsection (c)(2) of this section, the former reference to a "proceeding" is deleted as included in the reference to an "action".