

(3) IF THE STENOGRAPHIC RECORD IS NOT MADE OR TRANSCRIBED, THE COMMISSIONER SHALL PREPARE AN ADEQUATE RECORD OF THE EVIDENCE AND PROCEEDINGS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, § 38.

In subsection (b)(1)(iv) of this section, the phrase "in support of his interest", which formerly modified "evidence", is deleted as unnecessary. Absent a limitation, there is no reason to describe the type of evidence that may be introduced.

In subsection (c)(2) of this section, the word "financial" is substituted for the former word "pecuniary" for clarity and for consistency with terminology used throughout this article.

The Insurance Article Review Committee notes, for consideration by the General Assembly, that the requirement of subsection (c)(1) of this section that an intervention be "timely" is vague. Similarly, the requirement of subsection (e)(1) of this section that a request to have a stenographic record prepared be "timely" is vague. The General Assembly may wish to consider clarifying the meaning of the word "timely" in each instance.

The Committee also notes, for consideration by the General Assembly, that in practice certain hearings are conducted by the Commissioner and certain hearings are conducted by the administrative law judges of the Office of Administrative Hearings. This is not reflected in the statute.

In practice, all hearings conducted by the Commissioner are recorded by a reporter. A reporter may be requested for a hearing conducted by an administrative law judge. If a reporter is not requested, the hearing is tape recorded. It is the Committee's understanding that the reference in subsection (e)(1) of this section to a "full stenographic record of the proceedings made by a competent reporter" means only a record made by a reporter and does not include a record made by tape recording. It is also the Committee's understanding that a tape recording of adequate quality could be used to meet the requirement for an "adequate record of the evidence and proceedings" of subsection (e)(3) of this section.

Defined terms: "Commissioner" § 1-101

"Insurer" § 1-101

"Person" § 1-101

2-214. ORDER RESULTING FROM HEARING.

(A) ROLE OF COMMISSIONER.

IN HOLDING A HEARING UNDER THIS SUBTITLE THE COMMISSIONER SITS IN A QUASI-JUDICIAL CAPACITY.

(B) ISSUANCE.