

In item (5) of this section, the reference to a "notice" of the Commissioner requiring a deposit to be made is substituted for the former reference to an "order" of the Commissioner requiring a deposit to be made, for accuracy. This substitution conforms to § X-XXX of this article [Art. 48A, § 61], which refers to a "notice" issued by the Commissioner of the amount of taxes due, and to administrative practice.

Defined terms: "Certificate of authority" § 1-101

"Commissioner" § 1-101

"Domestic insurer" § 1-101

"Insurance business" § 1-101

"Insurer" § 1-101

"State" § 1-101

5-704. EXCESS DEPOSITS.

(A) IN GENERAL.

AN INSURER MAY DEPOSIT CASH OR GOVERNMENT SECURITIES ELIGIBLE FOR DEPOSIT UNDER § 5-701(B) OF THIS SUBTITLE IN AN AMOUNT GREATER THAN ANY DEPOSIT REQUIRED OR ALLOWED UNDER THIS ARTICLE.

(B) RELEASE.

(1) ALL OR PART OF AN EXCESS DEPOSIT MAY BE RELEASED TO A SOLVENT INSURER ON ITS REQUEST AS PROVIDED IN § 5-708(A)(2) OF THIS SUBTITLE.

(2) AN EXCESS DEPOSIT MAY BE RELEASED TO AN INSOLVENT INSURER ONLY AS PROVIDED IN § 5-708(A)(3) OF THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from the first clause of the first sentence and the second and third sentences of former Art. 48A, § 113.

In subsection (a) of this section, the reference to "government securities eligible for deposit under § 5-701(b) of this subtitle" is substituted for the former reference to "eligible securities" for clarity and consistency throughout this subtitle.

In subsection (b)(1) of this section, the phrase "as provided in § 5-708(a)(2) of this subtitle" is added to reflect that under this revision, provisions governing releases of deposits are contained generally in § 5-708 of this subtitle.

Defined term: "Insurer" § 1-101

5-705. DEFICIENCY OF DEPOSIT.

AN INSURER SHALL DEPOSIT PROMPTLY ADDITIONAL CASH OR OTHER OR ADDITIONAL GOVERNMENT SECURITIES ELIGIBLE FOR DEPOSIT UNDER § 5-701(B) OF THIS SUBTITLE IN AN AMOUNT SUFFICIENT TO CURE ANY DEFICIENCY IF: