

Section 35

Annotated Code of Maryland

(1994 Replacement Volume and 1995 Supplement)

BY repealing and reenacting, with amendments,

Article - Insurance

Section 2-201(e) and 2-215(d), (e), (f), (g), and (j)(1)

Annotated Code of Maryland

(1995 Volume)

(As enacted by Chapter 36 of the Acts of the General Assembly of 1995)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article 48A - Insurance Code

34A.

The Commissioner [shall retain the authority to] MAY enforce the provisions of, and impose any penalty or remedy authorized by, this article against any person who is under investigation for, or charged with, a violation of this article ~~even~~ if:

(1) [, while the investigation or charges are pending,] the person's certificate of authority, certificate of qualification, license, or registration is [surrendered or lapses by operation of law] **NO LONGER IN EFFECT; AND**

(2) THE ALLEGED VIOLATION OCCURRED NO MORE THAN 5 YEARS BEFORE SURRENDER OR LAPSE OF THE CERTIFICATE, LICENSE, OR REGISTRATION.

35.

(a) (1) The Commissioner may hold hearings for any purpose within the scope of this article deemed by him to be necessary.

(2) The Commissioner shall hold a hearing if required by any provision, or upon written demand therefor by a person aggrieved by any act, threatened act or failure of the Commissioner to act, or by any report, rule, regulation or order of the Commissioner (other than an order for the holding of a hearing, or an order on hearing or pursuant thereto). Any such demand shall specify the grounds to be relied upon as a basis for the relief to be demanded at the hearing, and unless postponed by mutual consent, such hearing shall be held within thirty (30) consecutive calendar days after receipt by the Commissioner of demand therefor.

(3) If within such thirty (30) day period the Commissioner does not either (i) grant the hearing, or (ii) issue his order refusing the hearing, as to such previous report, rule, regulation, or order as to which such person so claims to be aggrieved, then the hearing shall thereby be deemed to have been refused.

(4) (i) Except as provided in subparagraph (ii) of this paragraph, a hearing held under this section shall be conducted in accordance with Title 10, Subtitle 2 of the State Government Article (Administrative Procedure Act - Contested Cases).