

~~(2) (f) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, AN INSURED MAY BRING A CIVIL ACTION AGAINST ITS INSURER FOR A VIOLATION OF SUBSECTION (C) OF THIS SECTION IF THE ALLEGED VIOLATION ARISES OUT OF ACTIVITY BY THE INSURER RELATING TO THE PAYMENT OF BENEFITS UNDER § 539(G) OR § 541A OF THIS SUBTITLE.~~

~~(H) IN ANY ACTION BROUGHT UNDER THIS SUBSECTION, THE INSURED, IF SUCCESSFUL, SHALL BE ENTITLED TO RECOVER:~~

~~1. COSTS AND EXPENSES, INCLUDING REASONABLE ATTORNEYS' FEES, INCURRED BY THE INSURED; AND~~

~~2. IF THE INSURED PROVES THAT ITS INSURER IN BAD FAITH IN DENYING COVERAGE OR FAILING AND REFUSING TO MAKE PAYMENT TO THE INSURED UNDER SECTIONS 539(G) OR 541A OF THIS SUBTITLE, AN AMOUNT NOT TO EXCEED THREE (3) TIMES THE AMOUNT OF THE PAYMENT WITHHELD BY THE INSURER.~~

~~(3) PRIOR TO BRINGING AN ACTION UNDER PARAGRAPH (2) OF THIS SUBSECTION, AN INSURED SHALL:~~

~~(f) FILE AN ADMINISTRATIVE ACTION WITH THE COMMISSIONER UNDER THIS SECTION; AND~~

~~(H) OBTAIN IN THE ADMINISTRATIVE ACTION A FINAL ORDER FROM THE COMMISSIONER IN FAVOR OF THE INSURED.~~

~~(4) (f) IN ANY ACTION UNDER THIS SUBSECTION, THE INSURED IS NOT ENTITLED TO RECOVER DAMAGES OTHER THAN THOSE PROVIDED IN PARAGRAPH (2)(H) OF THIS SECTION.~~

~~(H) THIS SECTION SHALL NOT BE CONSTRUED TO LIMIT THE RIGHT OF ANY PERSON TO MAINTAIN AN ACTION FOR DAMAGES OTHERWISE AVAILABLE.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:~~

Article 48A - Insurance Code

233.

(f) IT SHALL BE A FRAUDULENT INSURANCE ACT FOR:

(1) ANY PERSON, FOR PERSONAL GAIN, TO SOLICIT A PERSON INJURED BY OR IN A MOTOR VEHICLE, TO SUE OR RETAIN A LAWYER TO REPRESENT THAT PERSON IN A LAWSUIT;

(2) ANY PERSON, FOR PERSONAL GAIN, TO SOLICIT A PERSON INJURED BY OR IN A MOTOR VEHICLE TO SEEK CARE FROM A HEALTH CARE PRACTITIONER; AND

(3) ANY HEALTH CARE PRACTITIONER OR LAWYER TO EMPLOY, DIRECTLY OR INDIRECTLY, OR IN ANY WAY COMPENSATE ANY PERSON FOR THE