

(I) SHALL BE SET BY THE COMMISSIONER, SUBJECT TO APPROVAL BY THE COURT; AND

(II) SHALL BE PAID OUT OF THE ASSETS OR FUNDS OF THE INSURER.

(3) WITHIN THE LIMITS OF DUTIES IMPOSED ON A SPECIAL DEPUTY CONCERNING A DELINQUENCY PROCEEDING, THE SPECIAL DEPUTY:

(I) SHALL POSSESS ALL POWERS GIVEN TO THE RECEIVER; AND

(II) IN THE EXERCISE OF THOSE POWERS, IS SUBJECT TO ALL THE DUTIES IMPOSED ON THE RECEIVER CONCERNING THE DELINQUENCY PROCEEDING.

(B) REPRESENTATION FOR SPECIAL DEPUTY COMMISSIONERS.

IN A CIVIL PROCEEDING FILED AGAINST A SPECIAL DEPUTY COMMISSIONER APPOINTED UNDER THIS SUBTITLE, THE SPECIAL DEPUTY COMMISSIONER IS ENTITLED TO REPRESENTATION BY THE ATTORNEY GENERAL AS SPECIFIED IN TITLE 12, SUBTITLE 3, PART II OF THE STATE GOVERNMENT ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, §§ 145(6) and 164B(b).

In subsection (a)(1) of this section, the phrase "in which the Commissioner has been appointed receiver" is added for clarity. Similarly, in subsection (a)(2)(i) of this section, the reference to "Commissioner" is substituted for the former reference to "receiver" for clarity and consistency.

In subsection (a)(1)(ii) of this section, the former reference to the Commissioner employing counsel, clerks, and assistants as the Commissioner "deems necessary" is deleted as implicit.

As to the effect of subsection (a) of this section as part of the Uniform Insurers Liquidation Act, see § 9-202 of this subtitle.

Defined terms: "Commissioner" § 1-101

"Delinquency proceeding" § 9-201

"Insurer" § 1-101

"Receiver" § 9-201

9-208. PERSONS SUBJECT TO DELINQUENCY PROCEEDINGS.

A DELINQUENCY PROCEEDING MAY BE BROUGHT AGAINST:

(1) AN INSURER THAT IS DOING OR HAS DONE INSURANCE BUSINESS IN THE STATE AND AGAINST WHOM CLAIMS ARISING FROM THAT INSURANCE BUSINESS MAY EXIST NOW OR IN THE FUTURE;

(2) A PERSON THAT PURPORTS TO DO INSURANCE BUSINESS IN THE STATE;