

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, § 164A.

The defined term "insurer" is substituted for the former references to "company" for clarity.

Defined terms: "Delinquency proceeding" § 9-201

"Insurance" § 1-101

"Insurer" § 1-101

"Receiver" § 9-201

9-215. SEIZURE ORDERS; INJUNCTIONS.

(A) SEIZURE ORDERS — IN GENERAL.

ON APPLICATION OF THE COMMISSIONER AT ANY TIME, THE COURT MAY ISSUE EX PARTE AN ORDER THAT:

(1) DIRECTS THE COMMISSIONER TO TAKE POSSESSION AND CONTROL OF ALL OR PART OF:

(I) THE PROPERTY, BOOKS, ACCOUNTS, DOCUMENTS, AND OTHER RECORDS OF AN INSURER; AND

(II) THE PREMISES THAT THE INSURER OCCUPIES FOR THE TRANSACTION OF ITS BUSINESS; AND

(2) ENJOINS THE INSURER AND ITS OFFICERS, DIRECTORS, STOCKHOLDERS, MEMBERS, SUBSCRIBERS, AGENTS, AND ALL OTHER PERSONS FROM THE TRANSACTION OF ITS BUSINESS WITHOUT WRITTEN CONSENT OF THE COMMISSIONER.

(B) SAME — DURATION.

(1) THE COURT SHALL SPECIFY THE DURATION OF A SEIZURE ORDER ISSUED UNDER THIS SECTION.

(2) THE DURATION OF THE SEIZURE ORDER SHALL BE THE TIME THAT THE COURT CONSIDERS NECESSARY FOR THE COMMISSIONER TO DETERMINE THE CONDITION OF THE INSURER.

(3) ON MOTION OF THE COURT OR EITHER PARTY AND AFTER NOTICE THAT THE COURT CONSIDERS APPROPRIATE, THE COURT MAY HOLD HEARINGS AND EXTEND, SHORTEN, OR MODIFY THE TERMS OF THE SEIZURE ORDER.

(4) IF THE COMMISSIONER FAILS TO COMMENCE A DELINQUENCY PROCEEDING AFTER HAVING HAD A REASONABLE OPPORTUNITY TO DO SO, THE COURT SHALL VACATE THE SEIZURE ORDER.

(5) AN ORDER OF THE COURT UNDER A DELINQUENCY PROCEEDING VACATES THE SEIZURE ORDER.

(C) SAME — EFFECT.