

In subsections (b) and (e)(2) of this section, the former phrase "from time to time" is deleted as surplusage.

In subsection (b) of this section, the defined term "insurer" is substituted for the former reference to a "company" for clarity.

Also in subsection (b) of this section, the reference to a determination that an insurer is an "impaired insurer" is substituted for the former reference to a determination of "insolvency" in light of the defined term "impaired insurer" under § 9-201 of this subtitle.

Also in subsection (b) of this section, the former reference to a court "of competent jurisdiction" is deleted as implicit.

In subsection (f)(2) of this section, the former reference to the "United States" certified mail is deleted in light of Art. 1, § 8 of the Code, which provides that a reference to "certified mail" means the uses, procedures, and fees provided and generally referred to by the present United States Postal Service.

Also in subsection (f)(2) of this section, the former phrase "first-class postage prepaid" is deleted as implicit in the requirement under this subsection that a notice be deposited in the "certified mail".

In subsection (f)(3) of this section, the reference to the authority of the court to "approve" the proposal is substituted for the former reference to "[a]ction [that] may be taken" by the court for consistency with subsection (b) of this section.

The Insurance Article Review Committee notes, for consideration by the General Assembly, that it is unclear under former Art. 48A, § 162A(d), revised as subsection (f)(3)(ii) of this section, why the court is authorized to approve a proposal for disbursement of assets that does not meet all of the minimum requirements of former Art. 48A, § 162A(b), now subsections (c) and (d) of this section. Instead, former § 162A(d) seems to require that only those requirements specified in § 162A(b)(1) and (4) need be met.

Defined terms: "Commissioner" § 1-101

"Creditor" § 9-201

"Impaired insurer" § 9-201

"Insurer" § 1-101

"Receiver" § 9-201

"State" § 9-201

9-225. ASSESSMENT OF MEMBERS OF DOMESTIC MUTUAL OR RECIPROCAL INSURERS.

(A) REPORT AND PETITION TO COURT.

WITHIN 3 YEARS AFTER THE DATE OF THE ISSUANCE OF AN ORDER OF REHABILITATION OR LIQUIDATION OF A DOMESTIC MUTUAL INSURER OR DOMESTIC RECIPROCAL INSURER, THE COMMISSIONER MAY FILE WITH THE COURT: