

INTERFERE WITH THE COMMISSIONER IN THE CONDUCT OF A DELINQUENCY PROCEEDING OR IN AN INVESTIGATION PRELIMINARY OR INCIDENTAL TO A DELINQUENCY PROCEEDING, OR VIOLATE AN ORDER OF THE COMMISSIONER ISSUED UNDER THIS SUBTITLE.

(E) PENALTIES.

(1) A PERSON THAT VIOLATES SUBSECTION (D) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$10,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

(2) AFTER A HEARING BEFORE THE COMMISSIONER, A PERSON THAT VIOLATES SUBSECTION (D) OF THIS SECTION IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$10,000 AND TO THE REVOCATION OR SUSPENSION OF ANY INSURANCE LICENSE ISSUED BY THE COMMISSIONER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, § 135A.

In subsection (d) of this section, the former reference to a "validly" issued order is deleted as implicit.

In subsection (e)(1) of this section, the phrase "guilty of a misdemeanor" is added to state expressly that which was only implied by the references, in former Art. 48A, § 135A(d)(1), to a "sentence[d]", "fine", and "imprisonment". Since violation of former § 135A(d)(1) was not a felony at common law and has not been declared a felony by statute, it is considered to be a misdemeanor. See State v. Canova, 278 Md. 483, 490 (1976), and Dutton v. State, 123 Md. 373, 378 (1914).

Also in subsection (e)(1) of this section, the phrase "on conviction" is standard language added to reflect a legal requirement that is prerequisite to the imposition of the criminal penalty.

In subsection (e)(2) of this section, the reference to a hearing "before the Commissioner" is added to clarify that the hearing involved is an administrative hearing.

Defined terms: "Commissioner" § 1-101
 "Control" § 1-101
 "Delinquency proceeding" § 9-201
 "Insurer" § 1-101
 "Person" § 1-101

9-231. NOTICE OF IMPAIRMENT REQUIRED; CONTRIBUTING TO IMPAIRMENT PROHIBITED; PENALTIES.

(A) "CHIEF EXECUTIVE OFFICER" DEFINED.

IN THIS SECTION, "CHIEF EXECUTIVE OFFICER" MEANS A PERSON CHARGED BY THE BOARD OF DIRECTORS OR TRUSTEES OF AN INSURER TO ADMINISTER AND IMPLEMENT POLICIES AND PROCEDURES OF THE INSURER.