

A MEMBER INSURER, THE CORPORATION OR ITS AGENTS OR EMPLOYEES, THE BOARD OF DIRECTORS, AND THE COMMISSIONER OR THE COMMISSIONER'S REPRESENTATIVES SHALL HAVE THE IMMUNITY FROM LIABILITY DESCRIBED IN § 5-336 OF THE COURTS ARTICLE.

(B) INDEPENDENT FROM STATE.

NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, THE CORPORATION IS NOT AND MAY NOT BE DEEMED A DEPARTMENT, UNIT, AGENCY, OR INSTRUMENTALITY OF THE STATE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, § 517.

Defined terms: "Commissioner" § 1-101

"Corporation" § 9-301

"Member insurer" § 9-301

9-315. STAY OF PROCEEDINGS; DEFAULT JUDGMENTS.

(A) STAY OF PROCEEDINGS.

TO ALLOW PROPER DEFENSE BY THE CORPORATION OF PENDING CAUSES OF ACTION, EACH PROCEEDING IN WHICH AN INSOLVENT INSURER IS A PARTY OR IS OBLIGATED TO DEFEND A PARTY IN A COURT IN THE STATE SHALL BE STAYED FOR 60 DAYS AFTER THE DATE OF THE DETERMINATION OF INSOLVENCY.

(B) DEFAULT JUDGMENTS.

AS TO A COVERED CLAIM ARISING FROM A JUDGMENT UNDER AN ORDER, DECISION, VERDICT, OR FINDING BASED ON THE DEFAULT OF THE INSOLVENT INSURER OR ITS FAILURE TO DEFEND AN INSURED, THE CORPORATION, ON ITS OWN BEHALF OR ON BEHALF OF THE INSURED, MAY:

(1) APPLY TO HAVE THE JUDGMENT, ORDER, DECISION, VERDICT, OR FINDING SET ASIDE BY THE SAME COURT OR ADMINISTRATOR THAT MADE IT; AND

(2) DEFEND AGAINST THE COVERED CLAIM ON THE MERITS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, § 518.

In the introductory language of subsection (b) of this section, the reference to an "order" is added for consistency with subsection (b)(1) of this section.

Defined terms: "Corporation" § 9-301

"Covered claim" § 9-301

"Insolvent insurer" § 9-301

9-316. TERMINATION OF CORPORATION; EXPIRATION OF SUBTITLE.

(A) TERMINATION AS TO CERTAIN KINDS OF INSURANCE — IN GENERAL.