

"Insurer" § 1-101

"Person" §§ 1-101 and 20-101

"Policy" § 1-101

20-604. RESOLUTION OF CLAIMS.

(A) PROCEDURAL REQUIREMENTS.

(1) THE EXECUTIVE DIRECTOR SHALL ADOPT REGULATIONS AND THE COURT OF APPEALS SHALL ADOPT RULES THAT SET FORTH PROCEDURAL REQUIREMENTS FOR CLAIMS AND ACTIONS AGAINST THE FUND FILED UNDER THIS SUBTITLE.

(2) BEFORE THE FUND BECOMES LIABLE UNDER THIS SUBTITLE, A CLAIMANT MUST COMPLY WITH EACH PROCEDURAL REQUIREMENT FOR CLAIMS AND ACTIONS AGAINST THE FUND.

(3) ON BEHALF OF THE FUND, THE EXECUTIVE DIRECTOR OR DESIGNEE OF THE EXECUTIVE DIRECTOR MAY STIPULATE THAT THE PROCEDURAL REQUIREMENTS HAVE BEEN MET AND CONSENT TO THE CLAIMANT BRINGING AN ACTION AGAINST THE FUND.

(4) A STIPULATION OR CONSENT DOES NOT WAIVE ANY DEFENSE THAT THE FUND MAY HAVE WITH RESPECT TO THE CASE.

(B) SETTLEMENT BY FUND.

(1) AT ANY TIME AND WITHOUT FILING A PETITION FOR PAYMENT OR OTHER COURT APPROVAL, THE FUND MAY SETTLE, COMPROMISE, AND PAY CLAIMS AND ACTIONS BROUGHT AND JUDGMENTS OBTAINED UNDER THIS SUBTITLE.

(2) THE EXECUTIVE DIRECTOR SHALL ADOPT REGULATIONS SETTING FORTH THE PROCEDURE FOR SETTLEMENT OR PAYMENT.

(3) INTEREST SHALL ACCRUE FROM THE DATE OF JUDGMENT IN ACCORDANCE WITH § 11-107 OF THE COURTS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, § 243H(b)(1) and (2).

In subsections (a)(1) and (b)(2) of this section, the reference to "regulations" is substituted for the former reference to "rules". See the General Revisor's Note to this article. As to the regulations setting forth the procedure for settlements on payments, see COMAR 14.07.04.

In subsection (a)(1) of this section, the former phrases "with respect to the Fund" and "with respect to the courts", respectively, are deleted as implied in the references to the "Executive Director" and the "Court of Appeals", respectively.

Defined terms: "Executive Director" § 20-101

"Fund" § 20-101