

“Policy” § 1-101

“Premium” § 1-101

“Purchasing group” § 25-101

“Risk retention group” § 25-101

25-108. POWERS OF COMMISSIONER.

(A) ENFORCEMENT POWERS.

THE COMMISSIONER MAY EXERCISE ANY POWERS GRANTED BY THIS ARTICLE TO ENFORCE THE LAWS OF THE STATE IF THE POWERS ARE NOT SPECIFICALLY PREEMPTED BY THE FEDERAL PRODUCT LIABILITY RISK RETENTION ACT OF 1981 AS AMENDED BY THE RISK RETENTION AMENDMENTS OF 1986.

(B) REGULATIONS.

THE COMMISSIONER MAY ADOPT REGULATIONS RELATING TO RISK RETENTION GROUPS TO CARRY OUT THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, §§ 630 and 626(a).

In subsection (b) of this section, the former reference to regulations “as may be necessary or desirable” to carry out this article is deleted as surplusage.

Former Art. 48A, § 626(b), which described the enforcement powers of the Commissioner under this article and required the Commissioner to rely on the procedural laws and regulations of the State, is deleted as surplusage. The general powers of the Commissioner to enforce this article are described in Title 2, Subtitle 2 of this article. The requirement that the Commissioner follow the procedural laws and regulations of the State is implicit in the enforcement scheme of Title 2, Subtitle 2 of this article.

Defined terms: “Commissioner” § 1-101

“Risk retention group” § 25-101

25-109. ENFORCEMENT OF UNITED STATES DISTRICT COURT ORDER.

ON A FINDING THAT A RISK RETENTION GROUP IS IN A HAZARDOUS FINANCIAL CONDITION OR IS FINANCIALLY IMPAIRED, AN ORDER ISSUED BY A DISTRICT COURT OF THE UNITED STATES THAT ENJOINS THE RISK RETENTION GROUP FROM SOLICITING OR SELLING INSURANCE OR OPERATING IN A STATE, IN ALL STATES, OR IN A TERRITORY OR POSSESSION OF THE UNITED STATES IS ENFORCEABLE IN THE COURTS OF THIS STATE.

REVISOR'S NOTE: This section formerly was Art. 48A, § 629.

The only changes are in style.

Defined terms: “Hazardous financial condition” § 25-101

“Insurance” § 25-101

“Risk retention group” § 25-101

“State” § 25-101