

THE COMMISSIONER MAY CONDUCT INVESTIGATIONS AND EXAMINE THE BOOKS, RECORDS, AND ACCOUNTS OF A PERSON AT THE PERSON'S EXPENSE UNDER THIS TITLE TO THE SAME EXTENT AS IS AUTHORIZED WITH RESPECT TO INSURERS UNDER THIS ARTICLE.

(B) OTHER POWERS.

THE COMMISSIONER MAY:

(1) INVESTIGATE POSSIBLE VIOLATIONS OF THIS TITLE AND SUBPOENA PERSONS AND DOCUMENTS THAT THE COMMISSIONER CONSIDERS APPROPRIATE IN CONNECTION WITH THE INVESTIGATION;

(2) REQUIRE A LICENSEE TO STOP DOING BUSINESS THROUGH A PARTICULAR REPRESENTATIVE ON FINDING, AFTER NOTICE AND OPPORTUNITY FOR A HEARING, THAT THE REPRESENTATIVE HAS INTENTIONALLY OR NEGLIGENTLY MADE FALSE OR MISLEADING STATEMENTS ABOUT THE SERVICES OFFERED BY THE LICENSEE; AND

(3) ADOPT REGULATIONS TO ADMINISTER, CARRY OUT, OR ENFORCE THIS TITLE.

(C) NAMES, TRADEMARKS, EMBLEMS, AND FORMS.

(1) THE COMMISSIONER MAY APPROVE OR DISAPPROVE THE NAME, TRADEMARKS, EMBLEMS, AND FORMS THAT AN APPLICANT OR LICENSEE USES OR PROPOSES TO USE IN CONNECTION WITH ITS BUSINESS.

(2) THE COMMISSIONER SHALL APPROVE A NAME, TRADEMARK, OR EMBLEM IF THE NAME, TRADEMARK, OR EMBLEM:

(I) IS DISTINCTIVE;

(II) IS NOT SIMILAR TO OR IN CONFLICT WITH THE NAME, TRADEMARK, OR EMBLEM OF A LOCAL ORGANIZATION OR A NATIONALLY REGISTERED OR COPYRIGHTED NAME, TRADEMARK, OR EMBLEM;

(III) IS NOT LIKELY TO CONFUSE OR MISLEAD THE PUBLIC ABOUT THE NATURE OR IDENTITY OF THE APPLICANT OR LICENSEE USING OR PROPOSING TO USE THE NAME, TRADEMARK, OR EMBLEM; AND

(IV) WILL NOT INTERFERE WITH THE TRANSACTIONS OF A LICENSEE ALREADY OPERATING IN THE STATE.

(3) THE COMMISSIONER MAY DISAPPROVE THE USE OF, AND ORDER THAT THE LICENSEE STOP USING, A NAME, TRADEMARK, OR EMBLEM NOT APPROVED UNDER PARAGRAPH (2) OF THIS SUBSECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48B, § 5(a) and (b)(1), (3), (4) and (5).

In subsection (b)(3) of this section, the former reference to "rules" is deleted. See the General Revisor's Note to this article.