

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, § 213.

Defined terms: "Insurance" § 1-101

"Person" § 1-101

27-103. CEASE AND DESIST ORDERS.

(A) IN GENERAL.

(1) IF THE COMMISSIONER FINDS THAT A PERSON IN THE STATE HAS ENGAGED OR IS ENGAGING IN AN ACT OR PRACTICE THAT IS DEFINED IN OR PROHIBITED UNDER THIS TITLE, THE COMMISSIONER SHALL ORDER THE PERSON TO CEASE AND DESIST FROM THE ACT OR PRACTICE.

(2) THE COMMISSIONER SHALL HOLD A HEARING BEFORE THE COMMISSIONER ISSUES A CEASE AND DESIST ORDER UNDER THIS SUBSECTION.

(3) THE COMMISSIONER SHALL GIVE THE PERSON NOTICE OF THE HEARING AND THE CHARGES AGAINST THE PERSON.

(B) WHEN ORDER FINAL.

THE CEASE AND DESIST ORDER IS FINAL:

(1) IF NO APPEAL IS TAKEN, WHEN THE TIME ALLOWED FOR TAKING AN APPEAL FROM AN ORDER OF THE COMMISSIONER EXPIRES; OR

(2) IF AN APPEAL IS TAKEN, WHEN THE COURT ISSUES A FINAL DECISION THAT AFFIRMS THE CEASE AND DESIST ORDER OR DISMISSES THE APPEAL.

(C) COMPLIANCE WITH ORDER.

IF AN APPEAL IS TAKEN, THE COURT SHALL ISSUE ITS OWN ORDER THAT REQUIRES COMPLIANCE WITH THE TERMS OF THE CEASE AND DESIST ORDER TO THE EXTENT THAT THE CEASE AND DESIST ORDER IS AFFIRMED.

(D) EFFECT OF VIOLATION.

VIOLATION OF A CEASE AND DESIST ORDER ISSUED UNDER THIS SECTION IS DEEMED TO BE AND IS PUNISHABLE AS A VIOLATION OF THIS ARTICLE.

(E) EFFECT ON OTHER LIABILITY, PENALTY, OR FORFEITURE.

A CEASE AND DESIST ORDER ISSUED UNDER THIS SECTION OR AN ORDER OF COURT THAT ENFORCES IT DOES NOT RELIEVE ANY PERSON AFFECTED BY THE ORDER FROM ANY OTHER LIABILITY, PENALTY, OR FORFEITURE UNDER LAW.

(F) EFFECT OF SECTION.

REGARDLESS OF WHETHER A HEARING IS SCHEDULED OR HELD OR A CEASE AND DESIST ORDER IS ISSUED, THIS SECTION DOES NOT AFFECT OR PREVENT THE IMPOSITION OF A PENALTY PROVIDED BY THIS ARTICLE OR OTHER LAW FOR VIOLATION OF ANOTHER PROVISION OF THIS TITLE.