

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, § 215(a), (c) through (f), and the first sentence of (b).

In subsections (b)(2) and (c) of this section, the references to a "cease and desist" order are substituted for the former references to the "Commissioner's" order for clarity and consistency throughout this section. Similarly, in subsections (d) and (f) of this section, the references to a "cease and" desist order are substituted for the former references to "such" desist order.

In subsection (e) of this section, the former word "absolve" is deleted as unnecessary in light of the word "relieve".

Defined terms: "Commissioner" § 1-101

"Person" § 1-101

27-104. PROCEDURES FOR PRACTICES NOT EXPRESSLY DEFINED.

(A) REPORT REQUIRED.

IF THE COMMISSIONER BELIEVES THAT A PERSON ENGAGED IN THE INSURANCE BUSINESS IS ENGAGING IN THE STATE IN A METHOD OF COMPETITION OR IN AN ACT OR PRACTICE IN THE CONDUCT OF INSURANCE BUSINESS THAT, ALTHOUGH NOT DEFINED IN THIS TITLE, IS AN UNFAIR METHOD OF COMPETITION OR AN UNFAIR OR DECEPTIVE ACT OR PRACTICE AND THAT A PROCEEDING BY THE COMMISSIONER WITH RESPECT TO THE METHOD OF COMPETITION, ACT, OR PRACTICE WOULD BE IN THE PUBLIC INTEREST, THE COMMISSIONER SHALL:

(1) GIVE THE PERSON NOTICE OF THE HEARING AND THE CHARGES AGAINST THE PERSON;

(2) HOLD THE HEARING;

(3) MAKE A WRITTEN REPORT OF THE COMMISSIONER'S FINDINGS OF FACT ABOUT THE CHARGES; AND

(4) SERVE A COPY OF THE REPORT ON THE PERSON AGAINST WHOM THE CHARGES WERE BROUGHT AND ANY INTERVENOR AT THE HEARING.

(B) INJUNCTION OR RESTRAINING ORDER.

(1) IF THE REPORT CHARGES A VIOLATION OF THIS TITLE AND THE UNFAIR METHOD OF COMPETITION OR UNFAIR OR DECEPTIVE ACT OR PRACTICE CONTINUES, THE COMMISSIONER, THROUGH THE ATTORNEY GENERAL, AFTER SERVICE OF THE REPORT, MAY BRING AN ACTION TO ENJOIN AND RESTRAIN THE PERSON FROM ENGAGING IN THE METHOD OF COMPETITION, ACT, OR PRACTICE.

(2) THE COMMISSIONER'S REPORT AND FINDINGS, ALL EVIDENCE TAKEN IN THE HEARING, AND, IF A STENOGRAPHIC RECORD OF THE PROCEEDINGS IN THE HEARING BEFORE THE COMMISSIONER WAS MADE, A CERTIFIED TRANSCRIPT OF THE HEARING SHALL BE RECEIVED IN EVIDENCE IN AN ACTION UNDER THIS SUBSECTION.