

In subsection (e) of this section, the reference to damages recoverable in a "civil action" is substituted for the former reference to damages recoverable "in law or equity" to reflect the 1984 revision of the Maryland Rules, which eliminated the pleading distinctions between law and equity.

The Insurance Article Review Committee notes, for consideration by the General Assembly, that former Art. 48A, § 490E was first enacted in 1978 as part of an act (Chapter 728) relating to privacy of medical records that also enacted similar provisions in the former Health Article. The Committee also notes that the provisions of the Health - General Article relating to confidentiality of medical records were substantively revised in 1990 (Chapter 480). The General Assembly may wish to consider whether this section should also be substantively revised to ensure consistency with Title 4, Subtitle 3 of the Health - General Article.

Defined terms: "Agent" § 1-101

"Insurer" § 1-101

"Person" § 1-101

SUBTITLE 3. RETALIATION.

6-301.

(A) THIS SUBTITLE DOES NOT APPLY TO:

- (1) PERSONAL INCOME TAXES;
- (2) AD VALOREM TAXES ON REAL OR PERSONAL PROPERTY;
- (3) SPECIAL PURPOSE OBLIGATIONS OR ASSESSMENTS IMPOSED BY ANOTHER STATE IN CONNECTION WITH PARTICULAR KINDS OF INSURANCE OTHER THAN PROPERTY INSURANCE; OR
- (4) ASSESSMENTS IMPOSED BY INSURANCE GUARANTY ASSOCIATIONS OR SIMILAR ORGANIZATIONS IN ANOTHER STATE.

(B) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, IN DETERMINING THE PROPRIETY AND EXTENT OF RETALIATORY ACTION UNDER THIS SUBTITLE, THE COMMISSIONER SHALL TAKE INTO CONSIDERATION DEDUCTIONS FROM PREMIUM TAXES OR OTHER TAXES OTHERWISE PAYABLE, ALLOWED FOR REAL OR PERSONAL PROPERTY TAXES PAID.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, § 61(2).

Defined terms: "Commissioner" § 1-101

"Property insurance" § 1-101

"State" § 1-101