

of subpoenas by the Insurance Commissioner.

BY repealing and reenacting, with amendments,

Article - Insurance

Section 2-203(b)

Annotated Code of Maryland

(1997 Volume and 2001 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Insurance

2-203.

(b) (1) A subpoena issued under this section shall be [served] SERVED:

(I) in the same manner as a subpoena of a circuit court may be [served] SERVED; OR

(II) IN THE SAME MANNER AS A SERVICE OF PROCESS IN A CIVIL ACTION IN A CIRCUIT COURT MAY BE SERVED.

~~(H) BY CERTIFIED MAIL - "RESTRICTED DELIVERY".~~

~~(2) PRIOR TO FILING A COMPLAINT WITH THE CIRCUIT COURT UNDER PARAGRAPH (3) OF THIS SUBSECTION, IF A PERSON FAILS TO COMPLY WITH A SUBPOENA THAT THE COMMISSIONER SERVED BY CERTIFIED MAIL, THE SUBPOENA SHALL BE REISSUED AND SERVED IN THE SAME MANNER AS A SUBPOENA OF A CIRCUIT COURT MAY BE SERVED.~~

~~{(2)}~~ (3) If a person fails to comply with a lawfully served subpoena, the Commissioner immediately shall file a complaint and a copy of the subpoena and proof of service with the circuit court for the county where the person was required to appear or produce evidence.

~~{(3)}~~ (4) On receipt of a complaint and a copy of the subpoena and proof of service, the circuit court shall:

(i) issue an order directing compliance with the subpoena or compelling testimony; and

(ii) impose penalties as if the person had failed to comply with a subpoena of the court.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2002.

Approved May 16, 2002.