

AN ACTION AGAINST A THIRD PARTY ADMINISTRATOR, PRODUCER, AGENT, ATTORNEY, OR OTHER REPRESENTATIVE OF AN INSOLVENT INSURER TO OBTAIN CUSTODY AND CONTROL OF ALL FILES AND RECORDS, REGARDLESS OF FORMAT, RELATED TO CLAIMS INFORMATION THAT INVOLVES THE INSOLVENT INSURER.

(2) IN AN ACTION BROUGHT UNDER THIS SUBSECTION, THE CORPORATION:

(I) HAS THE ABSOLUTE RIGHT THROUGH EMERGENCY EQUITABLE RELIEF TO OBTAIN CUSTODY AND CONTROL OF ALL CLAIMS INFORMATION IN THE CUSTODY OR CONTROL OF THE THIRD PARTY ADMINISTRATOR, PRODUCER, AGENT, ATTORNEY, OR OTHER REPRESENTATIVE OF THE INSOLVENT INSURER, REGARDLESS OF WHERE THE CLAIMS INFORMATION IS PHYSICALLY LOCATED; AND

(II) IS NOT SUBJECT TO ANY DEFENSE, LIEN, OR OTHER LEGAL OR EQUITABLE GROUND THAT MIGHT BE ASSERTED AGAINST THE LIQUIDATOR OF THE INSOLVENT INSURER FOR REFUSAL TO SURRENDER CLAIMS INFORMATION.

(3) IF AN ACTION IS REQUIRED UNDER THIS SUBSECTION AFTER REFUSAL TO PROVIDE CLAIMS INFORMATION IN RESPONSE TO A WRITTEN DEMAND FOR THE CLAIMS INFORMATION, THE COURT SHALL AWARD THE CORPORATION ITS COSTS, EXPENSES, AND REASONABLE ATTORNEY FEES INCURRED IN BRINGING THE ACTION.

(4) THIS SUBSECTION DOES NOT AFFECT THE RIGHTS AND REMEDIES THAT THE CUSTODIAN OF THE APPLICABLE CLAIMS INFORMATION MAY HAVE AGAINST THE INSOLVENT INSURER IF THOSE RIGHTS AND REMEDIES DO NOT CONFLICT WITH THE RIGHT OF THE CORPORATION TO CUSTODY AND CONTROL OF THE CLAIMS INFORMATION UNDER THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply only to insurer insolvencies that occur on or after the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2004.

Approved May 11, 2004.

CHAPTER 423

(House Bill 1533)

AN ACT concerning

Baltimore City - ~~Public~~ Alleys

FOR the purpose of authorizing the Mayor and City Council of Baltimore City to gate or close a ~~public~~ an alley under certain circumstances for certain purposes; authorizing the Mayor and City Council of Baltimore City to lease a certain