

(5) GIVE, OBTAIN, OR RECEIVE ANYTHING OF VALUE FOR ACTING OR FORBEARING TO ACT IN ANY PROCEEDING PURSUANT TO SUBTITLE 10 OF THIS ARTICLE.

~~(C)~~ (D) (1) ANY PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION SHALL BE SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN \$50,000 IN ADDITION TO ANY OTHER APPLICABLE PENALTIES IN THIS ARTICLE.

(2) ANY PERSON WHO VIOLATES SUBSECTION ~~(B)~~ (C) OF THIS SECTION WITH THE SPECIFIC INTENT TO CONCEAL OR MISREPRESENT IMPAIRMENT IS GUILTY OF A FELONY MISDEMEANOR AND UPON CONVICTION SHALL BE PUNISHED BY A FINE OF NOT MORE THAN \$50,000 OR IMPRISONMENT FOR A PERIOD OF NOT MORE THAN 5 3 YEARS OR BOTH IN ADDITION TO ANY OTHER APPLICABLE PENALTIES IN THIS ARTICLE.

(3) THE COMMISSIONER MAY IMPOSE THE PENALTIES SPECIFIED IN § 215 OF THIS ARTICLE ON PERSONS FOUND IN VIOLATION OF SUBSECTION (B) OR (C) OF THIS SECTION.

(E) ANY NOTIFICATION PROVIDED TO THE COMMISSIONER UNDER THIS SECTION SHALL BE GIVEN CONFIDENTIAL TREATMENT IN ACCORDANCE WITH § 499 OF THIS ARTICLE.

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For the purpose of this subtitle:

(1) "Impairment" [or], "insolvency [.]", OR "INSOLVENT" MEANS [The capital of a stock insurer or the surplus of a mutual or reciprocal insurer, shall be deemed to be impaired and the insurer shall be deemed to be insolvent, when such] WHEN AN insurer:

(I) [is] IS not possessed of assets at least equal to all liabilities and required reserves together with:

1. IF A STOCK INSURER, its total issued and outstanding capital stock and minimum surplus; [if a stock insurer,] or [the minimum surplus]

2. [if] IF a mutual or reciprocal insurer, THE MINIMUM SURPLUS required by this article to be maintained for the kind or kinds of insurance business it is then authorized to transact; OR

(II) HAS AN ~~INABILITY~~ A FINANCIAL INABILITY AS DETERMINED BY THE COMMISSIONER TO PAY ITS OBLIGATIONS WHEN DUE ANY OBLIGATION WITHIN 30 DAYS AFTER IT BECOMES DUE.

(2) "Insurer" means any person, firm, corporation, association or aggregation of persons [doing an insurance business] WHO HAS DONE, PURPORTS TO DO, IS DOING, OR IS LICENSED TO DO AN INSURANCE BUSINESS, and IS subject to the insurance supervisory authority of, or to liquidation, rehabilitation, reorganization or conservation by the Commissioner or the equivalent insurance