



# **Slavery Era Insurance Policy Report**

**April 2012**

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## **Background**

In 2009, the Maryland General Assembly passed and the Governor signed Senate Bill 751 (Chapter 97, Acts of 2009, codified as Title 30 of the Insurance Article, Annotated Code of Maryland) which requires an insurer that is authorized to do business in the State to provide the Maryland Insurance Commissioner (Commissioner) with a report of information in the records of the insurer about each slaveholder insurance policy issued in the State by the insurer, or any predecessor of the insurer, during the slavery era and a copy of each document in the insurer's records that relates to the information. Section 30-101 defines "slaveholder insurance policy" as a policy issued to or for the benefit of a slaveholder to insure the slaveholder against injury to a slave or the death of a slave. The "slavery era" is defined as those years prior to 1865. This *Slavery Era Insurance Policy Report*, which is a report of the information provided to the Commissioner regarding slaveholder insurance policies, is required by § 30-103.

## **Implementation**

Chapter 97 required insurers to provide the Commissioner with a report on or before October 1, 2011. The Commissioner was also required to adopt regulations on or before January 1, 2010, specifying the form and content of the report. Regulations specifying the form and content of the required report were finalized on December 28, 2009 under COMAR 31.16.09 and can be found in Appendix 1. In addition, on December 18, 2009, the Maryland Insurance Administration (MIA) issued Bulletin 09-32 to clarify that all authorized insurers doing business in Maryland would be required to submit a report even if the company or its predecessor company was not in existence during the slavery era. A copy of Bulletin 09-32 can be found in Appendix 2.

## **Insurer Responses**

As of June 30, 2011, there were 1,431 insurers authorized to do business in the State. On October 1, 2011, the Commissioner was in receipt of reports from 259 insurers or holding companies. By April 20, 2012, an additional 54 insurers or holding companies had submitted reports. Reports from these 312 insurers or holding companies provide responsive information from a total of 883 insurers. Of the 883 insurer reports, the vast majority indicated that the insurer or its predecessor had been incorporated after 1865.

Reports from 27 insurers or holding companies indicated that the insurer or a predecessor was in existence before 1865. A list of these insurers can be found in Appendix 3. Of these insurers, some indicated that they conducted a thorough search of their archives and records, but were unable to find responsive information or documents. A variation of these responses was that the company no longer had any responsive documents because the documents had been destroyed. A few companies responded indicating they had undertaken an exhaustive search of their records and had discovered slaveholder insurance policies but none were issued in Maryland. The responses received from the 27 insurers or holding companies that were in existence before 1865 can be found in Appendix 4. A list of all insurers that submitted reports can be found in Appendix 5.

As more than 38% of the insurers authorized to do business in the State did not submit a report as required under Title 30 of the Insurance Article, the regulations adopted under COMAR 31.16.09, and MIA Bulletin 09-32, the MIA will issue another bulletin directed at these insurers requesting that they comply with the reporting requirement by July 1, 2012. An insurer that does not comply with the reporting requirement may be subject to appropriate enforcement action, including but not limited to the assessment of a monetary penalty. If, as a result of the second

bulletin, the MIA receives responsive data from an insurer that was in existence prior to 1865, the MIA will submit an addendum to this report.

### **Public Access**

This report shall be available on the website of the Maryland Insurance Administration. In addition, a copy of this report will be available for inspection at the Thurgood Marshall Law Library at the University of Maryland School of Law located at 500 W. Baltimore Street, Baltimore, MD 21201-1786.

# Appendix 1

## Code of Maryland Regulations

### Title 31

#### MARYLAND INSURANCE ADMINISTRATION

##### Subtitle 16 MISCELLANEOUS

#### Chapter 09 Registry and Report on Slavery Era Insurance

Authority: Insurance Article, §§2-109(a)(1) and 30-102(c), Annotated Code of Maryland

#### **.01 Purpose.**

- A. This chapter sets forth standards for reporting slavery era insurance information pursuant Insurance Article, Title 30, Annotated Code of Maryland.
- B. This chapter requires insurers to provide information and data regarding slavery era insurance to the Maryland Insurance Administration.
- C. This chapter specifies how the Administration will distribute to the public the information provided pursuant to §B of this regulation.

#### **.02 Definitions.**

- A. In this chapter, the following terms have the meanings indicated.
- B. Terms Defined.
  - (1) "Commissioner" means the Maryland Insurance Commissioner.
  - (2) "Holding company system" includes:
    - (a) An insurer that is a member of the holding company system; and
    - (b) Any other member, subsidiary, or division of the holding company system, in each case regardless of whether it is a licensee.
  - (3) "Insurer" has the meaning stated in Insurance Article, §1-101, Annotated Code of Maryland.
  - (4) "Predecessor insurer" means an insurer associated with the reporting insurer that existed prior in time to the reporting insurer.
  - (5) "Reporting insurer" has the meaning stated in Insurance Article, §30-101, Annotated Code of Maryland.
  - (6) "Slave" has the meaning stated in Insurance Article, §30-101, Annotated Code of Maryland.
  - (7) "Slaveholder" has the meaning stated in Insurance Article, §30-101, Annotated Code of Maryland.
  - (8) "Slaveholder insurance policies" has the meaning stated in Insurance Article, §30-101, Annotated Code of Maryland.
  - (9) "Slavery era" has the meaning stated in Insurance Article, §30-101, Annotated Code of Maryland.

#### **.03 Reporting Insurers.**

- A. An insurer authorized to do business in the State shall file a report to the Commissioner regarding slaveholder insurance policies that it wrote either directly or through a predecessor insurer during the slavery era.
- B. If an insurer is a member of a holding company system, a consolidated report may be filed by one insurer in the holding company on behalf of all members of the same holding company that are required to file a report.
- C. A consolidated report allowed pursuant to §B of this regulation shall designate one insurer as the reporting insurer for purposes of compliance with this chapter and shall specify which insurers are included in the report.
- D. Insurers choosing to file a consolidated report pursuant to §§B and C of this regulation shall comply with all other requirements of this chapter.

#### **.04 Report Format and Content.**

- A. The report required by Regulation .03A of this chapter shall be filed on letterhead of the insurer, dated, and certified and affirmed under oath by the chief executive officer, or comparable officer, of the insurer as:
  - (1) Being true and not misleading; and
  - (2) Containing the most accurate information available at the time of the submission of the report.
- B. The report required by Regulation .03A of this chapter shall include the following:
  - (1) A paragraph identifying the insurer, stating the insurer's:
    - (a) Name;

- (b) Address;
  - (c) Telephone number;
  - (d) Fax number;
  - (e) E-mail address; and
  - (f) NAIC number and website URL, if any, for the main office of the insurer making the report;
  - (2) A contact person with the insurer, including the contact person's:
    - (a) Title;
    - (b) Address;
    - (c) Telephone number;
    - (d) Fax number; and
    - (e) E-mail address;
  - (3) The research methodology used in generating and preparing the report, including:
    - (a) A description of the methods employed by the insurer to identify and compile the records and information that are responsive to this chapter; and
    - (b) A description of the research which was conducted at the insurer's own facility as well as a description of research which was conducted at other facilities known to the insurer;
  - (4) If the insurer has found no responsive data, it shall so state;
  - (5) The names of slaves, in alphabetical order, in the following order:
    - (a) Last name;
    - (b) First name;
    - (c) The name of the slaveholder, beneficiary, policyholder, or all of them;
    - (e) The county or parish in which the slave resided;
    - (f) The state in which the slave resided; and
    - (g) Any other identifying information;
  - (6) The names of slaveholders, in alphabetical order, in the following order:
    - (a) Last name;
    - (b) First name;
    - (c) The county or parish in which the slaveholder resided;
    - (d) The state in which the slaveholder resided; and
    - (e) Any other identifying information; and
  - (7) The policy information, including:
    - (a) Copies of all records and documents regarding insurance policies issued to slaveholders that provided coverage for injury to or death of slaves; and
    - (b) Translations of any records or documents in any language other than English, along with a copy of the document together with a certified translation.
- C. An original plus one copy of the reports generated pursuant to §A of this regulation shall be filed on paper and mailed to the Maryland Insurance Administration, Slavery Era Insurance Registry, 200 St. Paul Place, Suite 2700, Baltimore, MD 21202.
- D. The sections of the reports outlined in §B(4) and (5) of this regulation, shall also be submitted in the electronic format approved by the Commissioner.

**.05 Submission.**

- A. Each insurer shall file the report required by Regulation .04 of this chapter with the Commissioner on or before October 1, 2011.
- B. If the Commissioner determines that a report is incomplete, the Commissioner may require additional reports, as necessary, consistent with the requirements of this chapter.
- C. An insurer that files a report indicating that it has information responsive to the relevant statute and this chapter, which has not been provided, shall inform the Commissioner as to the reason that the required information has not been provided and when the required information will be filed.

**.06 Availability of the Slavery Era Insurance Policy Registry and Report.**

- A. The report generated by the Commissioner pursuant to Insurance Article, Title 30, Annotated Code of Maryland, and this chapter, shall be known as the Slavery Era Insurance Policy Registry and Report.
- B. The Commissioner shall provide the Slavery Era Insurance Policy Registry and Report to the Governor and General Assembly on or before April 1, 2012.

C. The Commissioner shall make available to the public a copy of the Slavery Era Insurance Policy Registry and Report on the Maryland Insurance Administration's website.

D. The Slavery Era Insurance Policy Registry and Report shall be accessible to the public at the Thurgood Marshall Law Library at the University Of Maryland School Of Law and any other means that the Commissioner considers appropriate.

**.07 Enforcement.**

The Commissioner may impose on an insurer any penalty, sanction, or other form of legal enforcement which the Commissioner has the authority to impose for failure to comply with the provisions of this chapter.

**Administrative History**

Effective date: December 28, 2009 (36:26 Md. R. 1999)



## Appendix 2

MARTIN O'MALLEY  
Governor  
ANTHONY G. BROWN  
Lt. Governor



RALPH S. TYLER  
Commissioner  
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### BULLETIN 09-32

**Date:** December 18, 2009  
**To:** All Property & Casualty Insurers and Interested Parties  
**Re:** Registry and Report on Slavery Era Insurance

During the 2009 Legislative Session, the Maryland General Assembly adopted Insurance Article, Title 30, Annotated Code of Maryland. The newly added title obligates insurers to produce documents relating to slaveholder insurance policies issued in Maryland during the slavery era, defined in the new title as the years prior to 1865. The new title also requires the Maryland Insurance Commissioner (Commissioner) to issue a report based on the information provided by insurers regarding slaveholder insurance policies.

In December 2009, the Commissioner adopted new chapter COMAR 31.16.09 Registry and Report on Slavery Era Insurance. The new chapter specifies the form and content of reports to be provided by insurers pursuant to § 30-102(c) of the Insurance Article, Annotated Code of Maryland.

While the new chapter was awaiting final adoption, the Commissioner received several inquiries regarding the applicability of the new chapter. Several insurers noted that they were not in existence during the slavery era, and neither were their holding companies. These insurers questioned whether they would be required to report pursuant to Insurance Article, § 30-102(a), Annotated Code of Maryland, if the insurer was not in existence prior to 1865. In order to ensure a complete and accurate report, the Commissioner will require all insurers to report pursuant to the new chapter and Title 30 of the Insurance Article.

Any questions regarding this Bulletin should be directed to the Government Relations & Policy Development Unit at (410) 468-2202.

Ralph S. Tyler  
Insurance Commissioner

By: Signature on file with original document  
Tinna Damaso Quigley  
Director of Government Relations  
and Policy Development

## Appendix 3

### Responding Insurers That Were In Existence Before 1865

1. ACE USA Inc.
2. Aetna Inc.
3. American International Group, Inc. (AIG)
4. AXA Corporate Solutions Life Reinsurance Company
5. Baltimore Equitable Society
6. CNA Insurance Companies
7. Cumberland Insurance Group
8. Frederick Mutual Insurance Company
9. General Reinsurance Corporation
10. Guard Insurance Group
11. Harford Mutual Insurance Company
12. Harleysville Insurance
13. Hartford Financial Services Group
14. Infinity Property & Casualty Corporation
15. Manhattan Life Insurance Company
16. MetLife
17. Middlesex Insurance Company
18. Middlesex Mutual Assurance Company
19. Monumental Life Insurance Company
20. MONY Life Insurance Company of America
21. National Life Group
22. Nationwide Mutual Insurance Company
23. New York Life Insurance Company
24. One Beacon Insurance Group
25. Penn Mutual Life Insurance Company
26. The Travelers Companies, Inc.
27. Westfield Group