

(2) Emission Standards and General Requirements.

Pollutant or Parameter	Emission Standards for a Large MWC	Performance and Compliance Test Requirements
Carbon Monoxide*	(text unchanged)	(text unchanged)
Dioxin/Furans*	(text unchanged)	(text unchanged)
Particulate Matter*	(text unchanged)	(text unchanged)
Opacity	10 percent opacity with [CEMS] COMs. Averaging time is 6 minutes.	EPA Reference Method 9 and [CEMS] COMS. Applicable test procedures and methods as specified in 40 CFR §60.58b(c). Quality assurance and quality control requirements are as in [Technical Memorandum 90-01] COMAR 26.11.31. [In case of inconsistencies in data or conflicting data Method 9 results will determine compliance.] <i>Notwithstanding the requirements in COMAR 26.11.01.10B(6)(a)-(c), the Department may determine compliance and non-compliance with the visible emission limitations by performing EPA reference Method 9 observations based on a 6 minute block average.</i>
Cd (Cadmium)*—Fugitive Ash Emissions (text unchanged)		

\* Corrected to 7 percent oxygen on dry basis. If a CO<sub>2</sub> monitor is selected as the diluent monitor it must meet the requirements of 40CFR §60.58b(b)(6)

(3) (text unchanged)

B. Monitoring Requirements.

(1) A person who owns or operates an existing MWC subject to this regulation shall:

(a) Install, calibrate, operate, and maintain continuous [emission] monitors for carbon monoxide, oxygen, opacity, oxides of nitrogen, and sulfur dioxide;

(b)—(d) (text unchanged)

(2) (text unchanged)

(3) The monitors required by §B(1)(a) and (b) of this regulation shall meet the installation, certification, reporting, record-keeping, and other requirements of COMAR 26.11.01.10, and 26.11.01.11, performance specifications in 40 CFR Part 60, Appendix B, the quality assurance procedures in 40 CFR Part 60, Appendix F, all requirements in 40 CFR §60.58b, COMAR 26.11.31 [, and the specification in the Department’s Air and Radiation Management Administration Technical Memorandum 90-01, “Continuous Emission Monitoring (CEM) Policies and Procedures”, which is incorporated by reference in COMAR 26.11.01.10E].

(4) (text unchanged)

C. Reporting and Record-Keeping Requirements.

(1) (text unchanged)

(2) Continuous [emissions] monitoring data reduction and data availability shall be as prescribed in COMAR 26.11.01.10 and 26.11.01.11. If there is any inconsistency between COMAR 26.11.01.10 and 26.11.01.11 and 40 CFR 60, the [requirement] requirements of 40 CFR 60 govern.

D. (text unchanged)

BENJAMIN H. GRUMBLES  
Secretary of the Environment

# Title 31 MARYLAND INSURANCE ADMINISTRATION

## Subtitle 01 GENERAL PROVISIONS

### 31.01.02 Emergency Powers

Authority: Health-General Article, §19-706; Insurance Article, §2-115; Annotated Code of Maryland

#### Notice of Proposed Action

[15-345-P]

The Insurance Commissioner proposes to amend Regulations **.02—**.04 and **.07** under **COMAR 31.01.02 Emergency Powers**.

#### Statement of Purpose

The purpose of this action is to better align the elements of the Maryland Insurance Administration’s data requests for claims information during an emergency with the National Association of Insurance Commissioners’ current data collection template.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

The proposed action has no economic impact.

#### Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

#### Opportunity for Public Comment

Comments may be sent to Catherine Grason, Director of Regulatory Affairs, Maryland Insurance Administration, 200 St. Paul Place, Ste. 2700, Baltimore, MD 21202, or call 410-468-2201, or email to [insuranceregreview.mia@maryland.gov](mailto:insuranceregreview.mia@maryland.gov), or fax to 410-468-2020. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

#### **.02 Applicability.**

A. (text unchanged)

B. This chapter also applies to the Maryland Automobile Insurance Fund (MAIF)[,] and the Joint Insurance Association (JIA)[, the Injured Workers Insurance Fund (IWIF) and the Maryland Health Insurance Plan (MHIP)].

#### **.03 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1) *All Other Lines.*

(a) "All other lines" means any line of business or coverage that is not included in any of the line/coverage definitions under this chapter for which claims attributable to a disaster subject to a data call were reported.

(b) "All other lines" does not include mortgage/financial guaranty, title, fidelity, surety, medical malpractice, or professional liability insurance lines of business.

(2) "Business interruption insurance" means insurance that covers the loss of income, continuing fixed expenses, or extra expenses a business suffers after a disaster while its facility is either closed because of the disaster or in the process of being rebuilt after the disaster.

(3) *Case Incurred Loss.*

(a) "Case incurred loss" means indemnity case reserves plus payments to date.

(b) "Case incurred loss" does not include estimates of incurred but not reported (IBNR) losses.

[(1)] (4) "Casualty insurance" [means] has the meaning stated in Insurance Article, §1-101, Annotated Code of Maryland.

(5) *Claims Closed with Payment.*

(a) "Claims closed with payment" means all claims closed where a loss payment was made regardless of the date of loss or when the claim was received.

(b) "Claims closed with payment" does not include claims closed where loss adjustment expense was incurred but no payment to the insured was made.

(6) *Claims Closed without Payment.*

(a) "Claims closed without payment" means all claims closed where no loss payment was made regardless of the date of loss or when the claim was received.

(b) "Claims closed without payment" includes claims closed where loss adjustment expense was incurred but no payment to the insured was made.

(7) "Claims reported" means all claims reported regardless of whether a payment was made.

[(2)] (8) "Closed claim" means a claim:

(a) [A claim that] That has been settled and the claimant has received a payment even if the claimant may receive additional payment or payments from the insurer if the claimant provides additional information to the insurer regarding replacement or other costs as they are incurred;

(b) [The] For which the claimant has not received a payment because the amount is less than the deductible;

(c) [The claim] That has been withdrawn by the insured; or

(d) [The claim] That has been denied.

(9) "Commercial auto insurance" means liability and physical damage insurance that covers vehicles used for commercial purposes.

(10) "Commercial property" means all property not categorized as residential property.

(11) "Farm owner's insurance" means insurance that provides liability coverage and coverage for damage to physical structures and other property located on a farm.

[(3)] (12) (text unchanged)

[(4)] (13) "Health carrier" means:

(a)—(b) (text unchanged)

(c) A health maintenance organization; and

(d) A dental plan organization[; and

(e) The Maryland Health Insurance Plan].

[(5)] (14) (text unchanged)

(15) "Homeowner's insurance" means insurance for residential property provided under:

(a) A homeowner's policy;

(b) A condominium owner's policy;

(c) A mobile homeowner's policy;

(d) A renter's policy; or

(e) A noncommercial farm owner's policy.

[(6)] (16) (text unchanged)

(17) "Loss payment" means the portion of an incurred loss that is paid by the insurer.

(18) "Percentage of claims closed" means a percentage calculated as (claims closed with payment + claims closed without payment)/(claims reported).

[(7)] (19) (text unchanged)

(20) *Private Passenger Auto Insurance.*

(a) "Private passenger auto insurance" means liability and physical damage insurance that covers a vehicle driven for personal use.

(b) "Private passenger auto insurance" includes automobiles, motorcycles, and recreational vehicles.

(21) "Privately issued flood insurance" means specific insurance coverage against property loss from flooding under any policy or endorsement, issued by any entity other than the National Flood Insurance Program (NFIP).

[(8)] (22) (text unchanged)

[(9)] "Total loss" means a claim that requires settlement at the maximum limits of coverage under the policy for the covered property.]

(23) *Workers' Compensation Insurance.*

(a) "Workers' compensation insurance" means insurance providing wage replacement and medical benefits to employees injured in the course of employment in exchange for mandatory relinquishment of the employee's right to sue the employer's employer for the tort of negligence.

(b) "Workers' compensation insurance" includes associated employer's liability coverage.

**.04 Disaster Contact Personnel.**

A. (text unchanged)

B. The information required under §A of this regulation shall also be provided by:

(1)—(2) (text unchanged)

(3) The Joint Insurance Association; and

[(4)] The Injured Workers Insurance Fund;

(5) The Maryland Health Insurance Plan; and]

[(6)] (4) Premium finance companies.

C. (text unchanged)

**.07 Property and Casualty.**

A. The bulletin issued by the Commissioner under Regulation .05 of this chapter may require insurers authorized in the State to write property and casualty insurance, the Maryland Automobile Insurance Fund, [the Injured Workers Insurance Fund,] and the Joint Insurance Association to:

(1) (text unchanged)

(2) Extend the time periods for completion of repairs to an affected property in the event that repairs necessitated by the disaster or catastrophic event cannot be completed within the time period required under the policy; [and]

(3) Provide any or all of the [following] data listed in §C of this regulation in a manner required by the Commissioner in the bulletin[.]; and [if the company is unable to provide all the information, provide the Commissioner with a detailed explanation as

PROPOSED ACTION ON REGULATIONS

1470

to why it is unable to provide this information and state what information it can provide:

Name of Company:

NAIC #:

Name of person to contact with any questions:

Mailing address of contact person:

Email address of contact person:

Phone number of contact person:

By Either County or Zip Code (Please indicate which you are using)

- 1. Homeowners. (This should include renters, dwelling fire, condominium unit owners, manufactured homes, and mobile homes.)
a. Number of claims.
b. Number of total losses. (Total loss is defined as a claim that requires settlement at the maximum limit of coverage under the policy on the covered property.)
c. Amount of total losses.
d. Number of properties where additional living expenses are being paid.
e. Amount paid on claims to date.
2. Commercial.
a. Property Losses.
(i) Number of claims.
(ii) Number of total losses.
(iii) Amount of total losses.
(iv) Number of properties which initially could not be occupied but were repairable.
(v) Amount paid on claims to date.
b. Loss of Use/Business Interruption.
(i) Number of claims.
(ii) Amount paid on claims to date.
c. Other. For each additional category:
(i) Type of claim;
(ii) Number of claims; and
(iii) Amount paid on claims to date.
3. Farm Owners.
a. Number of claims.
b. Amount paid on claims to date.
4. Auto.
a. Number of claims.
b. Amount paid on claims to date.
5. Other. (Any other line not specifically listed above.)
a. Type of claim;
b. Nature of claim; and
c. Amount paid on claims for each additional category.
6. Flood Insurance (Both privately issued and written through the National Flood Insurance Program.)
a. Number of claims.
b. Amount paid on claims to date.
7. Total Number of Maryland Claims Received.
a. Total number of claims received.
b. What percentage of claims received are now closed claims.
c. Total dollar amount paid to date. (Indicate whether this amount includes amounts reserved for claims.)
d. Average time it took to close a claim. (Aging should begin the date the claim is reported.)

8. By Either County or Zip Code. (Please indicate which you are using.)

- a. Total number of claims received.
b. Percentage of the above claims now closed.
c. Total dollar amount paid to date. (Indicate whether this amount includes amounts reserved for claims.)
d. Average time it took to close a claim.]

(4) On request of the Commissioner, provide any additional information that the Commissioner determines is necessary because of the nature of the emergency.

B. If a company is unable to provide all of the information required by the Commissioner under this regulation, the company shall provide the Commissioner with a detailed explanation of why it is unable to provide the information and state what information the company can provide.

C. By a bulletin issued under Regulation .05 of this chapter, the Commissioner may require authorized insurers, the Maryland Automobile Insurance Fund, and the Joint Insurance Association to provide any or all of the following information:

- (1) NAIC group number and group name, or in the alternative, NAIC company number and company name (list all companies that are included in the group);
(2) Name of person to contact with any questions;
(3) Mailing address of contact person;
(4) Email address of contact person;
(5) Phone number of contact person;
(6) For each line of insurance defined in Regulation .03 of this chapter and all other lines, the following information by zip code or by county:

- (a) Number of claims received;
(b) Amount paid on claims to date (indicate whether this amount includes amounts reserved for claims);
(c) Number of claims closed with payment;
(d) Number of claims closed without payment;
(e) Case incurred loss;
(f) Percentage of claims closed; and
(g) Average time it took to close a claim (aging should begin the date the claim is reported);

(7) For each line of insurance defined in Regulation .03 of this chapter and all other lines, the following information on a Statewide basis:

- (a) Total number of Maryland claims received;
(b) Amount paid on Maryland claims to date (indicate whether this amount includes amounts reserved for claims);
(c) Number of Maryland claims closed with payment;
(d) Number of Maryland claims closed without payment;
(e) Maryland case incurred loss; and
(f) Percentage of Maryland claims closed; or
(8) Specify what lines the company has included in all other lines.

D. Reporting Instructions.

(1) Losses under business interruption insurance shall be reported under "business interruption insurance" and not under "commercial property insurance".

(2) Experience for vehicles covered by commercial auto insurance shall be consistent with data reported on lines 19.3, 19.4, and 21.2 of the P&C annual statement.

(3) Experience for flood coverage provided as an additional peril without endorsement under a residential or commercial property policy may be included with the associated property policy.

(4) Experience for vehicles covered by private passenger auto insurance shall be consistent with data reported on lines 19.1, 19.2, and 21.1 of the P&C annual statement.

(5) *Experience for workers' compensation insurance shall be consistent with data reported on line 16 of the P&C annual statement.*

[B.] *E. If the Commissioner requires suspension of policy cancellations and nonrenewals, [A] a property and casualty insurer, the Maryland Automobile Insurance Fund,[the Injured Workers Insurance Fund,] or the Joint Insurance Association may cancel or refuse to renew any policy, after proper notice is issued, if:*

(1)—(2) (text unchanged)

[C.] *F.* (text unchanged)

[D.] *G.* A property and casualty insurer, the Maryland Automobile Insurance Fund, [the Injured Workers Insurance Fund,] or the Joint Insurance Association may deduct any premium payments past due from a claim payment made to the insured under the insurance policy from the effective date of the bulletin issued pursuant to Regulation .05 of this chapter until 60 calendar days after the expiration of the bulletin.

ALFRED W. REDMER, JR.  
Insurance Commissioner

B. Terms Defined.

(1)—(4) (text unchanged)

(5) Examination Report.

(a) "Examination report" means a report of the examination of:

(i)—(ii) (text unchanged)

(iii) An [accepted] *accredited* reinsurer that is subject to examination under Insurance Article, Title 5, Subtitle 9, Annotated Code of Maryland;

(iv)—(xii) (text unchanged)

(xiii) The [Injured Workers' Insurance Fund] *Chesapeake Employers' Insurance Company*, which is subject to examination under [Labor and Employment Article, §10-125] *Insurance Article, §24-304(e)(1)*, Annotated Code of Maryland; or

(xiv) (text unchanged)

(b) (text unchanged)

(6)—(9) (text unchanged)

ALFRED W. REDMER, JR.  
Insurance Commissioner

## Subtitle 02 POWERS AND DUTIES — HEARINGS

### 31.02.01 Hearings

Authority: Insurance Article, §§2-109 and 2-205—2-215; State Government Article, §10-206; Annotated Code of Maryland

#### Notice of Proposed Action

[15-344-P]

The Insurance Commissioner proposes to amend Regulation .02 under **COMAR 31.02.01 Hearings**.

#### Statement of Purpose

The purpose of this action is to make technical changes consistent with the Maryland Insurance Administration's Evaluation Report for COMAR 31.02.01. Specifically, these amendments replace the term "accepted reinsurer" with "accredited reinsurer," consistent to recent statutory changes; replace a reference to the Injured Workers' Insurance Fund (IWIF) with the "Chesapeake Employers' Insurance Company"; and correct a statutory cross-reference in Regulation .02B(5)(a)(xiii).

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

The proposed action has no economic impact.

#### Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

#### Opportunity for Public Comment

Comments may be sent to Catherine Grason, Director of Regulatory Affairs, Maryland Insurance Administration, 200 Saint Paul Place, Ste. 2700, Baltimore, MD 21202, or call 410-468-2201, or email to [insuranceregreview.mia@maryland.gov](mailto:insuranceregreview.mia@maryland.gov), or fax to 410-468-2020. Comments will be accepted through December 14, 2015. A public hearing has not been scheduled.

#### .02 Definitions.

A. (text unchanged)

## Subtitle 03 INSURANCE PRODUCERS AND OTHER INSURANCE PROFESSIONALS

### 31.03.05 Bail Bonds

Authority: Insurance Article, §§2-108, 2-109, 10-126, and Title 10, Subtitle 3, Annotated Code of Maryland

#### Notice of Proposed Action

[15-203-R]

The Insurance Commissioner proposes to amend Regulations .01 — .07, amend and recodify existing Regulations .08, .09, .10, and .11 to be Regulations .10, .11, .13, and .14 respectively, repeal existing Regulation .12, and adopt new Regulations .08, .09, and .12 under **COMAR 31.03.05 Bail Bonds**. Because substantive changes have been made to the original proposal as published in 42:16 Md. R. 1085—1088 (August 7, 2015), this action is being repropose at this time.

#### Statement of Purpose

The purpose of this action is to establish certain standards for producers providing bail bondsman services as provided for in Insurance Article, §10-303, Annotated Code of Maryland.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

The proposed action has no economic impact.

#### Economic Impact on Small Businesses

The proposed action has a meaningful economic impact on small business. An analysis of this economic impact follows.

Insofar as bail bonds services are offered through small businesses, such businesses will likely incur costs associated with implementing and carrying out the requirements of these regulations.

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

#### Opportunity for Public Comment

Comments may be sent to Catherine Grason, Director of Regulatory Affairs, Maryland Insurance Administration, 200 St. Paul Place, Ste. 2700, Baltimore, MD 21202, or call 410-468-2201, or