

company that filed the application and will be completing the supplemental investigation to complete orientation and training. The armored car company may be questioned further regarding its policy and procedures used to complete the sample background investigation submitted with the application.

D. An approved armored car company shall receive an orientation packet from the investigation supervisor, with detailed instructions regarding the submission, correction, and approval of supplemental background investigations.

.06 Process for Wear and Carry Handgun Permit — Employees of an Approved Armored Car Company.

A. These procedures will apply to all submitted wear and carry handgun permit applications for armored car guards, with the exception of those submitted under Regulation .03C of this chapter to be investigated solely by the Maryland State Police.

B. Armored car companies shall submit completed supplemental background investigations together with the appropriately completed wear and carry handgun permit application. These will be submitted in the format established by the Secretary and in compliance with the procedures as outlined in COMAR 29.03.02.04 for the submission of wear and carry handgun permit applications.

C. Applications received without the supplemental background investigation shall be assigned to a member of Maryland State Police for investigation. Any supplemental background investigation completed by an approved armored car company submitted separately from the wear and carry handgun permit application will not be accepted.

D. Supplemental background investigations completed by armored car companies shall be used in determining the qualification of the applying armored car guard for a wear and carry handgun permit. The supplemental background investigation shall be used in conjunction with, not in lieu of, the required additional investigation by the Maryland State Police.

.07 Compliance.

All supplemental background investigations completed by an approved armored car company shall be subject to review and audit by the Secretary or designee.

.08 Revocation of Approval to Submit Supplemental Background Investigations for Handgun Permits.

A. An approved armored car company that submits supplemental background investigations for wear and carry handgun permits which do not meet the requirements as determined by the Secretary may have their approval to complete supplemental background investigations revoked.

B. An armored car company shall receive written notification of the revocation of their approval to complete supplemental background investigations. An armored car company that has its privilege revoked may be allowed to reapply for consideration to conduct supplemental background investigations for wear and carry handgun permits.

WILLIAM M. PALLOZZI
Secretary of State Police

**Title 31
MARYLAND INSURANCE
ADMINISTRATION**

**Subtitle 02 POWERS AND DUTIES —
HEARINGS**

31.02.05 Public Information Act Requests

Authority: *General Provisions Article, Title 4*; Insurance Article, §§2-109 and 2-112; [State Government Article, §§10-611—10-623;] Annotated Code of Maryland

Notice of Proposed Action

[15-333-P]

The Insurance Commissioner proposes to adopt amendments to Regulations **.01—, .04, .06, .08, and .09** under **COMAR 31.02.05 Public Information Act Requests**.

Statement of Purpose

The purpose of this action is to update chapter .05 of this subtitle consistent with recently enacted legislation.

H.B. 270 (Ch. 94, Acts of 2014) recodified the Maryland Public Information Act into Title 4 of a new article entitled “General Provisions.” Exemptions and other provisions of the law were reorganized at the same time, requiring updates to certain cross-references in and the enabling authority for these regulations.

H.B. 755 (Ch. 136, Acts of 2015) made significant substantive revisions to the Act. Consistent with these statutory changes, these proposed regulations update: definitions; requirements regarding the Maryland Insurance Administration’s written response to Public Information Act requests; and provisions regarding fee calculations and requestor payment obligations.

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, or fax to 410-468-2020. Comments will be accepted through November 30, 2015. A public hearing has not been scheduled.

.01 General.

These regulations set out procedures for filing requests with the Maryland Insurance Administration for the inspection and copying of records under [State Government Article, 10-611—10-628] *General Provisions Article, Title 4*, Annotated Code of Maryland.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) "Act" means the Public Information Act, [State Government Article, 10-611—10-628] *General Provisions Article, Title 4, Annotated Code of Maryland.*

(2)—(5) (text unchanged)

(6) "Public record" means:

(a) [A] *The original or any copy of any documentary material that is made or received by State government in connection with the transaction of public business and is in any form, including a:*

- (i) Card[.];
- (ii) [Correspondence,] *Computerized record*;
- (iii) [computerized record,] *Correspondence*;
- (iv) Drawing[.];
- (v) [Form,] *Film or microfilm*;
- (vi) [Book,] *Form*;
- (vii) [Photograph or photostat,] *Map*;
- (viii) [Film or microfilm, or] *Photograph or photostat*;
- (ix) Recording[, tape, or map]; or
- (x) *Tape; or*

(b) (text unchanged)

(7) (text unchanged)

.03 Applications.

A. (text unchanged)

B. A written request shall contain:

(1) The applicant's name [and address];

(2) The applicant's [signature] *mailing address or electronic mail address*; and

(3) (text unchanged)

.04 Response to Written Request.

A. If the custodian grants a written request, the custodian shall produce the record for inspection *immediately, or* within a reasonable period needed to retrieve the public record, not to exceed 30 days after receipt of the written request.

B. If the custodian denies the written request, the custodian shall do so [immediately] *promptly*, but not later than 30 days after receipt of the written request. Within 10 working days [after mailing the notification of the denial], the custodian shall provide to the applicant a written statement that gives:

(1) The reason for the denial[.]; *and, if the denial is based on General Provisions Article, §4-343, Annotated Code of Maryland, a brief explanation of why the denial is necessary;*

(2) The legal authority for the denial; [and]

(3) *Without disclosing the protected information, a brief description of the denied public record that will enable the applicant to assess the applicability of the legal authority for the denial; and*

[(3)] (4) Notice of the remedies as stated in [State Government Article, 10-622 and 10-623] *General Provisions Article, §§ 4-1A-04, 4-1B-04, and 4-362, Annotated Code of Maryland, for review of the denial.*

C. *If the custodian reasonably believes that it will take more than 10 working days to produce the public record, the custodian shall indicate in writing or by electronic mail within 10 working days after receipt of the request:*

(1) *The amount of time anticipated to produce the public record;*

(2) *An estimate of the range of fees that may be charged to produce the requested public record; and*

(3) *The reason for the delay.*

[C.] D. If the custodian denies the written request, the custodian shall permit inspection of any part of the record that is subject to inspection [and is reasonably severable].

[D.] E. The custodian shall deny inspection of all or any part of a public record as provided in [State Government Article, 10-615—10-617] *General Provisions Article, Title 4, Subtitle 3, Annotated Code of Maryland.*

[E.] F. (text unchanged)

.06 Review of the Denial.

[A. Within 30 days after receipt of the notice of the denial, the applicant may request an administrative hearing, unless the records are destroyed, lost, or temporarily unavailable.

B. If the applicant requests an administrative hearing, the hearing shall be conducted by an administrative law judge at the Office of Administrative Hearings and the hearing shall be governed by State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland. After the hearing, the administrative law judge shall prepare a recommended decision for the Insurance Commissioner. The Insurance Commissioner shall issue the final decision of the Administration.

C.] If the custodian denies a written request, the applicant may file an action with the circuit court pursuant to [State Government Article, §10-623] *General Provisions Article, §4-362, Annotated Code of Maryland, without exhausting the administrative remedy under State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.*

.08 Inspection of Insurance Licensing Data for Compelling Public Purpose.

A. If a compelling public purpose exists under [State Government Article, §10-617(h)(3)] *General Provisions Article, §4-333(c)(1), Annotated Code of Maryland, the custodian may permit inspection of insurance licensing data, including the application record, on individuals other than that data specified under [State Government Article, §10-617(h)(2)] General Provisions Article, §4-333(b), Annotated Code of Maryland, as set forth in this regulation.*

B.—C. (text unchanged)

.09 Fees.

A.—C. (text unchanged)

D. Except as provided in §E of this regulation, the official custodian may charge reasonable fees for [official or employee time expended searching for requested records] *the search for, preparation of, and reproduction of a public record prepared, on request of the applicant, in customized format; and the actual costs of the search for, preparation, and reproduction of a public record in standard format, including media and mechanical processing costs* [or for any time expended preparing records for inspection and copying]. *The staff and attorney review costs included in the calculation of such actual costs shall be prorated to reflect each individual's salary and actual time attributable to the search for and preparation of a public record under this section.*

E. (text unchanged)

F. Upon request, the official custodian may waive or reduce any fee charged pursuant to this regulation if [the official custodian determines that the waiver or reduction is in the public interest. The official custodian shall consider, among other relevant factors, the ability of the applicant to pay the cost or fee] *the applicant asks for a waiver, is indigent, and files an affidavit of indigency; or, if after consideration of the ability of the applicant to pay the fee and other relevant factors, the official custodian determines that the waiver would be in the public interest.*

G. (text unchanged)

ALFRED W. REDMER, JR.
Insurance Commissioner