

## ADMINISTRATIVE SUPERVISION MODEL ACT

### Table of Contents

Section 1.	Definitions
Section 2.	Applicability
Section 3.	

- (6) The insurer, by contract or otherwise, has unlawfully or has in violation of an order of



Administrative Supervision Model Act

- D. The commissioner may open the proceedings or hearings or make public the notices, correspondence, reports, records or other information if the commissioner deems that it is in the best interest of the public or in the best interest of the insurer, its insureds, creditors or the

## **Section 6. Review and Stay of Action**

During the period of supervision the insurer may contest an action taken or proposed to be taken by the supervisor specifying the manner wherein the action being complained of would not result in improving the condition of the insurer. Denial of the insurer's request upon reconsideration entitles the insurer to request a proceeding under [insert state's appropriate administrative appeals procedure statute].

## **Section 7. Administrative Election of Proceedings**

Nothing contained in this Act shall preclude the commissioner from initiating judicial proceedings to place an insurer in conservation, rehabilitation or liquidation proceedings or other delinquency proceedings, however designated under the laws of this state, regardless of whether the commissioner has previously initiated administrative supervision proceedings under this Act against the insurer.

## **Section 8. Rules**

The commissioner is empowered to adopt reasonable rules necessary for the implementation of this Act.

## **Section 9. Other Laws; Conflicts; Meetings Between the Commissioner and the Supervisor**

Notwithstanding any other provision of law, the commissioner may meet with a supervisor appointed under this Act and with the attorney or other representative of the supervisor, without the presence of any other person, at the time of any proceeding or during the pendency of any proceeding held under authority of this Act to carry out the commissioner's duties under this Act or for the supervisor to carry out his or her duties under this Act.

## **Section 10. Immunity**

There shall be no liability on the part of, and no cause of action of any nature shall arise against, the Insurance Commissioner or the Department of Insurance or its employees or agents for any action taken by them in the performance of their powers and duties under this Act.

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*Chronological Summary of Actions (all references are to the Proceedings of the NAIC).*

*1990 Proc. 16, 26, 173, 175-178 (adopted).*

*1999 Proc. 4<sup>th</sup> Quarter 15, 804, 811-812 (amended).*