

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 31.**  
**INSURANCE AND SECURITIES.**

**CHAPTER 2.**  
**DUTIES OF COMMISSIONER; REQUIREMENTS OF**  
**INDUSTRY.**

**2001 Edition**

**DISTRICT OF COLUMBIA OFFICIAL CODE**  
**CHAPTER 2. DUTIES OF COMMISSIONER;**  
**REQUIREMENTS OF INDUSTRY.**

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## **CHAPTER 2. DUTIES OF COMMISSIONER; REQUIREMENTS OF INDUSTRY.**

### **§ 31-201. ESTABLISHMENT; APPOINTMENT OF SUPERINTENDENT AND CLERK.[REPEALED]**

(May 21, 1997, D.C. Law 11-268, § 10(c), 44 DCR 1730.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 35-101.

##### *Legislative History of Laws*

Law 11-268, the "Department of Insurance and Securities Regulation Establishment Act of 1996," was introduced in Council and assigned Bill No. 11- 415, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on November 7, 1996, and December 3, 1996, respectively. Signed by the Mayor on December 30, 1996, it was assigned Act No. 11-524 and transmitted to both Houses of Congress for its review. D.C. Law 11-268 became effective May 21, 1997.

##### *Miscellaneous Notes*

Department of Insurance abolished: The Department of Insurance, including the Superintendent, was abolished and the functions thereof transferred to the Board of Commissioners of the District of Columbia by Reorganization Plan No. 5 of 1952. Reorganization Order No. 43, dated June 23, 1953, as amended, established, under the direction and control of a Commissioner, a Department of Insurance headed by a Superintendent. The Order provided for the organization of the Department, abolished the previously existing Department of Insurance, and provided that all functions and positions of the previous Department would be transferred to the new Department of Insurance, including the duties, powers, and authorities of all officers and employees; and that all personnel, property, records and unexpended balances relating to the functions and positions transferred would also be transferred to the new Department. The executive functions of the Board of Commissioners were transferred to the Commissioner of the District of Columbia by § 401 of Reorganization Plan No. 3 of 1967. The functions of the Superintendent of Insurance were transferred to the Department of Consumer and Regulatory Affairs by Reorganization Plan No. 1 of 1983, effective March 31, 1983. Pursuant to the provisions of D.C. Law 11- (Act 11-524), the Department of Insurance and Securities Regulation was established and the duties of the Superintendent of Insurance and the Insurance Administration were assumed by the Commissioner of Insurance and Securities, and the Insurance Administration in the Department of Consumer and Regulatory Affairs was abolished.

### **§ 31-202. GENERAL DUTIES OF COMMISSIONER; COMPANIES OR ASSOCIATIONS TO FILE CERTAIN INFORMATION; SERVICE OF LEGAL PROCESS; RULES AND REGULATIONS.**

(a) It shall be the duty of the Commissioner to see that all laws of the United States relating to insurance or insurance companies, benefit orders, associations, and others doing insurance business in the District are faithfully executed, to keep on file in the Insurance Administration office copies of the charters, declarations of organizations, or articles of incorporation of every company, association, or order doing business in the District.

(b) Before any such insurance company, association, or order shall be licensed to do business in the District it shall file with the Commissioner a copy of its charter, declaration of organization, or articles of incorporation duly certified in accordance with the law by the Commissioner of Insurance and Securities, Insurance Commissioner, or other proper officers of the state, territory, or nation where the company, association, group, or organization was organized, a certificate setting forth that it is entitled to transact business and assume risks and issue policies of insurance therein and any other information required by the Commissioner; and a duly executed instrument appointing some suitable person in the District of

Columbia, or not 10 miles beyond the territorial limits of the District of Columbia, as the agent for such company, upon whom all lawful process in any action or legal proceeding against it in the District may be served and shall register with the Commissioner the address of its principal office and the name and address of its agent for service of process in the District, including any changes in address.

(c) Should said company refuse to appoint such agent, or should any person, after making reasonable efforts to do so (which efforts shall be documented), be unable to serve such agent, said legal process shall be served upon the Commissioner and shall be deemed service upon the company. The Commissioner may by regulation establish fees to be paid when legal process is served upon the Commissioner pursuant to this section. Whenever the Commissioner is served pursuant to this section, he or she shall forward forthwith such process by certified mail to the company named therein, and shall maintain a log showing when such process was served upon the Commissioner and when it was forwarded to the person named therein. The Commissioner shall provide to any person, upon request, the name and address of the agent for any company, or in the alternative, a list of all such agents.

(d) Any company, association, group, or organization that fails to comply with the requirements of subsection (b) of this section shall be guilty of a misdemeanor and shall be fined not more than \$500 a day for each violation. Civil fines, penalties, and fees may be imposed as alternative sanctions on any company, association, group, or organization that fails to comply with the requirements of subsection (b) of this section, or any rules or regulations issued pursuant to this section. Any company, association, group, or organization against which a fine, penalty, or fee has been imposed may, within 30 days after notice of the penalty is sent, contest the imposition or the amount of the civil fine, penalty, or fee. The hearing shall commence not less than 10 days nor more than 30 days from the date the request for the hearing is received by the Commissioner. The hearing shall be conducted according to the rules for contested cases enumerated in Title 26 (Insurance) of the District of Columbia Municipal Regulations (26 DCMR).

(e) The Commissioner shall maintain as confidential any documents or information received from the National Association of Insurance Commissioners or insurance departments of other states which is confidential in such other jurisdictions. The Commissioner may share information, including otherwise confidential information, with the National Association of Insurance Commissioners or insurance departments of other states so long as such other jurisdictions agree to maintain the same level of confidentiality as is available under District of Columbia law.

(Mar. 3, 1901, 31 Stat. 1290, ch. 854, § 646; Jan. 17, 1912, 37 Stat. 53, ch. 11; June 14, 1994, D.C. Law 10-128, § 404, 41 DCR 2096; Mar. 21, 1995, D.C. Law 10-233, § 2, 42 DCR 24; Apr. 18, 1996, D.C. Law 11-110, § 35, 43 DCR 530; May 24, 1996, D.C. Law 11-121, § 2, 43 DCR 1538; May 21, 1997, D.C. Law 11-268, § 10(d), 44 DCR 1730; Mar. 24, 1998, D.C. Law 12-81, § 19, 45 DCR 745.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 35-102.

1973 Ed., § 35-102.

##### *Legislative History of Laws*

Law 10-128, the "Omnibus Budget Support Act of 1994," was introduced in Council and assigned Bill No. 10-575, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on March 22, 1994, and April 12, 1994, respectively. Signed by the Mayor on April 14, 1994, it was assigned Act No. 10-225 and transmitted to both Houses of Congress for its review. D.C. Law 10-128 became effective on June 14, 1994.

Law 10-233, the "Insurers Service of Process Act of 1994," was introduced in Council and assigned Bill No. 10-666, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on November 1, 1994, and December 6, 1994, respectively. Signed by the Mayor on December 27, 1994, it was assigned Act No. 10-376 and transmitted to both Houses of Congress for its review. D.C. Law 10-233 became effective on March 21, 1995.

Law 11-110, the "Technical Amendments Act of 1996," was introduced in Council and assigned Bill No. 11-485, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 5, 1995, and January 4, 1996, respectively. Signed by the Mayor on January 26, 1996, it was assigned Act No. 11-199 and transmitted to both Houses of Congress for its review. D.C. Law 11-110 became effective on April 18, 1996.

Law 11-121, the "Insurance Confidentiality of Information Act of 1996," was introduced in Council and Assigned Bill No. 11-168, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on February 6, 1996, and March 5, 1996, respectively. Signed by the mayor on March 15, 1996, it was assigned Act No. 11-228 and transmitted to both Houses of Congress for its review. D. C. Law 11-121 became effective on May 24, 1996.

For legislative history of D.C. Law 11-268, see Historical and Statutory Notes following § 31-201.

Law 12-81 the "Technical Amendments Act of 1998," was introduced in Council and assigned Bill No. 12-

408, which was referred to the Committee of the Whole. The Bill was adopted on the first and second readings on November 4, 1997, and December 4, 1997, respectively. Signed by the Mayor on December 22, 1997, it was assigned Act No. 12-246 and transmitted to both Houses of Congress for its review. D.C. Law 12-81 became effective on March 24, 1998.

*Miscellaneous Notes*

Department of Insurance abolished: See Historical and Statutory Notes following § 31-201.

**§ 31-203. REQUIRED ANNUAL FINANCIAL STATEMENTS OF COMPANIES OR ASSOCIATIONS--CONTENTS; PUBLICATION.[REPEALED]**

(Oct. 21, 1993, D.C. Law 10-42, § 7(a), 40 DCR 6020.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 35-103.

*Legislative History of Laws*

Law 10-42, the "Required Annual Financial Statements and Participation in the NAIC Insurance Regulatory Information System Act of 1993," was introduced in Council and assigned Bill No. 10-129, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on June 29, 1993, and July 13, 1993, respectively. Signed by the Mayor on August 4, 1993, it was assigned Act No. 10-77 and transmitted to both Houses of Congress for its review. D.C. Law 10-42 became effective on October 21, 1993.

**§ 31-204. REQUIRED ANNUAL FINANCIAL STATEMENTS OF COMPANIES OR ASSOCIATIONS--FOREIGN COMPANIES OR ASSOCIATIONS.**

The financial statements of insurance companies or associations, required hereby to be filed annually with the Commissioner of Insurance and Securities, shall set forth specifically the assets, liabilities, and conduct of the affairs within the United States of companies or associations organized outside of the territorial limits of the United States, and such statement shall be verified under oath by the manager and assistant manager or other proper officers of such companies or associations within the United States; and so much of this chapter as requires the publication of annual statements shall only extend to the statements respecting the affairs of such foreign companies or associations within the United States.

(Mar. 3, 1901, 31 Stat. 1291, ch. 854, § 649; May 21, 1997, D.C. Law 11- 268, § 10(d), 44 DCR 1730.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 35-104.

1973 Ed., § 35-104.

*Legislative History of Laws*

For legislative history of D.C. Law 11-268, see Historical and Statutory Notes following § 31-201.

*Miscellaneous Notes*

Department of Insurance abolished: See Historical and Statutory Notes following § 31-201.

**§ 31-205. REQUIRED ANNUAL STATEMENT OF BUSINESS; TAX PAYMENTS; ANNUITIES EXEMPTION.**

(a) Every insurance company and association doing business in the District of Columbia shall, through its local agents or representatives, furnish to the Commissioner, during the month of January of each year, a statement of its business in the District, setting forth specifically the net amount of its premium receipts, the amount of losses paid, the amount of expenses incurred, respecting the business done in the District during the calendar year next preceding, and the Commissioner shall preserve a separate record of the same in his office for convenient reference, showing the ratio of such losses and expenses, respectively, to the premium receipts.

(b) Every insurance company or association of whatever kind or character, not including fraternal beneficiary associations, shall, as required by law, pay to the Director of the Department of Finance and Revenue, or to a depository designated by the Director, in lieu of all other taxes, except taxes upon real

estate and any license fees provided for in § 31-804 an amount equal to the following:

(1)(A) Two percent of the gross amount of premiums received during the preceding calendar year by every life insurance company or association, not including fraternal beneficiary associations, or the gross payments or deposits collected from holders of fraternal beneficiary association certificates, on contracts of insurance covering risks resident in the District during the preceding year, including contracts for group insurance and annuities and without including or deducting any amounts received or paid for reinsurance.

(B) In determining the gross amount of premiums to be taxed, there shall be excluded all premiums received from policies or contracts issued in connection with a pension, annuity, profit-sharing plan or individual retirement annuity qualified or exempt under sections 401, 403, 404, 408, or 501(a) of the Internal Revenue Code, or successor provisions, and all premiums returned to policyholders or annuitants during the preceding calendar year, except cash surrender values, all dividends that, during the year, have been paid in cash or applied in reduction of premiums or left to accumulate to the credit of policyholders or annuitants.

(C) In determining the gross amount of premiums to be taxed, there shall be excluded all consideration received in connection with an annuity contract whether or not such contract is qualified or exempt under the Internal Revenue Code, and all premiums returned to policyholders or annuitants during the preceding calendar year, except cash surrender values, and all dividends that, during said year, have been paid in cash or applied in reduction of premiums or left to accumulate to the credit of policyholders or annuitants.

(2) Two percent of the gross amount of premiums, assessments, and fees received during the preceding calendar year by every company or association other than life on contracts of insurance other than life for business done in the District, after deducting the amount returned upon canceled policies, certificates, and rejected applications.

(3) Except as provided in paragraph (4) of this subsection, the premium tax shall be paid on or before March 1 of the year following the calendar year for which the tax is due. The Commissioner may suspend or revoke the license of a company or association that fails to pay premium tax on or before the due date.

(4) Each insurance company and association transacting business in the District whose District premium tax liability for the preceding calendar year was \$1,000 or more shall remit on or before June 1, on a prepayment basis, an amount equal to one-half of the premium tax liability for the preceding calendar year. The sums prepaid by a company or association under this subsection shall be allowed as credits against its premium tax liability for the calendar year during which the payments are made. If a prepayment made under this subsection exceeds the annual premium tax liability, the excess shall be allowed as a credit against subsequent prepayment or tax liabilities. The Commissioner may suspend or revoke the license of a company or association that fails to make a prepayment on or before the due date.

(c) A hospital service corporation or medical service corporation may deduct, up to \$550,000, the corporation's payment to the rate stabilization fund under § 31-3514 and payments and expenditures pursuant to a public-private partnership entered into in accordance with Chapter 35 of this title from the amount otherwise due by the corporation under subsection (b) of this section.

(d) The Commissioner shall determine whether or not the tax remitted is correct. If the tax remitted is not sufficient, the Commissioner shall notify the delinquent company of the amount of such delinquency and certify the amount thereof to the Department of Finance and Revenue which shall proceed to collect such delinquency.

(e) An insurer may offset an assessment made pursuant to § 31-5406 ("Life and Health Insurance Guaranty Association Act"), against its premium tax liability pursuant to § 31-5410 to the extent of 10% of the amount of the assessment for each of the 10 calendar years following the year in which the assessment was paid. If an insurer ceases doing business, all uncredited assessments may be credited against its premium tax liability for the year it ceases doing business.

(f)(1) When by the laws of any other jurisdiction a premium or income or other taxes, or fees, fines, penalties, licenses, deposit requirement, or other obligations, prohibitions or restrictions are imposed upon District domestic insurance companies doing business in the other jurisdiction, or upon the agents of District companies, which in the aggregate are in excess of the aggregate of the taxes, fees, fines, penalties, licenses, deposit requirements or other obligations, prohibitions or restrictions directly imposed upon insurance companies of the other jurisdiction under the statutes of the District, the same obligations, prohibitions or restrictions for whatever kind are in the same manner and for the same purpose imposed upon insurance companies of the other jurisdiction doing business in the District.

(2) Insurance premium taxes paid which were not paid under protest shall not be refunded if the refund claim is based upon an alleged error or mistake of law or erroneous interpretation of statute regarding the validity or legality of this section under the laws or constitution of the United States.

(3) For the purpose of this section, an alien insurer is deemed domiciled in a United States jurisdiction

designated by it wherein it has established its principal office or agency in the United States, maintains the largest amount of its assets held in trust or on deposit for the security of its policyholders or policyholders and creditors in the United States, or in which it was admitted to do business in the United States.

(4) This section does not apply to ad valorem taxes on real or personal property or to personal income taxes.

(Mar. 3, 1901, 31 Stat. 1291, ch. 854, § 650; June 30, 1902, 32 Stat. 534, ch. 1329; May 21, 1997, D.C. Law 11-268, 44 DCR 1730; Apr. 29, 1998, D.C. Law 12-86, § 201, 45 DCR 1172; Mar. 2, 2007, D.C. Law 16-192, § 5013(a), 53 DCR 6899; Feb. 4, 2010, D.C. Law 18-104, § 4(a), 56 DCR 9182; Sept. 24, 2010, D.C. Law 18-223, § 2182, 57 DCR 6242.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 35-105.

1973 Ed., § 35-105.

##### *Effect of Amendments*

D.C. Law 16-192, in subsec. (b), deleted "and nonprofit hospital and medical service corporations" following "beneficiary associations"; and rewrote subsec. (c) which had read as follows:

"(c) Notwithstanding section 105, a hospital service corporation, medical service corporation, pharmaceutical service corporation, optometric service corporation and any other health service corporation shall pay as taxes to the director of the Department of Finance and Revenue an amount equal to 1% of the gross amount of payments received during the preceding calendar year for subscriber contracts covering residents in the District after deducting the amounts returned to subscribers upon canceled subscriber contracts and rejected applications."

D.C. Law 18-104, in subsec. (c), substituted "payment to the rate stabilization fund under § 31-3514, and payments and expenditures pursuant to a public-private partnership entered into in accordance with Chapter 35 of this title," for "payment to the rate stabilization fund under § 31-3514,".

D.C. Law 18-223, in subsecs. (b)(1A) and (2), substituted "Two" for "One and seven tenths".

##### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 4(a) of the Hospital and Medical Services Corporation Regulatory Temporary Amendment Act of 2010 (D.C. Law 18-134, March 23, 2010, law notification 57 DCR 3373).

##### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 5013(a) of Fiscal Year 2007 Budget Support Emergency Act of 2006 (D.C. Act 16-477, August 8, 2006, 53 DCR 7068).

For temporary (90 day) amendment of section, see § 5013(a) of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2006 (D.C. Act 16-499, October 23, 2006, 53 DCR 8845).

For temporary (90 day) amendment of section, see § 5013(a) of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2007 (D.C. Act 17-1, January 16, 2007, 54 DCR 1165).

For temporary (90 day) amendment of section, see § 4(a) of Hospital and Medical Services Corporation Regulatory Emergency Amendment Act of 2009 (D.C. Act 18-277, January 11, 2010, 57 DCR 935).

For temporary (90 day) amendment of section, see § 2182 of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

##### *Legislative History of Laws*

Law 1-124, the "Revenue Act for Fiscal Year 1978," was introduced in Council and assigned Bill No. 1-375, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on December 3, 1976 and December 17, 1976, respectively. Signed by the Mayor on January 25, 1977, it was assigned Act No. 1-226 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 11-268, see Historical and Statutory Notes following § 31-201.

Law 12-86, the "Omnibus Regulatory Reform Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-458, which was referred to the Committee on Public Works and the Environment and the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on December 19, 1997, and January 6, 1998, respectively. Signed by the Mayor on January 21, 1998, it was assigned Act No. 12-256 and transmitted to both Houses of Congress for its review. D.C. Law 12-86 became effective on April 29, 1998.

Law 16-192, the "Fiscal Year Budget Support Act of 2006", was introduced in Council and assigned Bill No. 16-679, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings

on May 9, 2006, and June 6, 2006, respectively. Signed by the Mayor on August 8, 2006, it was assigned Act No. 16-476 and transmitted to both Houses of Congress for its review. D.C. Law 16-192 became effective on March 2, 2007.

Law 18-104, the "Hospital and Medical Services Corporation Regulatory Amendment Act of 2009", was introduced in Council and assigned Bill No. 18-401, which was referred to the Committee on Public Services and Consumer Affairs. The bill was adopted on first and second readings on October 6, 2009, and November 3, 2009, respectively. Signed by the Mayor on November 30, 2009, it was assigned Act No. 18-239 and transmitted to both Houses of Congress for its review. D.C. Law 18-104 became effective on February 4, 2010.

For Law 18-223, see notes following § 31-101.

#### *References in Text*

"Sections 401, 403, 404, 408, and 501(a) of the Internal Revenue Code," referred to in (b)(1)(B), are codified at 26 U.S.C. §§ 401, 403, 404, 408, and 501(a), respectively.

Pursuant to the Office of the Chief Financial Officer's "Notice of Public Interest" published in the April 18, 1997, issue of the District of Columbia Register (44 DCR 2345) the Office of Tax and Revenue assumed all of the duties and functions previously performed by the Department of Finance and Revenue, as set forth in Commissioner's Order 69-96, dated March 7, 1969. This action was made effective January 22, 1997, *nunc pro tunc*.

#### *Miscellaneous Notes*

Office of Collector of Taxes abolished: The Office of the Collector of Taxes was abolished and the functions thereof transferred to the Board of Commissioners of the District of Columbia by Reorganization Plan No. 5 of 1952. All functions of the Office of the Collector of Taxes including the functions of all officers, employees, and subordinate agencies were transferred to the Director, Department of General Administration by Reorganization Order No. 3, dated August 28, 1952. Reorganization Order No. 20, dated November 10, 1952, transferred the functions of the Collector of Taxes to the Finance Office. The same Order provided for the Office of the Collector of Taxes headed by a Collector in the Finance Office, and abolished the previously existing Office of the Collector of Taxes. Reorganization Order No. 20 was superseded and replaced by Organization Order No. 121, dated December 12, 1957, which provided that the Finance Office (consisting of the Office of the Finance Officer, Property Tax Division, Revenue Division, Treasury Division, Accounting Division, and Data Processing Division) would continue under the direction and control of the Director of General Administration, and that the Treasury Division would perform the function of collecting revenues of the District of Columbia and depositing the same with the Treasurer of the United States. Organization Order No. 121 was revoked by Organization Order No. 3, dated December 13, 1967, Part IVC of which prescribed the functions of the Finance Office within a newly established Department of General Administration. The executive functions of the Board of Commissioners were transferred to the Commissioner of the District of Columbia by § 401 of Reorganization Plan No. 3 of 1967. Functions of the Finance Office as stated in Part IVC of Organization Order No. 3 were transferred to the Director of the Department of Finance and Revenue by Commissioner's Order No. 69-96, dated March 7, 1969. The collection functions of the Director of the Department of Finance and Revenue were transferred to the District of Columbia Treasurer by § 47-316 on March 5, 1981.

Department of Insurance abolished: See Historical and Statutory Notes following § 31-201.

Application of Law 12-86: Section 203 of D.C. Law 12-86 provided that the provisions of title II of the act shall be applicable to premiums received during the calendar year beginning Jan. 1, 1998, and subsequent years.

For temporary delay until Jan. 1, 1999, of the applicability of D.C. Law 12-86, as stated in § 203 of the Omnibus Regulatory Reform Amendment Act of 1998 (D.C. Law 12-86), see § 502 of the Health Insurance Portability and Accountability Federal Law Conformity, Motor Vehicle Insurance, Regulatory Reform, and Consumer Law Temporary Amendment Act of 1998 (D.C. Law 12-154, § 502).

Section 601(b) of D.C. Law 12-154 provides that the act shall expire after 225 days of its having taken effect.

For temporary delay of the provisions of § 203 of the Omnibus Regulatory Reform Amendment Act of 1998 (D.C. Law 12-86), see § 502 of the Health Insurance Portability and Accountability Federal Law Conformity Emergency Amendment Act of 1998 (D.C. Act 12-339, May 4, 1998, 45 DCR 2947).

For temporary delay of the provisions of § 203 of the Omnibus Regulatory Reform Amendment Act of 1998 (D.C. Law 12-86), see § 502 of the Health Insurance Portability and Accountability Federal Law Conformity, Motor Vehicle Insurance, Regulatory Reform, and Consumer Law Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-429, August 6, 1998, 45 DCR 5890).

Section 2184 of D.C. Law 18-223 provides:

"Sec. 2184. Sunset.

"This subtitle shall expire on September 30, 2015."



## **§ 31-206. REQUIRED ANNUAL REPORTS OF COMMISSIONER--CONTENTS.**

The Commissioner of Insurance and Securities shall report annually to the Mayor of the District, on or before the 31st day of March, the financial condition of each insurance company and association doing business in said District, as of the 31st day of December next preceding.

(Mar. 3, 1901, 31 Stat. 1292, ch. 854, § 651; May 21, 1997, D.C. Law 11- 268, § 10(d), 44 DCR 1730.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 35-106.

1973 Ed., § 35-106.

#### *Legislative History of Laws*

For legislative history of D.C. Law 11-268, see Historical and Statutory Notes following § 31-201.

#### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

#### *Miscellaneous Notes*

Department of Insurance abolished: See Historical and Statutory Notes following § 35-101.

## **§ 31-207. REQUIRED ANNUAL REPORTS OF COMMISSIONER-- PUBLICATION AND DISTRIBUTION.**

After May 18, 1910, the annual reports of the Commissioner of Insurance and Securities shall be printed and bound in 1 volume, and shall be ready for distribution not later than the 1st day of the next regular session of Congress thereafter.

(May 18, 1910, 36 Stat. 379, ch. 248, § 1; May 21, 1997, D.C. Law 11-268, § 10(e), 44 DCR 1730.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 35-107.

1973 Ed., § 35-107.

#### *Legislative History of Laws*

For legislative history of D.C. Law 11-268, see Historical and Statutory Notes following § 31-201.

#### *Miscellaneous Notes*

Department of Insurance abolished: See Historical and Statutory Notes following § 31-201.

## **§ 31-208. CAPITAL REQUIREMENTS OF COMPANIES OR ASSOCIATIONS.**

It shall be the duty of the said Commissioner of Insurance and Securities to ascertain whether the capital required by law or the charter of each insurance company or association organized under the laws of the District of Columbia has been actually paid up in cash and is held by its board of directors subject to their control, according to the provisions of their charter, or has been invested in property worth not less than the full amount of the capital stock required by its charter; or, if a mutual company, that it has received and is in actual possession of securities, as the case may be, to the full extent of the value required by its charter; and the president and secretary of such company or association shall make a declaration under oath to said Commissioner, who is hereby empowered to administer oaths when hereby required, that the tangible assets exhibited to him represent bona fide the property of the company or association, which sworn declaration shall be filed and preserved in the office of said Commissioner; and any such officer swearing falsely in regard to any of the provisions hereof shall be deemed guilty of perjury and shall be

subject to all the penalties prescribed by law in the District of Columbia for that crime.

(Mar. 3, 1901, 31 Stat. 1292, ch. 854, § 652; May 21, 1997, D.C. Law 11-268, § 10(d), 44 DCR 1730.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 35-108.

1973 Ed., § 35-108.

*Legislative History of Laws*

For legislative history of D.C. Law 11-268, see Historical and Statutory Notes following § 31-201.

*Miscellaneous Notes*

Department of Insurance abolished: See Historical and Statutory Notes following § 31-201.