

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 31.
INSURANCE AND SECURITIES.

CHAPTER 43.
DEPARTMENT OF INSURANCE, SECURITIES AND
BANKING WITH RESPECT TO LIFE COMPANIES.

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DISTRICT OF COLUMBIA OFFICIAL CODE
CHAPTER 43. DEPARTMENT OF INSURANCE,
SECURITIES AND BANKING WITH RESPECT TO
LIFE COMPANIES.

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CHAPTER 43. DEPARTMENT OF INSURANCE, SECURITIES AND BANKING WITH RESPECT TO LIFE COMPANIES.

§ 31-4301. DEPARTMENT CONTINUED; PERSONNEL; PERFORMANCE OF COMMISSIONER'S DUTIES; SEAL; COMMISSIONER'S OFFICE AND PAPERS TO BE PUBLIC; COMMISSIONER'S ANNUAL REPORTS; OUT-OF- STATE VISITS.

(a) There shall be continued in the District a department charged with the execution of the laws relating to insurance, to be called the "Department of Insurance, Securities, and Banking." At the head of such Department there shall be a Commissioner of the Department of Insurance, Securities, and Banking, who shall devote his entire service to the Department. He shall be appointed by and hold his office at the pleasure of the Mayor. The Commissioner, during his term of office, shall not be interested in the business of any insurance company except as a policyholder. He shall take and subscribe an oath of office which shall be filed with the Mayor. In said Department there shall be also 2 Deputy Commissioners and such other personnel as may be necessary within appropriations annually made by Congress for said Department. The compensation of the Commissioner, Deputy Commissioners, and other personnel shall be fixed in accordance with the provisions of Chapter 51 and subchapter III of Chapter 53 of Title 5, United States Code.

(b) In case of the absence or inability of the Commissioner, or in the event of the removal of the Commissioner, and pending the appointment of his successor, one of the Deputy Commissioners shall perform the duties of the Commissioner.

(c) The Mayor shall provide the Department with an official seal, which shall be the seal of the District of Columbia surrounded by a border in which shall appear "Department of Insurance, Securities, and Banking."

(d) Every certificate and other document or paper executed by such Commissioner, or his deputies, in pursuance of any authority conferred upon him by law and sealed with the seal of his office, and all copies of papers certified by him or by his deputies and authenticated by said seal, shall, in all cases, be evidence equally and in like manner as the original thereof and shall have the same force and effect as would the original in any suit or proceeding in any court of this District.

(e) The office of the Commissioner shall be a public office, and the records, books, and papers thereof on file therein shall be public records of the District, except as it may be provided otherwise herein.

(f) The Commissioner shall report annually to the Mayor his official transactions, and shall include in such report abstracts of the annual statements of the several companies and an exhibit of the financial condition and business transactions of the same as shown by their annual statements. He shall also include therein a statement of the receipts and expenditures of the Department for the preceding year and such recommendations relative to insurance and the insurance laws of the District as he shall deem proper.

(g) The Commissioner is authorized to attend and participate in the meetings of the National Convention of Insurance Commissioners and of the committees thereof; he is also authorized to visit the insurance departments of the various states when in his judgment such visits are necessary for the proper conduct of his official office; and he may require such of his assistants as he may designate to attend and participate in such meetings, all subject to the prior approval of the Mayor. The actual expense of such attendance by the Commissioner and his assistants shall be paid in like manner as other expenses of the District are paid.

(June 19, 1934, 48 Stat. 1129, ch. 672, ch. II, § 1; Oct. 28, 1949, 63 Stat. 972, ch. 782, title XI, § 1106(a); May 21, 1997, D.C. Law 11-268, § 10(i), 44 DCR 1730; Mar. 24, 1998, D.C. Law 12-81, § 22(a), 45 DCR 745; June 11, 2004, D.C. Law 15-166, § 4(bb), 51 DCR 2817; Mar. 2, 2007, D.C. Law 16- 191, § 55, 53 DCR 6794.)

Prior Codifications

1981 Ed., § 35-401.

1973 Ed., § 35-401.

Effect of Amendments

D.C. Law 15-166, in subsecs. (a) and (c), substituted "Department of Insurance, Securities, and Banking" for "Department of Insurance and Securities Regulation"; and, in subsec. (a), substituted "Commissioner of the Department of Insurance, Securities, and Banking" for "Commissioner of Insurance and Securities".

D.C. Law 16-191, in subsec. (c), validated a previously made technical correction.

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 4(bb) of Consolidation of Financial Services Emergency Amendment Act of 2004 (D.C. Act 15-381, February 27, 2004, 51 DCR 2653).

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.

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 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.

For Law 15-166, see notes following § 31-1004.

For Law 16-191, see notes following § 31-1131.02.

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: 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- 268, 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.

§ 31-4302. COLLECTION OF CHARGES AND FEES.

(a) All charges and fees provided for in this section shall be collected by the Commissioner and made payable to the District of Columbia.

(b) For filing charter or articles of incorporation or association, or deed of settlement or copy thereof, required by law, \$300; for each company certificate of authority, \$200, renewal fee, \$200; for license of each general agent, \$100, renewal fee, \$100; for license of each agent, or solicitor, \$50, renewal fee \$50; for license of each broker, \$100, renewal fee, \$100. For each appointment fee for each agent, general agent, or each solicitor, \$25 fee, \$25 renewal fee; provided, however, that beginning October 1, 1994, the license and renewal fee of each general agent, agent or solicitor, and broker shall be payable biennially in accordance with the rulemaking procedures in section 3(a)(2).

(c) The Mayor may amend all fees referred to in this chapter by rulemaking pursuant to subchapter I of Chapter 5 of Title 2.

(June 19, 1934, 48 Stat. 1130, ch. 672, ch. II, § 2; Feb. 23, 1980, D.C. Law 3-52, § 2, 27 DCR 26; June 14, 1994, D.C. Law 10-128, § 401, 41 DCR 2096; Feb. 27, 1996, D.C. Law 11-90, § 10, 42 DCR 7155; May 21, 1997, D.C. Law 11-268, § 10(i), 44 DCR 1730.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 35-402.

1973 Ed., § 35-402.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 10 of Insurance Omnibus Temporary Amendment Act of 1995 (D.C. Law 11-36, September 8, 1995, law notification 42 DCR 5305).

Emergency Act Amendments

For temporary amendment of section, see § 11 of the Insurance Omnibus Emergency Amendment Act of 1995 (D.C. Act 11-48, May 15, 1995, 42 DCR 2544) and § 10 of the Insurance Omnibus Congressional Recess Emergency Amendment Act of 1995 (D.C. Act 11-97, July 19, 1995, 42 DCR 3844).

Legislative History of Laws

Law 3-52, the "District of Columbia Insurance Act Amendment of 1979," was introduced in Council and assigned Bill No. 3-53, which was referred to the Committee on Public Services and Consumer Affairs. The Bill was adopted on first and second readings on November 20, 1979, and December 4, 1979, respectively. Signed by the Mayor on December 21, 1979, it was assigned Act No. 3-142 and transmitted to both Houses of Congress for its review.

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 11-90, the "Insurance Omnibus Amendment Act of 1995," was introduced in Council and assigned Bill No. 11-182, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on November 7, 1995, and December 5, 1995, respectively. Signed by the Mayor on December 18, 1995, it was assigned Act No. 11-173 and transmitted to both Houses of Congress for its review. D.C. Law 11-90 became effective on February 27, 1996.

For legislative history of D.C. Law 11-268, see Historical and Statutory Notes following § 31-4301.

References in Text

"Section 3(a)(2)," referred to in (b), is § 3(a)(2) of chapter II of the Life Insurance Act, approved June 19, 1934, Pub. L. 73-436, 48 Stat. 1130, ch. 672.

Miscellaneous Notes

Department of Insurance abolished: See Historical and Statutory Notes following § 31-4301.

§ 31-4303. DISPOSITION OF EXCESS IN FEES, CHARGES, OR TAXES.

Whenever it appears to the satisfaction of the Commissioner that, because of some error, mistake, or erroneous interpretation of a statute, a company has paid fees, charges, or taxes in excess of the amount legally chargeable against it, the Commissioner shall, on application of the company, present the matter to the Mayor, with the view of refunding to such company any such excess, or applying the excess or portion thereof toward the payment of fees, charges, or taxes already due from such company.

(June 19, 1934, 48 Stat. 1131, ch. 672, ch. II, § 4; May 21, 1997, D.C. Law 11-268, § 10(i), 44 DCR 1730.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 35-403.

1973 Ed., § 35-403.

Legislative History of Laws

For legislative history of D.C. Law 11-268, see Historical and Statutory Notes following § 31-4301.

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 § 31-4301.

§ 31-4304. CERTIFICATE OF AUTHORITY--INVESTIGATION OF QUALIFICATIONS; EFFECT; ISSUANCE.

(a) The Commissioner shall issue a certificate of authority to a company when it shall have complied with the requirements of the laws of the District so as to be entitled to do business therein. The Commissioner may, however, satisfy himself by such investigation as he may consider proper or necessary that the company is duly qualified under the laws of the District to transact business therein, and may refuse to issue or renew a certificate to a company if the issuance or renewal of the certificate would adversely affect the public interest. In each case, the certificate shall be issued under the seal of the Commissioner, authorizing and empowering the company to transact the kind of business specified in the certificate, and the certificate shall expire on the 30th day of April next succeeding the date of its issuance.

(b) Repealed.

(c) No company shall transact any business of insurance in or from the District until it shall have received a certificate of authority as authorized by this section, and no company shall transact any business of insurance not specified in such certificate of authority.

(June 19, 1934, 48 Stat. 1131, ch. 672, ch. II, § 5; Feb. 22, 1958, 72 Stat. 19, Pub. L. 85-334, § 1; May 21, 1997, D.C. Law 11-268, § 10(i), 44 DCR 1730; Oct. 21, 2000, D.C. Law 13-190, § 2(a), 47 DCR 7261; Oct. 1, 2002, D.C. Law 14-190, § 602(a), 49 DCR 6968; Mar. 8, 2007, D.C. Law 16-232, § 205(a)(1), 54 DCR 368.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 35-404.

1973 Ed., § 35-404.

Effect of Amendments

D.C. Law 13-190 inserted the fourth and fifth sentences.

D.C. Law 14-190 rewrote the section which had read as follows:

"It shall be the duty of the Commissioner to issue a certificate of authority to a company when it shall have complied with the requirements of the laws of the District so as to be entitled to do business therein. The Commissioner may, however, satisfy himself by such investigation as he may deem proper or necessary that such company is duly qualified under the laws of the District to transact business therein, and may refuse to issue or renew any such certificate to a company if the issuance or renewal of such certificate would adversely affect the public interest. In each case the certificate shall be issued under the seal of the Commissioner, authorizing and empowering the company to transact the kind or kinds of business specified in the certificate, and each such certificate shall be made to expire on the 30th day of April next succeeding the date of its issuance. A company may, at its own option and expense, submit a statement from an independent organization acceptable to the Commissioner, attesting that it meets all the requirements of the laws and regulations of the District and is qualified to transact the business for which it seeks a certificate of authority.

The statement shall be signed, under oath, by an officer or principal of the independent organization and shall be considered *prima facie* evidence by the Commissioner that the company is entitled to do business in the District, subject to (1) an investigation and review, and (2) the Commissioner's authority to revoke or suspend a certificate of authority as provided in this subdivision. No company shall transact any business of insurance in or from the District until it shall have received a certificate of authority as authorized by this section, and no company shall transact any business of insurance not specified in such certificate of authority."

D.C. Law 16-232 repealed subsec. (b), which formerly read:

"(b)(1) A company may, at its own option and expense, submit a statement from an independent organization acceptable to the Commissioner, attesting that it meets all the requirements of the laws and regulations of the District and is qualified to transact the business for which it seeks a certificate of authority. The statement shall be signed, under oath, by an officer or principal of the independent organization and shall be considered *prima facie* evidence by the Commissioner that the company is entitled to do business in the District, subject to an investigation and review and the Commissioner's authority to revoke or suspend a certificate of authority as provided in this subdivision.

"(2) A company may, at its option, submit a certified copy of its current certificate of authority to do business from the jurisdiction where it is organized ('home jurisdiction') and where it conducts its largest volume of business ('largest volume jurisdiction'), if different than its home jurisdiction, together with a statement by a corporate officer that it meets all the requirements of the laws and regulations of the District and is qualified to transact the business for which it seeks a certificate of authority; provided, that the company's home jurisdiction and largest volume jurisdiction have been determined by the Commissioner to have legal and regulatory requirements that meet or exceed those applicable to insurance companies under District law. The statement of the corporate officer shall be signed, under oath, and shall, together with certified copies of the company's certificates of authority, be considered *prima facie* evidence by the Commissioner that the company is entitled to do business in the District. Nothing in the preceding sentence shall limit the Commissioner's authority to subject the applicant to investigation and review or to suspend a certificate of authority as provided in this subdivision. As a condition of obtaining a certificate of authority to do business in the District, the Commissioner may also require a company submitting a certificate of authority from an alien jurisdiction to submit a power of attorney and undertaking, in a form acceptable to the Commissioner, that provide that the company will not set up a defense to any claim, action, or proceeding brought against it arising from an insurance contract entered into in the District, refuse to obey any lawful order of the Commissioner, or pay any fine or penalty imposed upon it by the Commissioner or any court of competent jurisdiction, on the ground that it is not subject to the laws of the United States of America or the District. The Commissioner shall publish annually in the District of Columbia Register a list of foreign and alien jurisdictions that have been determined by the Commissioner as having legal and regulatory requirements that meet or exceed those applicable to insurance companies under District law. The Commissioner may at any time add or remove jurisdictions from the list and the additions and deletions shall be effective immediately until the next annual publication date."

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 602(a) of Fiscal Year 2003 Budget Support Emergency Act of 2002 (D.C. Act 14-453, July 23, 2002, 49 DCR 8026).

Legislative History of Laws

For legislative history of D.C. Law 11-268, see Historical and Statutory Notes following § 31-4301.

Law 13-190, the "Insurer and Health Maintenance Organization Self-Certification Act of 2000," was introduced in Council and assigned Bill No. 13-722, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on June 26, 2000, and July 11, 2000, respectively. Signed by the Mayor on August 2, 2000, it was assigned Act No. 13-407 and transmitted to both Houses of Congress for its review. D.C. Law 13-190 became effective on October 21, 2000.

For Law 14-190, see notes following § 31-2502.02.

For Law 16-232, see notes following § 31-231.

Miscellaneous Notes

Department of Insurance abolished: See Historical and Statutory Notes following § 31-4301.

Short title of title VI of Law 14-190: Section 601 of D.C. Law 14-190 provided that title VI of the act may be cited as the Insurer and Health Maintenance Organization Self-Certification Amendment Act of 2002.

§ 31-4305. CERTIFICATE OF AUTHORITY--REVOCATION OR SUSPENSION; GROUNDS; HEARING; ALTERNATIVE PENALTY.

(a) The Commissioner shall have power to revoke or suspend the certificate of authority to transact business in the District of any company which has failed or refused to comply with any provision or requirement of this subdivision, or which:

- (1) Is impaired in capital or surplus;
- (2) Is insolvent;
- (3) Is in such a condition that its further transaction of business in the District would be hazardous to its policyholders or creditors or to the public;
- (4) Has refused or neglected to pay a valid final judgment against such company within 30 days after such judgment shall have become final either by expiration without appeal within the time when such appeal might have been perfected, or by final affirmance on appeal;
- (5) Has violated any law of the District or has in the District violated its charter or exceeded its corporate powers;
- (6) Has refused to submit its books, papers, accounts, records, or affairs to the reasonable inspection or examination of the Commissioner, his Deputies, or duly appointed examiners;
- (7) Has an officer who has refused upon reasonable demand to be examined under oath touching its affairs;
- (8) Fails to file with the Commissioner a copy of an amendment to its charter or articles of association within 30 days after the effective date of such amendment;
- (9) Has had its corporate existence dissolved or its certificate of authority revoked in the state in which it was organized;
- (10) Has had all its risks reinsured in their entirety in another company, without prior approval of the Commissioner;
- (11) Has made, issued, circulated, or caused to be issued or circulated any estimate, illustration, circular, or statement of any sort misrepresenting either its status or the terms of any policy issued or to be issued by it, or the benefits or advantages promised thereby, or the dividends or shares of the surplus to be received thereon, or has used any name or title of any policy or class of policies misrepresenting the true nature thereof;
- (12) Has filed, caused to be filed, or failed to prevent the filing of, a statement on its behalf from an independent organization attesting to its qualifications to transact business in the District for which it sought and received a certificate of authority if it knew, or should have known, that the statement was based on false, misleading, or incomplete information; or
- (13) Has filed, caused to be filed, or failed to prevent the filing of a statement on its behalf from a corporate officer attesting to its qualifications to transact business in the District for which it sought and received a certificate of authority if it knew, or should have known, that the statement was based on false, misleading, or incomplete information.

(b) The Commissioner shall not revoke or suspend the certificate of authority of any company until he has given the company not less than 30 days notice of the proposed revocation or suspension and of the grounds alleged therefor, and has afforded the company an opportunity for a full hearing; provided, that if the Commissioner shall find upon examination that the further transaction of business by the company would be hazardous to the public or to the policyholders or creditors of the company in the District, he may suspend such authority without giving notice as herein required; provided further, that in lieu of revoking or suspending the certificate of authority of any company for causes enumerated in this section, after hearing as herein provided, the Commissioner may subject such company to a penalty of not more than \$10,000 for any violation or not more than \$25,000 for intentional violations, when in his judgment he finds that the public interest would be best served by the continued operation of the company. The amount of any such penalty shall be paid by the company through the Office of the Commissioner to the Collector of Taxes of the District of Columbia. At any hearing provided by this section, the Commissioner shall have authority to administer oaths to witnesses. Anyone testifying falsely after having been administered such an oath shall be subject to the penalties of perjury.

(June 19, 1934, 48 Stat. 1131, ch. 672, ch. II, § 6; May 4, 1950, 64 Stat. 103, ch. 157, § 1; Feb. 22, 1958, 72 Stat. 20, Pub. L. 85-334, § 2; Mar. 14, 1985, D.C. Law 5-160, § 3(a), 32 DCR 39; May 21, 1997, D.C. Law 11-268, § 10(i), 44 DCR 1730; Oct. 21, 2000, D.C. Law 13-190, § 2(b), 47 DCR 7261; Oct. 1, 2002, D.C. Law 14-190, § 602(b), 49 DCR 6968; Mar. 13, 2004, D.C. Law 15-105, § 65, 51 DCR 881.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 35-405.

1973 Ed., § 35-405.

Effect of Amendments

D.C. Law 13-190 added subsec. (a)(12)

D.C. Law 14-190, in subsec. (a), made nonsubstantive changes to pars. (11) and (12), and added par. (13).

D.C. Law 15-105, in par. (12) of subsec. (a), validated a previously made technical correction.

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 602(b) of Fiscal Year 2003 Budget Support Emergency Act of 2002 (D.C. Act 14-453, July 23, 2002, 49 DCR 8026).

Legislative History of Laws

Law 5-160, the "Life Insurance Amendments Reform Act of 1984," was introduced in Council and assigned Bill No. 5-471, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on November 20, 1984, and December 4, 1984, respectively. Signed by the Mayor on December 7, 1984, it was assigned Act No. 5-225 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 § 31-4301.

For Law 13-190, see notes following § 35-404.

For Law 14-190, see notes following § 31-2502.02.

For Law 15-105, see notes following § 31-2402.

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 § 31-4301.

§§ 31-4306, 31-4307. CERTIFICATE OF AUTHORITY--COMPANIES REQUIRED TO FILE; FAILURE TO FILE; PUBLICATION OF SUMMARY; ANNUAL FINANCIAL STATEMENT--FORMS TO BE FURNISHED BY SUPERINTENDENT.[REPEALED]

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

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., §§ 35-406, 35-407.

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.

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.

For legislative history of D.C. Law 11-268, see Historical and Statutory Notes following § 31-4301.

Miscellaneous Notes

D.C. Law 11-268, § 10(i) (44 DCR 1730), eff. May 21, 1997, amends these sections subsequent to their repeal.

§ 31-4308. COMPANIES OR AGENTS NOT TO MAKE OR PUBLISH FALSE STATEMENTS.[REPEALED]

(June 19, 1934, 48 Stat. 1132, ch. 672, ch. II, § 9; Apr. 3, 2001, D.C. Law 13-265, § 126(a), 48 DCR 1225, redesignated § 301, Oct. 19, 2002, D.C. Law 14-213, § 20(b), 49 DCR 8140.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 35-408.

1973 Ed., § 35-408.

Legislative History of Laws

For D.C. Law 13-265, see notes following § 31-2231.01.

For Law 14-213, see notes following § 31-903.

§ 31-4309. REPRESENTATION OF FINANCIAL STANDING--ALL COMPANIES OR AGENTS.[REPEALED]

(June 19, 1934, 48 Stat. 1132, ch. 672, ch. II, § 10; Apr. 3, 2001, D.C. Law 13-265, § 126(a), 48 DCR 1225, redesignated § 301, Oct. 19, 2002, D.C. Law 14-213, § 20(b), 49 DCR 8140.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 35-409.

1973 Ed., § 35-409.

Legislative History of Laws

For D.C. Law 13-265, see notes following § 31-2231.01.

For Law 14-213, see notes following § 31-903.

§ 31-4310. REPRESENTATION OF FINANCIAL STANDING--ALIEN COMPANIES; VIOLATIONS.

(a) Every advertisement or public announcement and every sign, circular, or card issued by an alien company doing business in the District, representing its financial standing, shall exhibit as capital stock and assets only the capital stock and assets held by its United States branch, the liabilities, including therein the premium and loss reserves required by law, and the amount of surplus, and shall correspond to the next preceding verified statement made by such company to the Commissioner; provided, however, that this section shall not be deemed to prevent an alien company from furnishing to its policyholders in the District of Columbia its annual report to policyholders of its domicile. This subsection shall not apply to an alien company which maintains in the United States, as required by law, assets held in trust for the benefit of the United States policyholders in an amount not less than the sum of its required capital deposit and the amount of its outstanding liabilities arising out of its insurance transactions in the United States.

(b) Any violation of this section or § 31-4309 shall be a misdemeanor, and any person convicted of such violation shall, for the 1st offense, be liable to a fine of not more than \$500, and for each subsequent offense shall be liable to a fine of not more than \$1,000.

(June 19, 1934, 48 Stat. 1132, ch. 672, ch. II, § 11; Dec. 5, 1963, 77 Stat. 347, Pub. L. 88-193, § 2; Sept. 7, 1966, 80 Stat. 705, Pub. L. 89-559, § 1; Aug. 8, 1968, 82 Stat. 662, Pub. L. 90-467; May 21, 1997, D.C. Law 11-268, § 10(i), 44 DCR 1730.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 35-410.

1973 Ed., § 35-410.

Legislative History of Laws

For legislative history of D.C. Law 11-268, see Historical and Statutory Notes following § 31-4301.

Miscellaneous Notes

Department of Insurance abolished: See Historical and Statutory Notes following § 31-4301.

§ 31-4311. DEFAMATORY OR INJURIOUS FALSE STATEMENTS AGAINST COMPANIES.[REPEALED]

(June 19, 1934, 48 Stat. 1132, ch. 672, ch. II, § 12; Apr. 3, 2001, D.C. Law 13-265, § 126(a), 48 DCR 1225, redesignated § 301, Oct. 19, 2002, D.C. Law 14-213, § 20(b), 49 DCR 8140.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 35-411.

1973 Ed., § 35-411.

Legislative History of Laws

For D.C. Law 13-265, see notes following § 31-2231.01.

For Law 14-213, see notes following § 31-903.

§ 31-4312. COMMISSIONER AUTHORIZED TO ISSUE SUBPOENAS; ENFORCEMENT.

(a) In the examination of any company as provided for in this subdivision, the Commissioner shall have power to issue subpoenas in the name of the Chief Judge of the Superior Court of the District of Columbia to compel witnesses to appear and testify and/or to produce all books, records, papers, or documents before said Commissioner.

(b) If any witness having been personally summoned shall neglect or refuse to obey the subpoena issued as herein provided, then and in that event the Commissioner may report that fact to the Superior Court of the District of Columbia, or one of the judges thereof, and said Court, or any judge thereof, hereby is empowered to compel obedience to said subpoena to the same extent as witnesses may be compelled to obey the subpoenas of that Court.

(June 19, 1934, 48 Stat. 1133, ch. 672, ch. II, § 13; June 25, 1936, 49 Stat. 1921, ch. 804; June 25, 1948, 62 Stat. 991, ch. 646, § 32(a), (b); May 24, 1949, 62 Stat. 107, ch. 139, § 127; July 29, 1970, 84 Stat. 572, Pub. L. 91-358, title I, § 155(c)(37)(A); May 21, 1997, D.C. Law 11-268, § 10(i), 44 DCR 1730.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 35-412.

1973 Ed., § 35-412.

Legislative History of Laws

For legislative history of D.C. Law 11-268, see Historical and Statutory Notes following § 31-4301.

Miscellaneous Notes

Department of Insurance abolished: See Historical and Statutory Notes following § 31-4301.

§ 31-4313. ENFORCEMENT OF COMMISSIONER'S ORDERS OR ACTIONS.

The Commissioner may, through the Corporation Counsel of the District, invoke the aid of any court of competent jurisdiction to enforce any order made or action taken by him in pursuance of law.

(June 19, 1934, 48 Stat. 1133, ch. 672, ch. II, § 14; May 21, 1997, D.C. Law 11-268, § 10(i), 44 DCR 1730.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 35-413.

1973 Ed., § 35-413.

Legislative History of Laws

For legislative history of D.C. Law 11-268, see Historical and Statutory Notes following § 31-4301.

Miscellaneous Notes

Department of Insurance abolished: See Historical and Statutory Notes following § 31-4301.

§ 31-4314. FALSE STATEMENTS IN APPLICATION FOR POLICY.

The falsity of a statement in the application for any policy of insurance shall not bar the right to recovery thereunder unless such false statement was made with intent to deceive or unless it materially affected either the acceptance of the risk or the hazard assumed by the company.

(June 19, 1934, 48 Stat. 1133, ch. 672, ch. II, § 15; May 21, 1997, D.C. Law 11-268, § 10(i), 44 DCR 1730.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 35-414.

1973 Ed., § 35-414.

Legislative History of Laws

For legislative history of D.C. Law 11-268, see Historical and Statutory Notes following § 31-4301.

Miscellaneous Notes

Department of Insurance abolished: See Historical and Statutory Notes following § 31-4301.

§ 31-4315. DEPOSIT OF SECURITIES BY COMPANIES DESIRING TO TRANSACT BUSINESS -- AMOUNT; DEPOSITS OUTSIDE DISTRICT.

(a) Every company desiring to transact business in the District shall, as a prerequisite to the issuance of a certificate of authority, deposit, as herein provided, approved securities of not less than \$100,000 market value. In the case of domestic companies, such deposit shall be made in the District as prescribed under § 31-4316; provided, that the deposit of every domestic company heretofore organized under the provisions of the laws of the District or other act of Congress may, in the discretion of the Commissioner, be limited: (1) For stock companies, to an amount equal to the capital stock outstanding on June 19, 1934; and (2) for nonstock companies, to such amount as in the opinion of the Commissioner would be required from stock companies of comparable size. In no case shall the deposit of a domestic company be less than \$25,000 in value. In the case of foreign or alien companies, the deposit may be made as provided under § 31-4316, or may be made with the supervising official of any state, territory, or insular possession of the United States authorized to accept such deposit, which shall be held for the benefit of all policyholders.

(b) In the case of a deposit made with an official outside the District, a certificate of deposit from said official shall be filed with the Commissioner, showing the character of the deposit, before a certificate of authority to transact business in the District may be issued, and, if the securities so deposited are not of the class authorized by this subdivision for investments of companies, the Commissioner may require an additional deposit in approved securities.

(June 19, 1934, 48 Stat. 1133, ch. 672, ch. II, § 16; May 20, 1940, 54 Stat. 217, ch. 204; May 21, 1997, D.C. Law 11-268, § 10(i), 44 DCR 1730; Mar. 24, 1998; D.C. Law 12-81, § 22(b), 45 DCR 745.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 35-415.

1973 Ed., § 35-415.

Legislative History of Laws

For legislative history of D.C. Law 11-268, see Historical and Statutory Notes following § 31-4301.

For legislative history of D.C. Law 12-81, see Historical and Statutory Notes following § 31-4301.

Miscellaneous Notes

Department of Insurance abolished: See Historical and Statutory Notes following § 31-4301.

§ 31-4316. DEPOSIT OF SECURITIES BY COMPANIES DESIRING TO TRANSACT BUSINESS -- TYPE OF SECURITIES ALLOWED; OFFICIALS RESPONSIBLE FOR SAFEKEEPING; COLLECTION OF INCOME; SUBSTITUTION; DECLINE IN VALUE.

(a) When any company is required by this subdivision to make a deposit in the District, such deposit shall be in securities of the class authorized by this subdivision for investments of companies, and shall be delivered by the company to the Executive Secretary of the District and the Auditor of the District, who shall receive and hold the same subject to the lawful orders of the Commissioner, and who shall be responsible for the safekeeping of all securities deposited or delivered under the authority of this section. The company shall have the right to collect the income on deposited securities so long as it continues solvent and complies with the laws of the United States and of the District, and it shall have the right to substitute for such securities other securities, provided such substituted securities are of the character, amount, and value required by this section, and are approved by the Commissioner; provided, that not less than \$25,000 of such deposit shall at all times consist of bonds or other evidences of indebtedness of the United States or of any state of the United States, or of any county or incorporated city of any state of the United States, and that securities of a class different from such bonds or other evidences of indebtedness shall not in any case be accepted for deposit except with the specific approval of and at values determined by the Commissioner.

(b) If the value of securities deposited by any company shall decline, the Commissioner may require the company to make a further deposit, in order that the amount and value of the deposit required by this subdivision shall at all times be maintained.

(June 19, 1934, 48 Stat. 1134, ch. 672, ch. II, § 17; May 20, 1940, 54 Stat. 217, ch. 204; May 21, 1997, D.C. Law 11-268, § 10(i), 44 DCR 1730.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 35-416.

1973 Ed., § 35-416.

Legislative History of Laws

For legislative history of D.C. Law 11-268, see Historical and Statutory Notes following § 31-4301.

Transfer of Functions

Reorganization Order No. 23, dated December 30, 1952, transferred the functions relating to the delivery of securities required to be deposited by insurance companies transacting business in the District of Columbia from the Secretary of the Board of Commissioners and the Auditor of the District to the Internal Audit Officer or his deputy and the Disbursing Officer or his deputy, Department of General Administration. The Disbursing Office was established in the Finance Office of the Department of General Administration by Reorganization Order No. 20, dated November 10, 1952. Reorganization Order No. 20 was superseded by Organization Order No. 121, dated December 12, 1957, which placed disbursing functions in the Treasury Division of the Office of the Finance Officer. Organization Order No. 121 was revoked by Organization Order No. 3, dated December 23, 1967, under Part IVC of which disbursing functions were continued in the Treasury Division of the Finance Office. These functions were subsequently transferred to the Director of the Department of Finance and Revenue by Commissioner's Order No. 69-96, dated March 7, 1969.

Miscellaneous Notes

Office of Secretary to Board of Commissioners abolished: The Office of the Secretary to the Board of Commissioners of the District of Columbia was abolished and the functions thereof transferred to the Board of Commissioners by Reorganization Plan No. 5 of 1952. Reorganization Order No. 41 of the Board of Commissioners, dated June 23, 1953, issued pursuant to that Plan, established as part of the Executive Office of the Board of Commissioners, under the direction and control of the Board, an Office of the Secretary to the Board of Commissioners to perform ministerial duties for the Board. The Order described the purpose and functions of the Office of Secretary, and provided that the functions and positions of the previously existing Office of the Secretary to the Board be transferred to the new Office, and that the previously existing Office of the Secretary be abolished. 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. Organization Order No. 2 of the Commissioner, dated December 13, 1967, as amended, established within the Executive Office of the Commissioner a Secretariat headed by an Executive Secretary. The Order transferred to the

Secretariat certain functions, including the duties, powers, and authorities of all officers and employees performing such functions and assigned to the Office of the Secretary as it existed immediately prior to December 13, 1967, and revoked all other orders inconsistent therewith.

Office of Auditor abolished: The Office of the Auditor of the District of Columbia 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 Auditor including the functions of all officers, employees, and subordinate agencies were transferred to the Director, Department of General Administration by Reorganization Order No. 3 of the Board of Commissioners, dated August 28, 1952. Reorganization Order No. 19, dated November 10, 1952, established in the Department of General Administration an Internal Audit Office headed by an Internal Office Auditor. 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. Reorganization Orders No. 3 and 19 were revoked by Organization Order No. 3 of the Commissioner of the District of Columbia, dated December 13, 1967. Parts III and IVB of the latter Order established, within the newly created Department of General Administration, an Internal Audit Office headed by an Internal Audit Officer and prescribed the functions thereof. These functions were subsequently transferred to the Director of the Department of Finance and Revenue by paragraph 4 of Commissioner's Order No. 69-96, dated March 7, 1969. Part IVB of Organization Order No. 3 and that portion of paragraph 4 of Commissioner's Order No. 69-96 pertaining to a transfer of audit functions to the Department of Finance and Revenue, were revoked by Organization Order No. 33, dated July 14, 1972. The latter Order established an Office of Municipal Audit and Inspection and prescribed the functions thereof. Organization Order No. 50, dated December 31, 1974, established the Office of Budget and Management Systems, and transferred to that Office the functions of the Office of Municipal Audit and Inspection. The Office of Budget and Management Systems was replaced by Mayor's Order 79-5, dated January 2, 1979, which Order established the Office of Budget and Revenue Development.

Department of Insurance abolished: See Historical and Statutory Notes following § 31-4301.

§ 31-4317. DEPOSIT OF SECURITIES BY COMPANIES DESIRING TO TRANSACT BUSINESS -- WITHDRAWAL UPON DISCONTINUANCE OF BUSINESS OR REINSURANCE.

(a) When a company determines to discontinue its business or to cease to do business in the District and desires to withdraw its deposit made in the District pursuant to this subdivision the Commissioner shall, upon the application of the company, and at its expense, give notice of such intention in a newspaper of general circulation in the District once a week for 3 consecutive weeks. After such publication he shall deliver to such company or its assigns the securities so deposited when he is satisfied upon examination and investigation made by him or under his authority and upon the oaths of the president and secretary or other chief officers of the company that all debts and liabilities of every kind due and to become due which the deposit was made to secure are paid and extinguished; provided, that the Commissioner may require any company so withdrawing from the District to furnish bond to cover any undisclosed or contingent liabilities.

(b) Upon a company being wholly reinsured the Commissioner may deliver to it or to its assigns all securities deposited by it upon compliance with the following condition: The reinsuring company shall assume and agree to discharge all liabilities of every kind due and to become due which the deposit of the reinsured company was made to secure. Such reinsuring company shall have a deposit in the District or with some state official in the United States in securities recognized by this law as lawful investments of the company in an amount and value not less than the deposit required of the reinsured company. The deposit of the reinsuring company shall be such that it will subsist for the security of the obligations of the reinsured company assumed by the reinsuring company. The Commissioner shall give notice of such reinsurance agreement and of the application for the deposit once a week for 3 consecutive weeks in a newspaper of general circulation in the District before the delivery of such securities to the reinsuring company.

(June 19, 1934, 48 Stat. 1134, ch. 672, ch. II, § 18; May 21, 1997, D.C. Law 11-268, § 10(i), 44 DCR 1730.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 35-417.

1973 Ed., § 35-417.

Legislative History of Laws

For legislative history of D.C. Law 11-268, see Historical and Statutory Notes following § 31-4301.

Miscellaneous Notes

Department of Insurance abolished: See Historical and Statutory Notes following § 31-4301.

§ 31-4318. EXAMINATIONS; REPORTS; EXPENSES.[REPEALED]

(Oct. 21, 1993, D.C. Law 10-49, § 9(b), 40 DCR 6110.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 35-418.

Legislative History of Laws

Law 10-49, the "Law on Examinations Act of 1993," was introduced in Council and assigned Bill No. 10-131, 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. 10-94 and transmitted to both Houses of Congress for its review. D.C. Law 10-49 became effective on October 21, 1993.

§§ 31-4319 TO 31-4321. SUPERINTENDENT AUTHORIZED TO TAKE OVER COMPANIES; GROUNDS; PROCEDURE; LIQUIDATION; SPECIAL AGENTS AND EMPLOYEES; RULES AND REGULATIONS; REPORTS AND BONDS; COMPANIES DEEMED INSOLVENT; REINSURANCE BY SUPERINTENDENT.[REPEALED]

(Oct. 15, 1993, D.C. Law 10-35, § 59(a), 40 DCR 5773.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., §§ 35-419 to 35-421.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 7(b) of Insurance Omnibus Temporary Amendment Act of 1993 (D.C. Law 10-76, March 17, 1994, law notification 41 DCR 1626).

Legislative History of Laws

Law 10-35, the "Insurers Rehabilitation and Liquidation Act of 1993," was introduced in Council and assigned Bill No. 10-123, 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 July 29, 1993, it was assigned Act No. 10-68 and transmitted to both Houses of Congress for its review. D.C. Law 10-35 became effective on October 15, 1993.

Law 10-103, the "Insurance Omnibus Amendment Act of 1994," was introduced in Council and assigned Bill No. 10-394, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on January 4, 1994, and February 1, 1994, respectively. Signed by the Mayor on February 17, 1994, it was assigned Act No. 10-191 and transmitted to both Houses of Congress for its review. D.C. Law 10-103 became effective on April 26, 1994.

Editor's Notes

D.C. Law 10-76 and D.C. Law 10-103 purported to amend former § 35-419 [1981 Ed.] by rewriting (a)(4).

§ 31-4322. VALUATION OF SECURITIES.[REPEALED]

(June 19, 1934, 48 Stat. 1137, ch. 672, ch. II, § 23; May 21, 1997, D.C. Law 11-268, § 10, 44 DCR 1730; Mar. 24, 1998, D.C. Law 12-81, § 22(c), 45 DCR 745; Apr. 11, 2003, D.C. Law 14-297, § 401(e)(1), 50 DCR 330.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 35-422.

1973 Ed., § 35-422.

Legislative History of Laws

For legislative history of D.C. Law 11- (Act 11-524), see Historical and Statutory Notes following § 31-4301.

For legislative history of D.C. Law 12-81, see Historical and Statutory Notes following § 31-4301.

For Law 14-297, see notes following § 31-1371.01.

Miscellaneous Notes

Department of Insurance abolished: See Historical and Statutory Notes following § 31-4301.

§ 31-4323. SERVICE OF PROCESS; APPOINTMENT OF SUPERINTENDENT AS ATTORNEY OF COMPANIES; VIOLATIONS.[REPEALED]

(Mar. 21, 1995, D.C. Law 10-233, § 12, 42 DCR 24.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 35-423.

Legislative History of Laws

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.

§ 31-4324. POLITICAL CONTRIBUTIONS PROHIBITED; IMMUNITY OF WITNESSES IN PROCEEDINGS IN REGARD TO VIOLATIONS.[REPEALED]

(June 19, 1934, 48 Stat. 1138, ch. 672, ch. II, § 25; Mar. 8, 2007, D.C. Law 16-232, § 205(a)(2), 54 DCR 368.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 16-232, see notes following § 31-231.

Prior Codifications

1981 Ed., § 35-424.

1973 Ed., § 35-424.

§§ 31-4325 TO 31-4328. GENERAL AGENTS, AGENTS, OR SOLICITORS; ISSUANCE, EXPIRATION AND RENEWAL OF REQUIRED LICENSE; EXCEPTIONS; TERMINATION OF EMPLOYMENT; INFORMATION PROVIDED SUPERINTENDENT DEEMED PRIVILEGED; SUSPENSION OR REVOCATION OF LICENSES; GROUNDS; HEARING AND APPEAL; ALTERNATIVE PENALTY; JUDICIAL APPEALS FROM RULINGS OF SUPERINTENDENT; PROCEDURE; LIABILITY OF SUPERINTENDENT IN PROCEEDINGS; BROKERS; ISSUANCE, REVOCATION AND RENEWAL OF REQUIRED LICENSE; VIOLATIONS.[REPEALED]

(April 9, 1997, D.C. Law 11-227, § 16, 44 DCR 140.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., §§ 35-425 to 35-428.

Legislative History of Laws

Law 11-227, the "Insurance Agents and Brokers Licensing Revision Act of 1996," was introduced in Council and assigned Bill No. 11-, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on October 1, 1996, and November 7, 1996, respectively. Signed by the Mayor on December 4, 1996, it was assigned Act No. 11-455 and transmitted to both Houses of Congress for its review. D.C. Law 11-227 became effective on April 9, 1997.

For legislative history of D.C. Law 11-268, see Historical and Statutory Notes following § 31-4301.

Miscellaneous Notes

D.C. Law 11-268, § 10(i) (44 DCR 1730), effective May 21, 1997, amends the repealed sections subsequent to repeal.

§ 31-4329. DISPOSITION OF PREMIUMS PAID TO AGENTS.

An insurance agent, solicitor, or broker who acts in negotiating or renewing or continuing a contract of insurance for a company lawfully doing business in the District, and who receives any money or substitute for money as a premium for such a contract from the insured, whether he shall be entitled to an interest in same or otherwise, shall be deemed to hold such premium in trust for the company making the contract. If he fails to pay the same over to the company after written demand made upon him therefor, such failure shall be prima facie evidence that he has used or applied the said premium for a purpose other than paying the same over to the company, and upon conviction thereof he shall be deemed guilty of theft and punished accordingly.

(June 19, 1934, 48 Stat. 1142, ch. 672, ch. II, § 30; Aug. 2, 1983, D.C. Law 5-24, § 15, 30 DCR 3341.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 35-429.

1973 Ed., § 35-429.

Legislative History of Laws

Law 5-24, the "Technical and Clarifying Amendments Act of 1986," was introduced in Council and assigned Bill No. 5-169, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 10, 1983, and May 24, 1983, respectively. Signed by the Mayor on June 9, 1983, it was assigned Act No. 5-41 and transmitted to both Houses of Congress for its review.

§ 31-4330. CONTRACTUAL RIGHTS OF MINORS.

Any minor of the age of 15 years or more may, notwithstanding such minority, contract for life, health, and accident insurance on his own life for his or her own benefit or for the benefit of his father, mother, spouse, child, brother, sister, or for the benefit of any person who has the care or custody of said minor or with whom said minor makes his or her home, and may exercise all such contractual rights with respect to any such contract of insurance as might be exercised by a person of full legal age and may at any time surrender his or her interest in any such insurance or give a valid discharge for any benefit accruing or money payable thereunder.

(June 19, 1934, 48 Stat. 1142, ch. 672, ch. II, § 31; Sept. 12, 2008, D.C. Law 17-231, § 28(b), 55 DCR 6758.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 35-430.

1973 Ed., § 35-430.

Effect of Amendments

D.C. Law 17-231 substituted "spouse" for "husband, wife".

Legislative History of Laws

For Law 17-231, see notes following § 31-3301.01.

§ 31-4331. ASSESSMENT COMPANIES PROHIBITED.

Any company which makes insurance or reinsurance the performance of which is not guaranteed by the reserves required by this subdivision, but is contingent upon the payment of assessments or calls made upon its members, shall not be formed, admitted, or licensed in the District.

(June 19, 1934, 48 Stat. 1142, ch. 672, ch. II, § 32; May 4, 1950, 64 Stat. 104, ch. 157, § 3.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 35-431.

1973 Ed., § 35-431.

§ 31-4332. APPEALS FROM COMMISSIONER TO MAYOR.

Any appeals to the Mayor from rulings of the Commissioner shall be perfected and filed with the Mayor within 20 days exclusive of Sundays and legal holidays from the date such rulings are communicated to the party at interest.

(June 19, 1934, 48 Stat. 1142, ch. 672, ch. II, § 33; May 21, 1997, D.C. Law 11-268, § 10(i), 44 DCR 1730.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 35-432.

1973 Ed., § 35-432.

Legislative History of Laws

For legislative history of D.C. Law 11-268, see Historical and Statutory Notes following § 31-4301.

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 § 31-4301.