

ENROLLMENT(S)



5

COUNCIL OF THE DISTRICT OF COLUMBIA

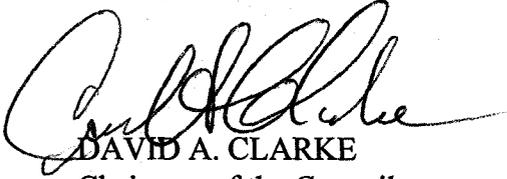
NOTICE

D.C. LAW 10- 233

"Insurers Service of Process Act of 1994".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198 "the Act", the Council of the District of Columbia adopted Bill No. 10-666 on first and second readings, November 1, 1994 and December 6, 1994, respectively. Following the signature of the Mayor on December 27, 1994, this legislation was assigned Act No. 10-376, and published in the January 6, 1995, edition of the D.C. Register (Vol. 42 page 24) and transmitted to Congress on February 3, 1995 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 10-233, effective March 21, 1995.


DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

Feb. 3,6,7,8,9,10,13,14,15,16,21,22,23,24,27,28

Mar. 1,2,3,6,7,8,9,10,13,14,15,16,17,20

AN ACT

Codification

District of Columbia Code

D.C. ACT 10-376 (1995 Supplement)

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 27, 1994

To require that legal process be served upon registered agents of insurers engaged in business in the District of Columbia or, in the absence of such registered agents, upon the Superintendent of Insurance.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Insurers Service of Process Act of 1994".

Sec. 2. Section 646 of the Life Insurance Act of 1901, approved March 3, 1901 (31 Stat. 1209; D.C. Code § 35-102), is amended to read as follows:

Section
35-102

"(a) It shall be the duty of the Superintendent 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 Superintendent a copy of its charter, declaration of organization, or articles of incorporation duly certified in accordance with the law by the Superintendent of Insurance, 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 Superintendent; 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 Superintendent 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 Superintendent and shall be deemed service upon the

company. The Superintendent, may by regulation establish fees to be paid when legal process is served upon the Superintendent pursuant to this section. Whenever the Superintendent 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 Superintendent and when it was forwarded to the person named therein. The Superintendent 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 Superintendent. 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)."

Sec. 3. The Life Insurance Act, approved June 19, 1934 (48 Stat. 1125; D.C. Code § 35-643(c)) is amended as follows:

Section
35-643

(a) Subsection (c) is amended to read as follows:

"(c) The surviving or the new company shall comply with section 646 of the Life Insurance Act of 1901, approved March 3, 1901 (31 Stat. 1209; D.C. Code § 35-102), and maintain and appoint in the District, or not more than 10 miles beyond the territorial limits of the District, an agent for service of process and shall register with the Superintendent the address of its principle office and the name and address of its agent for service of process in the District, including any changes in address."

(b) Subsection (d) is repealed.

Sec. 4. Section 1(e) of the Life Insurance Act, approved June 19, 1934 (48 Stat 1154; D.C. Code § 35-701(a)(5)), is amended to read as follows:

Section
35-701

(e) "Proof of compliance with the service of process requirements of section 646 of the Life Insurance Act of 1901, approved March 3, 1901 (31 Stat. 1209; D.C. Code § 35-102); and."

Sec. 5. Section 751 of the Life Insurance Act, approved March 3, 1901 (31 Stat. 1310; D.C. Code § 35-1203), is amended by striking in the first sentence the phrase "and a copy of its bylaws certified to by its secretary or corresponding officer together with an appointment of said Superintendent as the person upon whom process may be served as hereinafter provided:" and inserting the phrase "proof of the association's compliance with the service of process provisions of section

Section
35-1203

646 of the Life Insurance Act of 1901, approved March 3, 1901 (31 Stat. 1209; D.C. Code § 35-102);" in its place.

Sec. 6. Section 22(f) of the District of Columbia Fire and Casualty Act, approved October 9, 1940 (54 Stat. 1074; D.C. Code § 35-1526), is amended in the first sentence by striking the phrase "(6) the instrument authorizing service of process on the Superintendent required by section 35-1527;" and inserting the phrase "proof of compliance with the service of process provisions of section 646 of the Life Insurance Act of 1901, approved March 3, 1901 (31 Stat. 1209; D.C. Code § 35-102);" in its place.

Section
35-1526

Sec. 7. Section 6(a) of the Life Insurance Act, approved May 20, 1948 (62 Stat. 245; D.C. Code § 35-1706(a)), is amended by striking the phrase "(3) the name and address of a resident of the District of Columbia upon whom notices or orders of the Superintendent or process affecting it may be served; and shall notify the Superintendent promptly of any change in the foregoing", and inserting the phrase "(3) proof of its compliance with the service of process provisions of section 646 of the Life Insurance Act of 1901, approved March 3, 1901 (31 Stat. 1209; D.C. Code § 35-102);" in its place.

Section
35-1706

Sec. 8. Section 4(1)(C) of the Risk Retention Act of 1993, approved August 4, 1993 (D.C. Law 10-46; D.C. Code § 35-2903(1)(C)), is amended by striking the phrase "designating the Mayor as its agent for the service of legal documents or process." and inserting the phrase "proof of compliance with the service of process provisions of section 646 of the Life Insurance Act of 1901, approved March 3, 1901 (31 Stat. 1209; D.C. Code § 35-102)." in its place.

Section
35-2903

Sec. 9. Section 8(c) the Risk Retention Act of 1993 approved August 4, 1993 (D.C. Law 10-46; D.C. Code § 35-2907(c)), is amended by striking the phrase "designate the Superintendent, or other appropriate authority, as its agent solely for the purpose of receiving service of legal documents or process," and inserting the phrase "provide proof of compliance with the service of process provisions of section 646 of the Life Insurance Act of 1901 approved March 3, 1901 (31 Stat. 1209; D.C. Code § 35-102)," in its place.

Section
35-2907

Sec. 10. Section 3(d)(2) of the Reinsurance Intermediary Act of 1993, approved August 4, 1993 (D.C. Law 10-47; D.C. § 35-3102(d)(2)), is amended by striking the phrase "designate the Superintendent as agent for service of process in the manner, and with the same legal effect, provided by this act for designation of service of process upon unauthorized insurers, and also shall furnish the Mayor with the name and address of a resident of the District upon whom notices or orders of the Mayor of process affecting the nonresident reinsurance intermediary may be served." and inserting the phrase "comply with the service of process provisions of section 646 of the Life Insurance Act of 1901, approved March 3, 1901 (31 Stat. 1209; D.C. Code § 35-102)." in its place.

Section
35-3102

Sec. 11. Section 2(a)(6)(B) of the Law on Credit for Reinsurance Act of 1993, effective October 15, 1993 (D.C. Law 10-36; D.C. Code § 35-3301 (a)(6)(B)), is amended by striking the phrase "To designate the Superintendent or a designated attorney as its true and lawful attorney upon whom may be served any lawful process" and inserting the phrase "To comply with the service of process provisions of section 646 of the Life Insurance Act of 1901, approved March 3, 1901 (31 Stat. 1209; D.C. Code § 35-102)" in its place.

Section
35-3301

Sec. 12. Repealers.

(a) Section 24 of Chapter II of the Life Insurance Act, approved June 19, 1934 (48 Stat. 1137; D.C. Code § 35-423), is repealed.

Section
35-423

(b) Section 753 of the Fraternal Benefit Associations Act of 1901, approved March 3, 1901 (31 Stat. 1312; D.C. Code § 35-1205), is repealed.

Section
35-1205

(c) Section 23 of the Fire and Casualty Act, approved October 9, 1940 (54 Stat. 1075; D.C. Code § 35-1527), is repealed.

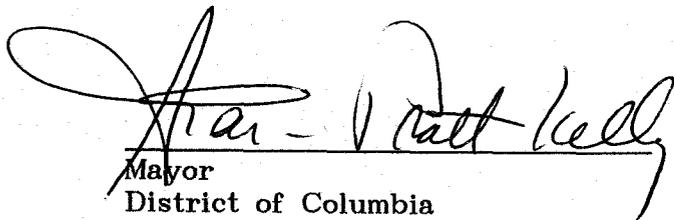
Section
35-1527

Sec. 13. Effective date.

This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.



Chairman
Council of the District of Columbia


Mayor
District of Columbia

APPROVED: December 27, 1994



COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Ten

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: 10-666

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 11-1-94

VOICE VOTE: Approved

Recorded vote on request

Absent: Barry, Brazil and Cropp

ROLL CALL VOTE - RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					EVANS					RAY				
BARRY					JARVIS					SMITH, JR.				
BRAZIL					LIGHTFOOT					THOMAS, SR.				
CHAVOUS					MASON									
CROPP					NATHANSON									

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

December 13, 1994
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 12-6-94

VOICE VOTE: Approved

Recorded vote on request

Absent: Barry, Smith, Lightfoot, Nathanson and Thomas

ROLL CALL VOTE - RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					EVANS					RAY				
BARRY					JARVIS					SMITH, JR.				
BRAZIL					LIGHTFOOT					THOMAS, SR.				
CHAVOUS					MASON									
CROPP					NATHANSON									

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

December 13, 1994
Date

Item on Consent Calendar

ACTION & DATE: _____

VOICE VOTE: _____

Recorded vote on request

Absent: _____

ROLL CALL VOTE - RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					EVANS					RAY				
BARRY					JARVIS					SMITH, JR.				
BRAZIL					LIGHTFOOT					THOMAS, SR.				
CHAVOUS					MASON									
CROPP					NATHANSON									

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date