



SPONSOR: Rep. B. Short & Sen. Bushweller
Reps. Brady, Briggs King, Keeley, Osienski, D. Short,
Wilson

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 81

AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO INSURANCE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 5006, Title 18 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows and by redesignating accordingly:

3 § 5006 Examination.

4 (a) *Power of Commissioner.* – Subject to the limitation contained in this section and in addition to the powers
5 which the Commissioner has under Chapter 3 of this title relating to the examination of insurers, the Commissioner shall
6 have the power to ~~order-examine~~ any insurer registered under § 5004 of this title and its affiliates ~~to produce such records,~~
7 ~~books or other information papers in the possession of the insurer or its affiliates as are reasonably necessary~~ to ascertain
8 the financial condition of such insurer, including the enterprise risk to the insurer by the ultimate controlling party, or by
9 any entity or combination of entities within the insurance holding company system, or by the insurance holding company
10 system on a consolidated basis, ~~or to determine compliance with this chapter. In the event such insurer fails to comply with~~
11 ~~such order, the Commissioner shall have the power to examine such affiliates to obtain such information.~~

12 (b) *Access to ~~other information.~~—books and records.*

13 (1) The Commissioner may order any insurer registered under § 5004 of this title to produce such records,
14 books, or other information papers in the possession of the insurer or its affiliates as are reasonably necessary to
15 determine compliance with this chapter.

16 (2) To determine compliance with this chapter, the Commissioner may order any insurer registered under §
17 5004 of this title to produce information not in the possession of the insurer if the insurer can obtain access to such
18 information pursuant to contractual relationships, statutory obligations, or through other reasonable means. In the event
19 the insurer cannot obtain the information requested by the Commissioner, the insurer shall provide the Commissioner a
20 detailed explanation of the reason that the insurer cannot obtain the information and the identity of the holder of
21 information. Whenever it appears to the Commissioner that the detailed explanation is without merit, the

- 22 Commissioner may require, after notice and hearing, the insurer to pay a penalty of \$500 for each day's delay, or may
23 suspend or revoke the insurer's license.

SYNOPSIS

This legislation revises § 5006 of the Insurance Code to track the National Association of Insurance Commissioner's Model Holding Company Act with respect to the Commissioner's power to examine insurers and have access to books and records of insurers in order to ensure compliance with the Holding Company Act.