

or email to tlong@mdsp.org, or fax to 443-357-1310. Comments will be accepted through September 28, 2009. A public hearing has not been scheduled.

#### .01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) "Crime Laboratory" means the Department of State Police [Crime Laboratory] *Forensic Sciences Division*.

(2) "Director" means the Director of the Department of State Police [Crime Laboratory] *Forensic Sciences Division* or the Director's designee.

(3) — (5) (text unchanged)

(6) "Profile" means to electronically store remarkable characteristics of a shell casing, such as caliber, manufacturer of handgun from which it was test fired, and rifling characteristics.

[(6)] (7) — [(10)] (11) (text unchanged)

(12) "Statewide Shell Casing Data Base" means a specific data base for the purpose of electronically capturing and storing profile information generated from shell casings described in Public Safety Article §§5-105 and 5-131, Annotated Code of Maryland.

(13) "Statewide Shell Casing Repository" means a secure storage area within the Department of State Police Forensic Sciences Division for the retention of shell casings as required by Public Safety Article, §§5-105 and 5-131, Annotated Code of Maryland.

#### .02 Introduction.

A. The Secretary, after consulting with the Director, shall establish policies and procedures for the:

(1) Collection, submission, identification, [analysis] acquisition of profile, storage, and disposal of shell casings provided by dealers from all new handguns sold in the State; and

(2) (text unchanged)

B. (text unchanged)

C. The Crime Laboratory shall:

(1) Receive shell casings for [analysis] acquisition of profile, classification, and storage;

(2) File [the] each shell casing [record of identification characteristic] profile [of each shell casing] submitted to the laboratory; and

(3) (text unchanged)

#### .03 System Maintenance.

The Director shall:

A. — B. (text unchanged)

C. Ensure compatibility with the [Federal Bureau of Investigation and] Bureau of Alcohol, Tobacco, [and] Firearms and Explosives' (BATFE) NIBIN system, where feasible, when the system becomes available; and

D. (text unchanged)

#### .05 Data Entry.

A. Upon receipt of the shell casings and required information, the Crime Laboratory shall enter the [information, which includes the appropriate images and analysis] profiling information of each shell casing, into all pertinent data bases for the purpose of creating a searchable record.

B. (text unchanged)

#### .06 Storing Records.

A. (text unchanged)

B. Records and specimen information shall be identified by:

(1) — (5) (text unchanged)

(6) Date of test firing; [and]

(7) Name of the technician attesting to the authenticity of the shell casing [.];

(8) Caliber;

(9) Rifling characteristics; and

(10) Application numbers.

#### .07 Access to Shell Casing [Records] Profile Information.

A. A request to obtain information from the Statewide Shell Casing Data Base System shall be submitted to the Director or designee, in writing, by the requesting law enforcement agency on that agency's letterhead or form MSP 67.

B. — D. (text unchanged)

#### .08 Expunging Shell Casing [Records] Profile Information.

A. (text unchanged)

B. Upon receipt of [an] a court order of expungement, the Director shall purge a shell casing [record] profile, shell casing, or other identifiable information covered by the order from the Statewide Shell Casing Data Base System and Statewide Shell Casing Repository.

C. When proof of the destruction of the weapon is received by the Crime Laboratory, [records] profiles and shell casings may be expunged at the discretion of the Director.

D. (text unchanged)

TERRENCE B. SHERIDAN  
Secretary of State Police

## Title 31 MARYLAND INSURANCE ADMINISTRATION

### Subtitle 08 PROPERTY AND CASUALTY INSURANCE

#### 31.08.12 Temporary Moratoriums and Weather Events

Authority: Insurance Article, §§2-108, 2-109, 19-107, and 27-501,  
Annotated Code of Maryland

#### Notice of Proposed Action

[09-266-P]

The Insurance Commissioner proposes to adopt new Regulations .01 — .06 under a new chapter, COMAR 31.08.12 Temporary Moratoriums and Weather Events.

#### Statement of Purpose

The purpose of this action is to ensure that insurers who utilize temporary moratoriums on the writing of property and casualty insurance, the addition of endorsements for additional coverages, or other policy changes, do so in a way that balances the interests of consumers, insurers, producers, and Maryland businesses. With these regulations, the Maryland Insurance Administration intends to create a safeguard to protect consumers before a crisis hits. Insurers issue temporary moratoriums on writing new policies when a particular area is threatened by approaching weather events or the government declares an emergency. These temporary moratoriums protect the interests of the insurer.

When a weather crisis is pending, a consumer without insurance is in dire need. The proposed regulations will control and define protocol for the temporary moratoriums in order to protect the consumer.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Alexis E. Gibson, Regulations Coordinator, Maryland Insurance Administration, 200 St. Paul Place, Suite 2700, Baltimore, MD 21202, or call 410-468-2011, or email to agibson@mdinsurance.state.md.us, or fax to 410-468-2020. Comments will be accepted through September 28, 2009. A public hearing has not been scheduled.

**.01 Purpose.**

The purpose of this chapter is to ensure that all insurers that utilize temporary moratoriums on the writing of property and casualty insurance, the addition of endorsements for additional coverages, or other policy changes do so in a way that balances the interests of consumers, insurers, producers, and Maryland businesses.

**.02 Filing of Moratorium.**

A. Each insurer that intends to utilize temporary moratoriums to address approaching storms, weather events, earthquakes, wildfires, urban fires, or other civil commotions and government-declared emergencies predicted to impact part of or the entire State, shall file its moratorium protocol with the Administration.

B. The moratorium protocol shall:

(1) Be filed with the Administration as an underwriting guideline; and

(2) Identify implementation triggers and lifting triggers.

C. If a moratorium protocol under §B of this regulation is not filed with the Administration, a temporary moratorium as described in §A of this regulation is not valid and subjects the insurer to appropriate administrative action.

**.03 Moratorium Protocol.**

A. Moratoriums shall be designed to have the least impact on the conduct of business throughout the State as possible.

B. A moratorium may not suspend the binding, or writing, or both of all lines of an insurer.

C. Moratoriums shall be based on the information provided by the National Weather Service or be government-declared disasters, and are not effective until:

(1) The National Weather Service issues a hurricane or tropical storm watch, warning, or advisory for part of the State or the entire State; or

(2) The Governor or other governmental entity declares a state of emergency for part of the State or the entire State.

D. The moratorium shall be limited to:

(1) Areas of the State that are impacted by the National Weather Service watch, warning, or advisory; or

(2) Areas that are included within the government-declared area of disaster.

E. A moratorium applies only to lines of business that are reasonably expected to be affected by the disaster or the impending weather event that was the basis for the moratorium.

**.04 Exceptions.**

The implementation of a moratorium may not be used to deny binding authority or coverage for the following transactions:

A. Property insurance that was bound prior to the implementation of the moratorium;

B. Automobile liability insurance being purchased in connection with the purchase of a new or used motor vehicle by a consumer;

C. Issuance of policies where the risk of loss is unrelated to the impending weather event or government-declared disaster; and

D. Additional types of coverages, endorsement, or limits being made to an existing policy while it is in the renewal period which includes the 45 days prior to, and up to and including, the renewal date of an existing property and casualty insurance policy, subject to any change becoming effective on the renewal date of the policy.

**.05 Lifting of Moratorium.**

A. A moratorium issued by an insurer shall be constantly monitored by the insurer.

B. Except as provided in §C of this regulation, a moratorium may not continue for more than 24 hours after the termination of the last warning issued for part of the State or the entire State.

C. Earthquake.

(1) A moratorium need not be lifted after 24 hours if the moratorium is issued because of an earthquake.

(2) A moratorium issued based on an earthquake may remain in place until the aftershocks have ceased.

**.06 Notice to the Commissioner.**

A. An insurer shall notify the Administration of its intent to implement a moratorium filed pursuant to Regulation .02 of this chapter, before the insurer implements the moratorium.

B. The Administration shall establish an electronic mailbox which shall be available at all times to receive notice that a carrier intends to implement its filed moratorium.

C. The Administration shall post on the Administration's website the electronic mailbox address described in §B of this regulation.

D. The notice required by §A of this regulation, shall be given at least 2 hours in advance of the insurer's implementation of the moratorium.

E. The notice required by §A of this regulation shall identify those geographic areas of the State where the moratorium is being applied.

RALPH S. TYLER  
Insurance Commissioner