

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the Department of Insurance and Securities Regulation Establishment Act of 1996 to grant the Commissioner of the Department of Insurance, Securities, and Banking the authority to exercise emergency powers to issue emergency rulemaking, orders, or bulletins during the existence of a public emergency declared by the Mayor pursuant to the District of Columbia Public Emergency Act of 1980.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Department of Insurance, Securities, and Banking Emergency Powers Emergency Amendment Act of 2022”.

Sec. 2. The Department of Insurance and Securities Regulation Establishment Act of 1996, effective May 21, 1997 (D.C. Law 11-268; D.C. Official Code § 31-101 et seq.), is amended by adding a new section 5a to read as follows:

“Sec. 5a. Emergency authority of the Commissioner during a declared public emergency.

“(a) For the duration of a public emergency declared by the Mayor pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), and to address the circumstances giving rise to that emergency, the Commissioner may issue emergency rulemaking, orders, or bulletins that:

“(1) Apply to any person or entity regulated by the Commissioner; and

“(2) Address:

“(A) Submission of claims or proof of loss;

31 “(B) Grace periods for payment of premiums and performance of other duties
32 by insureds;

33 “(C) Temporary postponement of:
34 “(i) Cancellations;
35 “(ii) Nonrenewals; or
36 “(iii) Premium increases;

37 “(D) Modifications to insurance policies;
38 “(E) Insurer operations;
39 “(F) Filing requirements;
40 “(G) Procedures for obtaining nonelective health care services;
41 “(H) Time restrictions for filling or refilling prescription drugs;
42 “(I) Time frames applicable to an action by the Commissioner under this
43 section;

44 “(J) Temporarily waiving application of laws, rulemaking, or requirements to
45 ensure that depository services, non-depository services, and securities transactions can
46 continue to be provided, including allowing for the opening of a temporary service location,
47 which may be a mobile branch, temporary office space, or other facility; and

48 “(K) Any other activity related to insurance, securities, and banking and under
49 the purview of the Commissioner reasonably calculated to protect the health, safety, and
50 welfare of District residents during the public emergency.

51 “(b) The Commissioner may require licensees to answer questions related to, and submit
52 documentation of, the licensee’s continuity of operations plan.

53 “(c)(1) To accomplish the purposes of this section, the Commissioner may issue emergency
54 rulemaking, orders, or bulletins pursuant to this section specifying:

55 “(A) That the rulemaking, order, or bulletin is effective immediately;

56 “(B) The line or lines of business or the class or classes of licenses to which the
57 regulation, order, or bulletin applies;

58 “(C) The geographic areas to which the regulation, order, or bulletin applies; and

59 “(D) The period of time for which the regulation, order, or bulletin applies.

60 “(2) A regulation issued under paragraph (1) of this subsection may not apply for longer
61 than the duration of the effects of a declared public emergency.”.

62 Sec. 3. Applicability.

63 This act shall apply as of February 4, 2022.

64 Sec. 4. Fiscal impact statement.

65 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact
66 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
67 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

68 Sec. 5. Effective date.

69 This act shall take effect following approval by the Mayor (or in the event of a veto by
70 the Mayor, action by the Council to override the veto), and shall remain in effect for no longer
71 than 90 days, as provided for emergency acts of the Council of the District of Columbia in
72 section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87
73 Stat. 788; D.C. Official Code § 1-204.12(a)).