

approved in writing shall be on file for a waiting period of 30 days before it becomes effective. A plan shall be deemed approved unless disapproved by the Commissioner within the waiting period. Subsequent to the waiting period, the Commissioner may disapprove any plan on the ground that it does not meet the requirements set forth in *this subsection* [(i), (ii), (iii) and (iv) above], but only after a hearing held upon not less [unless] than 10 days written notice to every insurer and rating organization affected specifying the matters to be considered at such hearing, and only by an order specifying in what respect he finds that such plan fails to meet such requirements, and stating when within a reasonable period thereafter such plan shall be deemed no longer effective. Such order shall not affect any assignment made or policy issued or made prior to the expiration of the period set forth in said order. Amendments to such plan or plans shall be prepared, filed and reviewed in the same manner as herein provided with respect to the original plan or plans.

If no plan meeting the standards set forth in *this subsection* [(i), (ii), (iii) and (iv) above] is submitted to the Commissioner within the periods stated in any order disapproving any existing plan he shall, if necessary to carry out the purpose of this subsection, after a hearing, prepare and promulgate a plan meeting such requirements.

When such plan or plans or amendments thereto have been approved or promulgated, no insurer shall thereafter issue a policy of automobile and motor vehicle bodily injury and property damage liability insurance or undertake to transact such business in this State unless such insurer shall participate in such an approved or promulgated plan. If, after hearing, the Commissioner finds that any activity or practice of any insurer or rating organization in connection with the operation of such plan or plans is unfair or unreasonable or otherwise inconsistent with the provisions of this subsection he may issue a written order specifying in what respects such activity or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this subsection and requiring the discontinuance of such activity or practice.

*(3) In addition to the requirements set forth in (2) above, and notwithstanding any provisions of any assigned risk plan to the contrary, no such plan may be approved or promulgated by the Commissioner which is in conflict with or fails to meet the following requirements:*

*(i) There must be an assigned risk plan in force at all times and it shall be the duty of the Commissioner to so require or promulgate such a plan.*

*(ii) Any licensed motor vehicle operator who is unable to obtain motor vehicle liability insurance, sufficient to satisfy the requirements of financial responsibility pursuant to Article 66½ of this Code, is to be eligible for insurance under the plan. PROVIDED, HOWEVER, IF ANY PARTICULAR TYPE OR CLASSIFICATION OF DRIVER IS FOUND TO BE SO HAZARDOUS THAT NO RATE CAN REASONABLY BE SET FOR INSURANCE OF ANTICIPATED LOSSES, THE COMMISSIONER MAY BY RULE PROVIDE THAT SUCH DRIVERS ARE INELIGIBLE FOR INSURANCE UNDER*