

(b) Upon request of the board of directors, provide the Association with a statement of the premiums in the appropriate states for each member insurer.

(c) When an impairment is declared and the amount of the impairment is determined, serve a demand upon the impaired insurer to make good the impairment within a reasonable time. Notice to the impaired insurer shall constitute notice to its shareholders, if any. The failure of the insurer to promptly comply with such demand shall not excuse the Association from the performance of its powers and duties under this Act.

(d) In any liquidation or rehabilitation proceeding involving a domestic insurer, be appointed as the liquidator or rehabilitator. If a foreign or alien member insurer is subject to a liquidation proceeding in its domiciliary jurisdiction or state of entry, the Commissioner shall be appointed conservator or ancillary receiver.

(2) The Commissioner may suspend or revoke, after notice and hearing, the certificate of authority to transact insurance in this State of any member insurer which fails to pay an assessment when due or fails to comply with the plan of operation. As an alternative, the Commissioner may levy a forfeiture on any member insurer which fails to pay an assessment when due. Such forfeiture shall not exceed 5% of the unpaid assessment per month, but no forfeiture shall be less than \$100 per month.

(3) Any action of the board of directors or the Association may be appealed to the Commissioner by any member insurer if such appeal is taken within 30 days of the action being appealed. Any final action or order of the Commissioner shall be subject to judicial review in a court of competent jurisdiction.

(4) The liquidator, rehabilitator, or conservator of any impaired insurer may notify all interested persons of the effect of this Act.

515. Prevention of impairments.

To aid in the detection and prevention of insurer impairments,

(1) **THE COMMISSIONER SHALL EXAMINE ANY MEMBER INSURER WHO THE COMMISSIONER HAS REASONABLE CAUSE TO BELIEVE THAT SUCH INSURER MAY BE UNABLE OR POTENTIALLY UNABLE TO FULFILL ITS CONTRACTUAL OBLIGATIONS.** The board of directors shall, upon majority vote, notify the Commissioner of any information indicating any member insurer may be unable or potentially unable to fulfill its contractual obligations.

(2) The board of directors may, upon majority vote, request that the Commissioner order an examination of any member insurer which the board in good faith believes may be unable or potentially unable to fulfill its contractual obligations. The Commissioner may conduct such examination. The examination may be conducted as a National Association of Insurance Commissioners examination or may be conducted by such persons as the Commissioner designates. The cost of ~~such~~ ANY examination shall be paid by the Association, and the examination report shall be treated as are other examination reports. In no event shall ~~such~~ ANY examination report be released to the board of directors of the Association prior to its release to the public,