

or subscriber thereof, upon application therefor by such insurer. An insurer shall only use rates or rating systems made by the rating organization of which it is a member or subscriber, or rate or rating systems made by itself if not a member or subscriber of a rating organization.

No rating organization shall discriminate unfairly between insurers in the condition imposed for admission as subscribers, or in the services rendered to either members or subscribers. The refusal of any rating organization to admit an insurer as a subscriber shall, at the request of such insurer, be reviewed by the Commissioner at a hearing held upon at least ten days' notice to such rating organization and such insurer. If the Commissioner shall find that the insurer has been refused admittance to such rating organization as a subscriber without justification, he shall make an order directing such rating organization to admit such insurer as a subscriber. If he shall find that the action of the rating organization in refusing admittance to an insurer as a subscriber is justified, he shall make an order affirming its action.

4. (Deviations.) No insurer, officer, agent or representative thereof shall knowingly issue or deliver or knowingly permit the issuance or delivery of any policy of insurance in this State which does not conform to the requirements of the rating organization of which the insurer is a member. However, an insurer may deviate from the rates promulgated by the rating organization provided the insurer has filed the deviation to be applied both with the rating organization and the Commissioner, and provided the said deviation is uniform in its application to all risks in the State of the class to which such deviation is to apply; and provided such deviation is approved by the Commissioner. Such deviation may be renewed annually subject to all of the foregoing provisions. A rate in excess of that promulgated by the rating organization may be charged on any specific risk provided such higher rate is charged with the knowledge and written consent of both the insured and the Commissioner.

5. (Discrimination.) No rates or rating methods submitted by an insurer or rating organization which unfairly discriminate between risks involving substantially the same degree of hazard and environment shall be approved by the Insurance Commissioner. Whenever the Insurance Commissioner finds that any rates in use by an insurer, or promulgated by a rating organization result in such discrimination, he shall require correction by such measures as are reasonable and adequate to effect an equitable adjustment.