

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 *the Plan* [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 *the Plan* [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 *the Maryland Automobile Insurance Plan* [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:

(3) (i) *The Maryland Automobile Insurance Plan must be* [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.

(3) (ii) Any *applicant* [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*. [plan.] Provided however that *the Plan* [such plan] may designate as ineligible any class of motor vehicle operator or the owner of any motor vehicle usually driven by such operator, who by reason of (1) gravity or frequency of motor vehicle moving violations, (2) conviction of a felony, or (3) physical or mental impairment.

(3) (iii) Notwithstanding any other rate filing or plan provision to the contrary, previous cancellations or inability to obtain insurance may not be used as a basis for rating, provided nothing in this paragraph shall be construed to require or permit inadequate rates.

(3) (iv) *Insurance issued under the Maryland Automobile Insurance Plan* [The assigned risk insurance] shall be effective beginning at the time the risk is bound by any procuring licensed agent or broker who is licensed as a resident broker or agent in accordance with the provisions of Subtitle 11 of this article. Provided however that, with respect to the time insurance coverage becomes effective, *the Plan* [such plan] may provide that the agent or broker send by registered or certified mail a binder notice to the *Maryland Automobile Insurance Plan Office* [assigned risk office] and that the insurance take effect at ~~12:00 Noon~~ 12:01 A.M. of the second day following mailing of the binder notice.

(3) (v) No eligible ~~assigned risk~~ APPLICANT may be refused or cancelled by the insurer for underwriting reasons, provided that nothing in this paragraph shall prevent reclassification of risks, subject to all of the other standards and requirements of this article, and provided further that nothing in this paragraph shall prevent correction of an error in the rate or change in classification of any risk at any time or rescission for fraud or material misrepresentation in procuring the insurance.