

set forth in said order. Amendments to the plan 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 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 the plan or amendments thereto have been approved or promulgated, no insurer shall thereafter issue a policy of automobile or motor vehicle insurance or undertake to transact such business in this State unless such insurer shall participate in the plan to the extent of the coverages enumerated in this subsection and as are inclusive in any filing made by or on behalf of such insurer under this Code. 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 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.

(4) In addition to the requirements set forth in (3) above and notwithstanding any provisions of the Maryland automobile insurance 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) The Maryland automobile insurance plan must be in force at all times and it shall be the duty of the Commissioner to so require or promulgate such a plan.

(ii) Any applicant who is unable to obtain automobile or motor vehicle insurance is to be eligible for insurance under the plan. Provided however that the plan may designate as ineligible any unlicensed motor vehicle operator.

The plan shall designate as ineligible any private passenger automobile or ~~pick-up truck used~~ MOTOR VEHICLES NOT EXCEEDING  $\frac{3}{4}$  TON CARRYING CAPACITY, TO INCLUDE, BUT NOT LIMITED TO, VEHICLES WITH A PICK-UP BODY, DELIVERY SEDAN, CAMPER, OR PANEL TRUCK USED EXCLUSIVELY as a private passenger vehicle in a damaged condition unless such damage is undergoing restoration to completion by a business for the repair of [automobile] vehicle damage. Any private passenger automobile exceeding by two (2) years the model year of the manufacture of such [automobile] vehicle shall be designated as ineligible under the plan unless a certificate of inspection as provided for under Article 66 $\frac{1}{2}$  of this Code as amended, is submitted upon request of the insurer within 30 days of the attachment of coverage or upon renewal anniversary of any coverage.

(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.