

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 in a damaged condition unless such damage is undergoing restoration to completion by a business for the repair of automobile damage. Any private passenger automobile exceeding by two (2) years the model year of the manufacture of such automobile 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.

(iv) Insurance issued under the Maryland automobile insurance plan 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 may provide that the agent or broker send by registered or certified mail a binder notice to the Maryland automobile insurance plan office and that the insurance take effect at 12:01 a.m. of the second day following mailing of the binder notice.

(v) No eligible applicant may be refused or cancelled by the insurer for underwriting reasons, provided that nothing in this paragraph shall prevent reclassifications 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.

(vi) An insurer hereunder shall not be permitted to refuse or cancel any insurance for nonpayment of premium unless (1) the net premium is not received from the broker within 10 days after a statement of net amount due is mailed by the insurer to the broker or procuring agent, but in no event earlier than 30 days from the date