

insurer whose rates or part thereof are found to be in violation of subsection (c) to reimburse any insured who, during the period of time such rates were in effect, not exceeding one year, paid a higher premium than the Commissioner finds should have been charged had the rates been in compliance with subsection (c), an amount equal to the difference between the premium paid and the premium which the Commissioner finds should have been charged during such period; provided, however, that no order of reimbursement shall be made prior to one year after the effective date of this subsection.

[243. Maryland automobile insurance plan for assigned risks.

(1) Any person, firm or Maryland corporation unable to obtain automobile and motor vehicle insurance through ordinary methods shall be eligible for insurance through insurers participating in the Maryland automobile insurance plan. The plan shall afford applicants insurance for bodily and property damage liability sufficient to satisfy the financial responsibility requirements of Article 66 $\frac{1}{2}$ of this Code. Further, the plan shall afford private passenger automobiles and 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 private passenger vehicles owned by an individual or individual and spouse with medical payments, fire, theft and collision coverages to such extent that an applicant will be afforded insurance sufficient to cover the insurable interest in a private passenger automobile (less any deductible provision).

(2) Agreements may be made among insurers with respect to the equitable apportionment among them of insurance which may be afforded applicants who are unable to procure such insurance through ordinary methods and such insurers may agree among themselves on the use of reasonable rate modifications for such insurance, equitable apportionment shall include any and all appropriate voluntary plans filed by or on behalf of any insurer, group of insurers or fleet of insurers if in the opinion of the Commissioner such voluntary plans exceed the provisions of this subsection [section], such agreements and rate modifications to be subject to the approval of the Commissioner.

(3) Every insurer undertaking to afford any insurance coverage named in the first paragraph of this subsection [section], whether singly or in any combination, and every rating organization which files rates for such insurance shall cooperate in the preparation and submission of a plan to be known as Maryland automobile insurance plan for the equitable apportionment among insurers of applicants who are unable to procure such insurance through ordinary methods. The Maryland automobile insurance plan shall provide: (i) reasonable rules governing the equitable distribution of risks by direct insurance, reinsurance or otherwise and their assignment to insurers; (ii) rates and rate modifications applicable to such risks which shall not be excessive, inadequate or unfairly discriminatory; (iii) the limits of liability which the insurer shall be required to assume; (iv) a method whereby applicants for insurance, insureds and insurers may have a hearing on grievances and the right to appeal to the Commissioner. The Maryland automobile insurance plan shall be filed in writing with the Commissioner. The Commissioner shall review the plan as soon as reasonably possible after filing in order to deter-