

mine whether it meets the requirements set forth in this subsection [section]. The plan unless sooner approved in writing shall be on file for a waiting period of 30 days before it becomes effective. The plan shall be deemed approved unless disapproved by the Commissioner within the waiting period. Subsequent to the waiting period, the Commissioner may disapprove the plan on the ground that it does not meet the requirements set forth in this subsection [section], but only after a hearing held upon not less than 10 days written notice to every insurer and rating organization affected specifying the matters to be considered at such hearing, and only by an order specifying in what respect he finds that the plan fails to meet such requirements, and stating when within a reasonable period thereafter the plan shall be deemed no longer effective. Such order shall not affect any assignment made or policy issued or made prior to the expiration of the period 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 [section] 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 [section], 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 [section] 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 [section] 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 [section] 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 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 vehicle