

SUBPOOL SUSTAINS AN OPERATING LOSS, SHALL BE CHARGED WITH THE LOSS.

(c) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE PROGRAM OF OPERATION OF EACH SUBPOOL SHALL CONTAIN A PROVISION AUTHORIZING THE DIRECT RECOUPMENT BY MEMBER INSURERS FROM THE POLICYHOLDERS OF THE SUBPOOL OF ANY ASSESSMENT REQUIRED TO BE MADE BY THE MEMBER INSURERS INTO OR ON BEHALF OF THE SUBPOOL.

(2) (i) A MEMBER INSURER MAY NOT MAKE MORE THAN 1 DIRECT RECOUPMENT FROM ITS POLICYHOLDERS FOR EVERY 6-MONTH PERIOD.

(ii) FOR EACH POLICYHOLDER, THE AMOUNT OF ALL RECOUPMENTS IN ANY GIVEN YEAR MAY NOT EXCEED A FULL YEAR'S PREMIUM CALCULATED AS OF THE POLICY ANNIVERSARY NEXT PRECEDING THE TIME OF ASSESSMENT.

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(A) (1) THE COMMISSIONER MAY REVIEW THE OPERATIONS OF THE ASSOCIATION.

(2) THE COMMISSIONER MAY:

(I) EXAMINE THE OPERATIONS AND ALL THE BOOKS, RECORDS, FILES, PAPERS, AND DOCUMENTS THAT RELATE TO OPERATIONS OF THE ASSOCIATION; AND

(II) SUMMON, QUALIFY, AND EXAMINE AS WITNESSES ALL PERSONS HAVING KNOWLEDGE OF THE OPERATIONS, INCLUDING OFFICERS, AGENTS, OR EMPLOYEES.

(3) THE REPORTS, COMMUNICATIONS, AND RECORDS OF THE ASSOCIATION ARE NOT PUBLIC DOCUMENTS.

(B) THE COMMISSIONER MAY REQUIRE REPORTS FROM MEMBER INSURERS CONCERNING RISKS INSURED UNDER ANY PROGRAM APPROVED UNDER THIS SUBTITLE.

(c) IN ADDITION TO ANY POWERS CONFERRED UPON THE COMMISSIONER BY THIS OR ANY OTHER LAW, THE COMMISSIONER MAY DO ALL THINGS NECESSARY TO ENABLE THE STATE AND ANY INSURER PARTICIPATING IN ANY PROGRAM APPROVED BY THE COMMISSIONER TO FULLY PARTICIPATE IN ANY FEDERAL PROGRAM OF REINSURANCE WHICH MAY NOW EXIST OR HEREAFTER BE ENACTED FOR PURPOSES SIMILAR TO THE PURPOSES OF THIS SUBTITLE.

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(A) (1) ANY APPLICANT OR AFFECTED INSURER MAY APPEAL TO THE GOVERNING COMMITTEE BOARD OF GOVERNORS OF THE ASSOCIATION;