

~~(K)~~ (L) (1) "MEMBER INSURER" MEANS AN INSURER THAT IS A MEMBER OF THE COMMERCIAL CASUALTY ~~JOINT~~-INSURANCE UNDERWRITING ASSOCIATION UNDER THIS SUBTITLE.

(2) "MEMBER INSURER" DOES NOT INCLUDE THE MARYLAND AUTOMOBILE INSURANCE FUND.

~~(B)~~ (M) "SUBPOOL" MEANS A SEPARATE ACCOUNT ESTABLISHED FOR EACH SUBCLASS OR GROUP OF SUBCLASSES OF INSURANCE DESIGNATED UNDER ~~§-602(B)~~-OF-THIS-ARTICLE § 602 OF THIS SUBTITLE.

~~(M)~~ (N) "LACK OF AVAILABILITY" OR "UNAVAILABILITY" MEANS THAT THERE DOES NOT EXIST FOR A PARTICULAR SUBCLASS OF INSURANCE FOR WHICH COVERAGE WAS PREVIOUSLY GENERALLY AVAILABLE A READY SOURCE OF COVERAGE FROM AN INSURER AUTHORIZED TO DO BUSINESS IN THIS STATE OR ~~AUTHORIZED~~ APPROVED TO WRITE INSURANCE RISKS IN THIS STATE ON A SURPLUS LINE BASIS AS DETERMINED BY THE COMMISSIONER.

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(A) (1) THERE IS A COMMERCIAL CASUALTY UNDERWRITING ASSOCIATION CONSISTING OF ALL INSURERS LICENSED TO WRITE IN THIS STATE, ON A DIRECT BASIS, COMMERCIAL CASUALTY INSURANCE POLICIES.

(2) EVERY INSURER LICENSED TO WRITE IN THIS STATE, ON A DIRECT BASIS, COMMERCIAL CASUALTY INSURANCE POLICIES SHALL:

(I) BE A MEMBER OF THE ASSOCIATION; AND

(II) REMAIN A MEMBER AS A CONDITION OF ITS AUTHORITY TO TRANSACT COMMERCIAL CASUALTY INSURANCE IN THIS STATE.

(3) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, OTHER INSURERS MAY BECOME MEMBER INSURERS WITH THE APPROVAL OF THE COMMISSIONER.

(B) (1) THE ASSOCIATION IS NOT A DEPARTMENT, UNIT, AGENCY, OR INSTRUMENTALITY OF THE STATE.

(2) ALL DEBTS, CLAIMS, OBLIGATIONS, AND LIABILITIES INCURRED BY THE ASSOCIATION SHALL BE THE DEBTS, CLAIMS, OBLIGATIONS, AND LIABILITIES OF THE ASSOCIATION ONLY AND NOT OF THE STATE, ITS AGENCIES, INSTRUMENTALITIES, OFFICERS, OR EMPLOYEES.

(3) THE ASSOCIATION MONEYS MAY NOT BE CONSIDERED PART OF THE GENERAL FUND OF THE STATE.

(4) THE STATE MAY NOT BUDGET FOR OR PROVIDE GENERAL FUND APPROPRIATIONS TO THE ASSOCIATION.

(5) THE DEBTS, CLAIMS, OBLIGATIONS, AND LIABILITIES OF THE ASSOCIATION MAY NOT BE CONSIDERED TO BE A DEBT OF THE STATE OR PLEDGE OF ITS CREDIT.