

(2) Claims for the death of or personal injury to a qualified person or for damage to property in excess of \$100, arising out of the ownership, maintenance or use of a motor vehicle in this State and caused by an operator or owner whose whereabouts cannot be ascertained, provided that:

(i) The claimant was not, at the time of the accident, operating or riding in an uninsured motor vehicle owned by him OR A MEMBER OF HIS FAMILY RESIDING IN HIS HOUSEHOLD and is not the personal representative of a person who was operating or riding in such a vehicle;

(ii) The claimant was not, at the time of the accident, operating a motor vehicle in violation of an order of suspension, cancellation, or revocation with respect to a certificate of registration or an operator's license, and is not the personal representative OR A MEMBER OF THE FAMILY RESIDING IN THE HOUSEHOLD of a person so operating;

(iii) The claimant has instituted a cause of action against the operator or owner, or both, of the motor vehicle whose whereabouts cannot be ascertained in order to effect service under the Maryland Rules of Procedure and service of process in the cause of action has twice been returned non est;

(iv) All reasonable efforts have been made to ascertain the whereabouts of the operator or owner, or both, of the vehicle in order to obtain personal service under the Maryland Rules of Procedure and he cannot be located; and

(v) The motor vehicle was, at the time of the accident, uninsured or it is impossible to ascertain, after all reasonable efforts have been made, whether the motor vehicle was insured or uninsured.

(3) Claims for the death of or personal injury to a qualified person or for damage to property in excess of \$100.00 arising out of the ownership, maintenance or use of a motor vehicle in the State and caused by an uninsured operator or owner whose whereabouts are ascertainable for the purpose of serving process; provided that:

(i) The claimant is not a spouse OR A MEMBER OF THE FAMILY RESIDING IN THE HOUSEHOLD of the uninsured operator or the personal representative of such a spouse;

(ii) The claimant was not, at the time of the accident, operating or riding in an uninsured motor vehicle owned by him OR A MEMBER OF HIS FAMILY RESIDING IN HIS HOUSEHOLD and is not the personal representative of a person who was operating or riding in such a vehicle;