

[(5)] (3) The Commissioner [may] SHALL approve the rate structure for policies of essential property insurance and homeowner's insurance offered BY OR through the [Maryland Joint Insurance] Association, provided the rate structure does not in the opinion of the Commissioner, compete with the rate STRUCTURE of the voluntary insurance market in this State.

(4) THE COMMISSIONER SHALL MONITOR AND REVIEW THE FINANCIAL CONDITION OF THE MEMBERS OF THE ASSOCIATION, AS SET FORTH IN THEIR ANNUAL STATEMENTS AND OTHER DATA AVAILABLE TO THE COMMISSIONER, TO ASSURE THAT THE MEMBERS HAVE THE ABILITY TO PAY ANY ASSESSMENTS THAT MAY BE LEVIED BY THE ASSOCIATION ON ITS MEMBERS.

478G.

(1) Any applicant or affected insurer shall have the right of appeal to the [governing committee] GOVERNING COMMITTEE. A decision of the [governing committee] GOVERNING COMMITTEE may be appealed to the Commissioner within thirty days after such decision.

(2) All orders or decisions of the Commissioner made pursuant to this subtitle shall be subject to judicial review.

478H.

(1) THERE MAY NOT BE ANY LIABILITY ON THE PART OF OR CAUSE OF ACTION OF ANY NATURE AGAINST ANY MEMBER INSURER, THE ASSOCIATION OR ITS AGENTS OR EMPLOYEES, THE BOARD OF DIRECTORS, OR THE COMMISSIONER OR THE COMMISSIONER'S REPRESENTATIVES FOR ANY ACTION TAKEN BY THEM IN THE PERFORMANCE OF THEIR POWERS AND DUTIES UNDER THIS SUBTITLE---, EXCEPT:

(A) (I) TO THE EXTENT THAT IT IS PROVEN THAT ANY OF THE ENTITIES OR INDIVIDUALS SPECIFIED IN THIS SECTION ACTUALLY RECEIVED AN IMPROPER BENEFIT OR PROFIT IN MONEY, PROPERTY, OR SERVICES, FOR THE AMOUNT OF THE BENEFIT OR PROFIT IN MONEY, PROPERTY, OR SERVICES ACTUALLY RECEIVED;

(B) (II) TO THE EXTENT THAT A JUDGMENT OR OTHER FINAL ADJUDICATION ADVERSE TO ANY OF THE ENTITIES OR INDIVIDUALS SPECIFIED IN THIS SECTION IS ENTERED IN A PROCEEDING BASED ON A FINDING IN THE PROCEEDING THAT THE ENTITY'S OR INDIVIDUAL'S ACTION, OR FAILURE TO ACT, WAS THE RESULT OF ACTIVE AND DELIBERATE DISHONESTY AND WAS MATERIAL TO THE CAUSE OF ACTION ADJUDICATED IN THE PROCEEDING; OR

(C) (III) TO THE EXTENT THAT ANY ACT OF THE ENTITIES OR INDIVIDUALS SPECIFIED IN THIS SECTION WAS COMMITTED IN BAD FAITH.