

(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;

(iii) 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;

(iv) The claim is not being made for damage to or destruction of an uninsured motor vehicle owned wholly or partly by him;

(v) The claim is not made by or on behalf of any insurer by reason of the existence of a policy of insurance whereby the insurer is liable to pay, in whole or in part, the amount of the claim or by or on behalf of any insurer for any amount sought or claimed for damages to or destruction to the claimant's or an insured's real or personal property including automobiles by reason of collision with an automobile or object or by upset of the automobile, or by reason of coverage afforded the insured providing indemnification from injury or damages caused by uninsured motorists, and that no part of the amount to be paid out of the Fund is sought in lieu of making a claim or receiving a payment which is payable by reason of the existence of such a policy of insurance, and that no part of the amount so sought will be paid to an insurer to reimburse or otherwise indemnify the insurer in respect of any amount paid or payable by the insurer by reason of the existence of such a policy of insurance; and

(vi) The claimant is ineligible to make a claim arising from the same accident, under Subtitle 33 of this article, against the Property and Casualty Insurance Guaranty Corporation.

(b) (1) The executive director shall, with respect to the Fund, and the Court of Appeals shall, with respect to the courts, promulgate rules setting forth procedural requirements with respect to claims and actions against the Fund filed pursuant to this section. As a condition precedent to any liability on the part of the Fund under this section, a claimant shall comply with all such rules. The executive director or his designee on behalf of the Fund may stipulate that the procedural requirements of such rules have been met and consent to the claimant bringing an action against the Fund. No stipulation or consent shall be deemed a waiver of any defense which the Fund may have with respect to the case.