

(II) THE DAY ON WHICH THE COMMISSIONER ENDS THE WAITING PERIOD.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, § 494A(c)(3).

In subsection (b)(2) of this section, the reference to the period under subsection (a) being "extended" is substituted for the former reference to the period "end[ing]" on a certain date for clarity.

Defined term: "Commissioner" § 1-101

7-405. ORDERS BY COMMISSIONER.

(A) IN GENERAL.

(1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE COMMISSIONER MAY ENTER AN ORDER UNDER THIS SECTION WITH RESPECT TO AN ACQUISITION SUBJECT TO THIS SUBTITLE IF:

(I) THERE IS SUBSTANTIAL EVIDENCE THAT THE EFFECT OF THE ACQUISITION MAY BE SUBSTANTIALLY TO LESSEN COMPETITION IN ANY LINE OF INSURANCE IN THE STATE OR TEND TO CREATE A MONOPOLY; OR

(II) THE INSURER FAILS TO FILE ADEQUATE INFORMATION IN COMPLIANCE WITH § 7-403 OF THIS SUBTITLE.

(2) THE ORDER MAY:

(I) REQUIRE AN ACQUIRING OR ACQUIRED INSURER, ITS AFFILIATES, OR THE PERSON RESULTING FROM A MERGER TO CEASE AND DESIST FROM DOING BUSINESS IN THE STATE WITH RESPECT TO THE LINE OF INSURANCE INVOLVED IN THE VIOLATION; OR

(II) DENY THE APPLICATION OF AN ACQUIRING OR ACQUIRED INSURER FOR A CERTIFICATE OF AUTHORITY.

(B) LIMITATIONS.

THE COMMISSIONER MAY NOT ENTER AN ORDER UNDER THIS SECTION WITH RESPECT TO AN ACQUISITION SUBJECT TO THIS SUBTITLE IF:

(1) THE ACQUISITION WILL YIELD SUBSTANTIAL ECONOMIES OF SCALE OR ECONOMIES IN RESOURCE UTILIZATION THAT CANNOT BE ACHIEVED FEASIBLY IN ANY OTHER WAY, AND PUBLIC BENEFITS FROM THOSE ECONOMIES OUTWEIGH THE PUBLIC BENEFITS FROM NOT LESSENING COMPETITION; OR

(2) THE ACQUISITION WILL INCREASE SUBSTANTIALLY THE AVAILABILITY OF INSURANCE, AND PUBLIC BENEFITS FROM THAT INCREASE OUTWEIGH THE PUBLIC BENEFITS FROM NOT LESSENING COMPETITION.

(C) DETERMINING VIOLATIONS.