

(B) (1) ON OR BEFORE MARCH 15 OF EACH YEAR, THE FUND SHALL DETERMINE AND THE BOARD OF TRUSTEES OF THE FUND SHALL CERTIFY TO THE BOARD OF DIRECTORS OF THE ASSOCIATION THE INFORMATION REQUIRED UNDER PARAGRAPHS (2) AND (3) OF THIS SUBSECTION.

(2) SUBJECT TO PARAGRAPH (6) OF THIS SUBSECTION, THE FOLLOWING INFORMATION CERTIFIED TO THE BOARD OF DIRECTORS SHALL BE SEPARATELY IDENTIFIED BY COMMERCIAL AUTOMOBILE AND PRIVATE PASSENGER AUTOMOBILE RESULTS:

(I) THE STATUTORY OPERATING LOSS FOR THE IMMEDIATELY PRECEDING CALENDAR YEAR; AND

(II) A CALCULATION TO YIELD AN ASSESSMENT LIMIT THAT IS DETERMINED BY SUBTRACTING THE YEAR-END SURPLUS OF THE FUND FOR THE IMMEDIATELY PRECEDING CALENDAR YEAR FROM AN AMOUNT EQUAL TO 25% OF THE AVERAGE OF NET DIRECT WRITTEN PREMIUMS OF THE FUND FOR EACH OF THE THREE IMMEDIATELY PRECEDING CALENDAR YEARS.

(3) THE ASSESSMENT CERTIFIED TO THE BOARD OF DIRECTORS SHALL BE EQUAL TO:

(I) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, THE ASSESSMENT LIMIT, IF THE ASSESSMENT LIMIT IS LESS THAN OR EQUAL TO THE STATUTORY OPERATING LOSS; OR

(II) THE STATUTORY OPERATING LOSS, IF THE ASSESSMENT LIMIT IS GREATER THAN THE STATUTORY OPERATING LOSS.

(4) IF THE CALCULATION UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION YIELDS A NUMBER THAT IS LESS THAN OR EQUAL TO ZERO, THE ASSESSMENT LIMIT IS ZERO.

(5) THE STATUTORY OPERATING LOSS OR THE ASSESSMENT CERTIFIED TO THE BOARD OF DIRECTORS MAY NOT INCLUDE:

(I) ANY ASSESSMENT MONEYS RECEIVED FOR ANY PRIOR YEAR;  
OR

(II) ANY MONEYS TRANSFERRED BETWEEN THE COMMERCIAL AUTOMOBILE AND PRIVATE PASSENGER AUTOMOBILE DIVISIONS WITHIN THE FUND.

(6) IN ANY CALCULATION MADE UNDER THIS SUBSECTION, INCOME OR EXPENSES NOT CLEARLY ATTRIBUTABLE TO EITHER COMMERCIAL AUTOMOBILE OR PRIVATE PASSENGER AUTOMOBILE MAY BE ALLOCATED PRO RATA FOR THAT YEAR.

[(2)](7) Following receipt of the certified [actual operating loss] ASSESSMENT for an immediately preceding calendar year, the Board of Directors of the Association shall promptly assess and collect from all member companies their pro rata shares of the certified [loss] ASSESSMENT, commercial and private passenger.