

(d) Assessments for funds to meet the requirements of the Corporation with respect to an impaired insurer shall not be made until necessary to implement the purposes of this subtitle. Classification of assessments under subsection (2) and computation of assessments under this subsection shall be made with a reasonable degree of accuracy, recognizing that exact determination may not always be possible.]

(3) (A) THE AMOUNT OF ANY CLASS A ASSESSMENT SHALL BE DETERMINED BY THE BOARD AND MAY BE MADE ON EITHER A PRO RATA OR NONPRO RATA BASIS. IF PRO RATA, THE BOARD MAY PROVIDE THAT IT BE CREDITED AGAINST FUTURE CLASS B ASSESSMENTS. A NONPRO RATA ASSESSMENT MAY NOT EXCEED THE AMOUNT PROVIDED IN THE CORPORATION'S PLAN OF OPERATIONS PER MEMBER INSURER IN ANY 1 CALENDAR YEAR. THE AMOUNT OF ANY CLASS B ASSESSMENT SHALL BE ALLOCATED FOR ASSESSMENT PURPOSES AMONG THE ACCOUNTS PURSUANT TO AN ALLOCATION FORMULA WHICH MAY BE BASED ON THE PREMIUMS OR RESERVES OF THE IMPAIRED OR INSOLVENT INSURER OR ANY OTHER STANDARD DEEMED BY THE BOARD, IN ITS SOLE DISCRETION, AS BEING FAIR AND REASONABLE UNDER THE CIRCUMSTANCES.

(B) CLASS B ASSESSMENTS AGAINST MEMBER INSURERS FOR EACH ACCOUNT SHALL BE IN PROPORTION THAT THE PREMIUMS RECEIVED ON BUSINESS IN THIS STATE BY EACH ASSESSED MEMBER INSURER ON POLICIES OR CONTRACTS COVERED BY EACH ACCOUNT FOR THE MOST RECENT CALENDAR YEAR FOR WHICH INFORMATION IS AVAILABLE PRECEDING THE YEAR IN WHICH THE INSURER BECAME IMPAIRED OR INSOLVENT, AS THE CASE MAY BE, BEARS TO SUCH PREMIUMS RECEIVED ON BUSINESS IN THIS STATE FOR SUCH CALENDAR YEARS BY ALL ASSESSED MEMBER INSURERS.

(C) IF THE AMOUNT OF ANY CLASS B ASSESSMENT REPRESENTING THE AGGREGATE LIABILITY OF THE CORPORATION FOR ANY SINGLE IMPAIRMENT OR INSOLVENCY IS NOT GREATER THAN THE CLASS A ASSESSMENT IN THE SAME CALENDAR YEAR AGAINST INSURERS AUTHORIZED IN THE SAME LINE OF BUSINESS AS THE LIABILITY FOR THE IMPAIRED OR INSOLVENT INSURER, THE CORPORATION, AT ITS OPTION, MAY ASSESS THE MEMBERS ON A NONPRO RATA BASIS WITHOUT REGARD TO THE PRECEDING PARAGRAPH.

(D) ASSESSMENTS FOR FUNDS TO MEET THE REQUIREMENTS FOR THE CORPORATION WITH RESPECT TO AN IMPAIRED OR INSOLVENT INSURER MAY NOT BE MADE UNTIL NECESSARY TO IMPLEMENT THE PURPOSES OF THIS SUBTITLE. CLASSIFICATION OF ASSESSMENTS UNDER SUBSECTION (2) OF THIS SECTION AND COMPUTATION OF ASSESSMENT UNDER THIS SUBSECTION SHALL BE MADE WITH A REASONABLE DEGREE OF ACCURACY RECOGNIZING THAT EXACT DETERMINATION MAY NOT ALWAYS BE POSSIBLE.

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(7) (A) AN INSURER OR AGENT MAY NOT DELIVER A POLICY OR CONTRACT WHICH AT THE TIME OF DELIVERY EXCEEDS THE LIMITATIONS IMPOSED UNDER § 527(10)(B) OF THIS SUBTITLE, OR WHICH IS NOT SUBJECT TO COVERAGE UNDER § 522