

(4) THE INSURER FAILS TO RESPOND TO A CORRECTIVE ORDER IN A MANNER SATISFACTORY TO THE COMMISSIONER; OR

(5) IF AN INSURER HAS REQUESTED A HEARING TO CHALLENGE A CORRECTIVE ORDER ISSUED BY THE COMMISSIONER:

(I) THE COMMISSIONER NOTIFIES THE INSURER THAT THE COMMISSIONER, AFTER A HEARING, HAS REJECTED THE INSURER'S CHALLENGE OR HAS MODIFIED THE CORRECTIVE ORDER; AND

(II) THE INSURER FAILS TO RESPOND, IN A MANNER SATISFACTORY TO THE COMMISSIONER, TO THE SUSTAINED OR MODIFIED CORRECTIVE ORDER.

(B) IF AN AUTHORIZED CONTROL LEVEL EVENT OCCURS WITH RESPECT TO AN INSURER, THE COMMISSIONER SHALL:

(1) TAKE ANY ACTION THAT WOULD BE REQUIRED UNDER § 743(B) OF THIS SUBTITLE REGARDING AN INSURER THAT EXPERIENCES A REGULATORY ACTION LEVEL EVENT; OR

(2) IF THE COMMISSIONER DEEMS IT TO BE IN THE BEST INTEREST OF THE POLICYHOLDERS AND CREDITORS OF THE INSURER AND OF THE PUBLIC, TAKE ANY ACTION THAT MAY BE NECESSARY TO PLACE THE INSURER UNDER CONSERVATION, REHABILITATION, OR LIQUIDATION UNDER SUBTITLE 10 OF THIS ARTICLE.

(C) (1) THE COMMISSIONER SHALL HAVE THE RIGHTS, POWERS, AND DUTIES NEEDED TO CARRY OUT THE REQUIREMENTS OF THIS SECTION UNDER SUBTITLE 10 OF THIS ARTICLE.

(2) IF THE COMMISSIONER TAKES ANY ACTION UNDER SUBTITLE 10 OF THIS ARTICLE PURSUANT TO AN ADJUSTED RBC REPORT AS PROVIDED IN THIS SECTION, THE INSURER SHALL BE ENTITLED TO THE PROTECTIONS AFFORDED TO INSURERS UNDER SUBTITLE 10 OF THIS ARTICLE WITH REGARD TO SUMMARY PROCEEDINGS.

745.

(A) A MANDATORY CONTROL LEVEL EVENT OCCURS WHEN:

(1) AN INSURER FILES AN RBC REPORT WHICH INDICATES THAT THE INSURER'S TOTAL ADJUSTED CAPITAL IS LESS THAN ITS MANDATORY CONTROL LEVEL RBC;

(2) THE COMMISSIONER NOTIFIES THE INSURER OF AN ADJUSTED RBC REPORT THAT INDICATES AN EVENT UNDER PARAGRAPH (1) OF THIS SUBSECTION; OR

(3) IF AN INSURER REQUESTS A HEARING TO CHALLENGE AN ADJUSTED RBC REPORT THAT INDICATES THE EVENT UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSIONER NOTIFIES THE INSURER THAT THE COMMISSIONER, AFTER A HEARING, HAS REJECTED THE INSURER'S CHALLENGE.