

(1) A REGULATORY TOOL WHICH MAY INDICATE THE NEED FOR POSSIBLE CORRECTIVE ACTION WITH RESPECT TO THE INSURER; AND

(2) NOT INTENDED AS A MEANS TO RANK INSURERS GENERALLY.

(D) IT IS THE PUBLIC POLICY OF THE STATE THAT THE RBC INSTRUCTIONS, RBC REPORTS, ADJUSTED RBC REPORTS, RBC PLANS AND REVISED RBC PLANS:

(1) ARE INTENDED SOLELY FOR USE BY THE COMMISSIONER IN MONITORING THE SOLVENCY OF INSURERS AND THE NEED FOR POSSIBLE CORRECTIVE ACTION WITH RESPECT TO INSURERS; AND

(2) MAY NOT BE USED BY THE COMMISSIONER FOR RATE MAKING NOR CONSIDERED OR INTRODUCED AS EVIDENCE IN ANY RATE PROCEEDING NOR USED BY THE COMMISSIONER TO CALCULATE OR DERIVE ANY ELEMENTS OF AN APPROPRIATE PREMIUM LEVEL OR RATE OF RETURN FOR ANY LINE OF INSURANCE WHICH AN INSURER OR ANY AFFILIATE IS AUTHORIZED TO WRITE.

748.

(A) THE PROVISIONS OF THIS ACT ARE SUPPLEMENTAL TO ANY OTHER PROVISIONS OF THE LAWS OF THIS STATE, AND SHALL NOT PRECLUDE OR LIMIT ANY OTHER POWERS OR DUTIES OF THE COMMISSIONER UNDER ANY OTHER PROVISION OF THIS ARTICLE, INCLUDING SUBTITLES 9A AND 10 OF THIS ARTICLE.

(B) THE COMMISSIONER MAY ADOPT REGULATIONS TO IMPLEMENT THIS SUBTITLE.

(C) THE COMMISSIONER MAY EXEMPT FROM THE APPLICATION OF THIS ACT ANY DOMESTIC PROPERTY AND CASUALTY INSURER ~~WHICH~~ THAT:

(1) WRITES DIRECT BUSINESS ONLY IN THIS STATE;

(2) WRITES DIRECT ANNUAL PREMIUMS OF \$2,000,000 OR LESS; AND

(3) ASSUMES NO REINSURANCE IN EXCESS OF 5 PERCENT OF DIRECT PREMIUMS WRITTEN.

749.

(A) UPON THE WRITTEN REQUEST OF THE COMMISSIONER, A FOREIGN INSURER SHALL:

(1) SUBMIT TO THE COMMISSIONER AN RBC REPORT AS OF THE END OF THE IMMEDIATELY PRECEDING CALENDAR YEAR ON THE LATER OF:

(I) THE DATE AN RBC REPORT WOULD BE REQUIRED TO BE FILED BY A DOMESTIC INSURER UNDER THIS SUBTITLE; OR

(II) 15 DAYS AFTER THE REQUEST IS RECEIVED BY THE FOREIGN INSURER; AND