

~~Commissioner shall order the specially reserved funds or any overcharge in the interim rates to be distributed appropriately, except that refunds to policyholders that are minimal may not be required.~~

374A.

~~(A) ALL STATEMENTS AND DESCRIPTIONS IN AN APPLICATION FOR A MOTOR VEHICLE INSURANCE POLICY OR CONTRACT, OR FOR THE REINSTATEMENT OR RENEWAL OF THE POLICY OR CONTRACT, BY OR ON BEHALF OF THE INSURED, SHALL BE DEEMED TO BE REPRESENTATIONS AND NOT WARRANTIES.~~

~~(B) (1) AN INSURER MAY TAKE THE ACTION DESCRIBED IN PARAGRAPHS (B)(2) AND (3) WITH RESPECT TO:~~

~~(I) AN INSURED WHO KNOWINGLY PROVIDES AN INCORRECT ADDRESS FOR THE LOCATION AT WHICH AN INSURED VEHICLE IS PRINCIPALLY GARAGED; AND~~

~~(II) A MISREPRESENTATION, OMISSION, CONCEALMENT OF FACT OR INCORRECT STATEMENT IN AN APPLICATION.~~

~~(2) IF A FIRST PARTY CLAIM HAS NOT BEEN FILED PRIOR TO DISCOVERY BY AN INSURER OF AN INCORRECT ADDRESS, OR A MISREPRESENTATION, OMISSION, CONCEALMENT OF FACT, OR INCORRECT STATEMENT, AN INSURER MAY RESCIND THE POLICY.~~

~~(3) IF A FIRST PARTY CLAIM HAS BEEN FILED PRIOR TO DISCOVERY OF AN INCORRECT ADDRESS, OR A MISREPRESENTATION, OMISSION, CONCEALMENT OF FACT, OR INCORRECT STATEMENT, AN INSURER MAY DENY FIRST PARTY BENEFITS.~~

~~(4) AN INSURER MAY TAKE THE ACTIONS DESCRIBED IN PARAGRAPH (2) OF THIS SECTION IF THE MISREPRESENTATION, OMISSION, CONCEALMENT OF FACT, OR INCORRECT STATEMENT IN PARAGRAPH (B)(1)(II) IS EITHER:~~

~~(I) FRAUDULENT;~~

~~(II) MATERIAL EITHER TO THE ACCEPTANCE OF THE RISK, OR TO THE HAZARD ASSUMED BY THE INSURER; OR~~

~~(III) THE INSURER IN GOOD FAITH WOULD NOT HAVE ISSUED, REINSTATED, RENEWED THE POLICY OR CONTRACT, IF THE TRUE FACTS HAD BEEN MADE KNOWN TO THE INSURER AS REQUIRED EITHER BY THE APPLICATION FOR THE POLICY OR CONTRACT.~~

538.

As used in this subtitle:

(a) "Accident" means any occurrence involving a motor vehicle, other than an occurrence caused intentionally by or at the direction of the insured, from which damage to any property or injury to any person results.