

(3) IF A MEMBER OR SUBSCRIBER FAILS TO PAY THE ASSESSMENT WITHIN THE PERIOD SPECIFIED IN THE NOTICE, THE COMMISSIONER MAY OBTAIN AN ORDER IN THE DELINQUENCY PROCEEDING THAT REQUIRES THE MEMBER OR SUBSCRIBER TO SHOW CAUSE AT A TIME AND PLACE FIXED BY THE COURT WHY JUDGMENT FOR THE AMOUNT OF THE ASSESSMENT AND ALL COSTS SHOULD NOT BE ENTERED AGAINST THE MEMBER OR SUBSCRIBER.

(4) A COPY OF THE ORDER AND PETITION FOR ASSESSMENT SHALL BE SERVED ON THE MEMBER OR SUBSCRIBER WITHIN THE TIME AND IN THE MANNER DESIGNATED IN THE ORDER.

(5) AFTER SERVICE OF A COPY OF THE ORDER AND PETITION IS MADE ON THE MEMBER OR SUBSCRIBER:

(I) IF THE MEMBER OR SUBSCRIBER FAILS TO APPEAR AT THE TIME AND PLACE SPECIFIED IN THE ORDER, THE COURT SHALL ENTER JUDGMENT AGAINST THE MEMBER OR SUBSCRIBER AS REQUESTED IN THE PETITION; OR

(II) IF THE MEMBER OR SUBSCRIBER APPEARS IN THE MANNER AND FORM REQUIRED BY LAW IN RESPONSE TO THE ORDER, THE COURT SHALL HEAR AND DETERMINE THE MATTER AND ENTER JUDGMENT.

(6) THE COMMISSIONER MAY COLLECT THE ASSESSMENT THROUGH ANY OTHER LAWFUL MEANS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, §§ 162, 163, and 164.

In subsection (a)(2)(ii) of this section, the phrase "at the time of the report" is substituted for the former reference to "thus far" for clarity.

The Insurance Article Review Committee notes, for consideration by the General Assembly, that in subsection (b)(1) of this section, it is not clear whether the requirement for "filing" and "reading" the report and petition is a substantive requirement that is otherwise implicit in the authority of the court under this section.

The Committee also notes, for consideration by the General Assembly, that in subsection (b)(1)(i) of this section, there is no standard to determine when a claim has been "proved" in a delinquency proceeding.

In subsection (b)(1)(ii) of this section, the reference to "imposing" the assessments is substituted for the former reference to "levying" assessments in light of the reference throughout this section to the term "assessment" which, in the context of former Art. 48A, § 163, was synonymous with "levy". See Black's Law Dictionary 907 (6th ed. 1990). Similarly, in subsection (b)(4) of this section, the former reference to "levy" is deleted.

In subsection (e)(5)(ii) of this section, the former reference to a judgment of the court "in accordance with its decision" is deleted as implicit in the authority of the court to enter a judgment.