

(II) THE NOTIFICATION REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY BE BY MAIL AT THE LAST KNOWN ADDRESS OF THE INTERESTED PARTY, BUT IF SUFFICIENT INFORMATION FOR NOTIFICATION BY MAIL IS NOT AVAILABLE, NOTIFICATION BY PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION IS SUFFICIENT.

(2) THE COMMISSIONER:

(I) AFTER NOTICE AND HEARING, MAY SUSPEND OR REVOKE THE CERTIFICATE OF AUTHORITY OF A MEMBER INSURER THAT FAILS TO PAY AN ASSESSMENT WHEN DUE OR FAILS TO COMPLY WITH THE PLAN OF OPERATION; OR

(II) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, MAY IMPOSE A PENALTY ON A MEMBER INSURER THAT FAILS TO PAY AN ASSESSMENT WHEN DUE.

(3) A PENALTY IMPOSED UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION MAY NOT EXCEED 5% OF THE UNPAID ASSESSMENT PER MONTH AND MAY NOT BE LESS THAN \$100 PER MONTH.

(4) IF THE COMMISSIONER DETERMINES THAT CLAIMS ARE BEING HANDLED UNSATISFACTORILY, THE COMMISSIONER MAY REVOKE THE DESIGNATION OF A PERSON AS A SERVICING FACILITY.

(C) JUDICIAL REVIEW.

A FINAL ACTION OR ORDER OF THE COMMISSIONER UNDER THIS SUBTITLE IS SUBJECT TO JUDICIAL REVIEW.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, § 510.

In subsection (b)(1)(ii) of this section, the phrase "where available", which formerly modified "last known address", is deleted as surplusage.

In subsection (b)(1)(i) of this section, the former reference to "transact[ing] insurance in this State" is deleted as unnecessary in light of the reference to a "certificate of authority".

In subsection (b)(2)(ii) and (3) of this section, the references to a "penalty" are substituted for the former references to a "fine" for clarity and consistency.

In subsection (c) of this section, the former reference to judicial review "in a court of competent jurisdiction" is deleted as implicit in the reference to "judicial review".

Defined terms: "Certificate of authority" § 1-101

"Commissioner" § 1-101

"Corporation" § 9-301

"Insolvent insurer" § 9-301

"Insurance business" § 1-101