

(III) TWO SHALL BE NOMINATED BY THE NATIONAL ASSOCIATION OF INDEPENDENT INSURERS;

(IV) ONE SHALL BE ASSOCIATED WITH A DOMESTIC INSURER THAT IS NOT AFFILIATED WITH A GROUP LISTED IN ITEMS (I) THROUGH (III) OF THIS PARAGRAPH; AND

(V) TWO MAY NOT BE AFFILIATED WITH A MEMBER COMPANY OF A GROUP LISTED IN ITEMS (I) THROUGH (III) OF THIS PARAGRAPH OR WITH A DOMESTIC INSURER THAT IS OTHERWISE REPRESENTED ON THE BOARD OF DIRECTORS.

(3) THE TERM OF A MEMBER OF THE BOARD OF DIRECTORS IS 1 YEAR.

(4) IF A GROUP LISTED IN PARAGRAPH (2)(I) THROUGH (III) OF THIS SUBSECTION FAILS TO SUBMIT THE NAME OF A NOMINEE AT LEAST 10 DAYS BEFORE THE ELECTION, THE REQUIREMENT THAT TWO DIRECTORS BE FROM AMONG NOMINEES OF THAT GROUP NEED NOT BE MET FOR THAT YEAR.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, § 243M(b).

In subsection (b)(2)(iv) of this section, the reference to a "domestic" insurer is substituted for the former reference to an insurer "chartered in Maryland" to conform to the terminology in subsection (b)(2)(v) of this section.

In subsection (b)(4) of this section, the reference to "the name of" a nominee is added for clarity.

- Defined terms: "Association" § 20-101
- "Association member" § 20-101
- "Board of Directors" § 20-101
- "Domestic insurer" § 1-101

20-404. CERTIFICATION OF OPERATING LOSS AND ASSESSMENT LIMIT.

(A) REQUIRED.

ON OR BEFORE MARCH 15 OF EACH YEAR, THE FUND SHALL DETERMINE AND THE BOARD OF TRUSTEES SHALL CERTIFY TO THE BOARD OF DIRECTORS THE INFORMATION REQUIRED UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION.

(B) IDENTIFICATION OF OPERATING LOSS AND ASSESSMENT LIMIT.

SUBJECT TO SUBSECTION (F) OF THIS SECTION, THE FOLLOWING INFORMATION CERTIFIED TO THE BOARD OF DIRECTORS SHALL BE SEPARATELY IDENTIFIED BY COMMERCIAL AUTO AND PRIVATE PASSENGER AUTO RESULTS:

(1) THE STATUTORY OPERATING LOSS FOR THE IMMEDIATELY PRECEDING CALENDAR YEAR; AND

(2) A CALCULATION TO YIELD AN ASSESSMENT LIMIT THAT IS DETERMINED BY SUBTRACTING THE YEAR-END SURPLUS OF THE FUND FOR THE