

(2) THE FUND MAY NOT MAKE A PAYMENT TO THE INSUFFICIENCY ASSESSMENT RESERVE FUND.

(3) THE FUND SHALL ACCOUNT SEPARATELY FOR THE ASSESSMENT SURCHARGES THAT THE FUND ASSESSES AND RECEIVES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, § 243M(e)(1) and (i).

In subsection (a)(2) of this section, the reference to an "Association member" is added for clarity.

Defined terms: "Association" § 1-101

"Association member" § 20-101

"Commissioner" § 1-101

"Motor vehicle liability insurance" § 20-101

"Physical damage insurance" § 20-101

"Policy" § 1-101

"Premium" § 1-101

20-407. ELECTION TO IMPOSE ASSESSMENT SURCHARGES.

(A) DEADLINE FOR ELECTION.

ON OR BEFORE JUNE 30 OF EACH YEAR, EACH ASSOCIATION MEMBER SHALL ELECT WHETHER TO RECOUP ITS SHARE OF THE ASSESSMENT FOR THE IMMEDIATELY PRECEDING YEAR BY IMPOSING AN ASSESSMENT SURCHARGE, WHERE APPROPRIATE, ON EACH OF THE ASSOCIATION MEMBER'S COMMERCIAL AUTO POLICYHOLDERS OR PRIVATE PASSENGER AUTO POLICYHOLDERS, OR BOTH.

(B) WAIVER OF ELECTION.

AN ASSOCIATION MEMBER THAT DOES NOT ELECT ON OR BEFORE JUNE 30 TO RECOUP ITS SHARE OF AN ASSESSMENT IS CONSIDERED TO HAVE RECOUPED THAT ASSESSMENT AND TO HAVE WAIVED ITS OPTION TO IMPOSE AN ASSESSMENT SURCHARGE ON ITS POLICYHOLDERS.

(C) EFFECT OF SECTION.

(1) THIS SECTION DOES NOT DENY AN ASSOCIATION MEMBER THE RIGHT TO:

(I) ABSORB AN ANNUAL ASSESSMENT; OR

(II) RECOVER ALL OR PART OF AN ANNUAL ASSESSMENT AS COSTS IN RATE FILINGS MADE UNDER THIS ARTICLE.

(2) AN ASSOCIATION MEMBER THAT RECOVERS ASSESSMENTS AS COSTS IN RATE FILINGS SHALL IDENTIFY THE ASSESSMENT ON ANY PREMIUM BILLING TO THE POLICYHOLDER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, § 243M(e)(3)(i), (ii), and (iv).