

(IV) THE CLAIM IS NOT MADE FOR DAMAGE TO OR DESTRUCTION OF AN UNINSURED MOTOR VEHICLE OWNED WHOLLY OR PARTLY BY THE CLAIMANT; AND

(V) THE CLAIMANT IS NOT ELIGIBLE TO MAKE A CLAIM ARISING FROM THE SAME ACCIDENT AGAINST THE PROPERTY AND CASUALTY INSURANCE GUARANTY CORPORATION UNDER TITLE 9, SUBTITLE 3 OF THIS ARTICLE.

(2) A CLAIM UNDER THIS SUBSECTION MAY NOT BE MADE BY OR FOR:

(I) AN INSURER UNDER A POLICY THAT MAKES THE INSURER LIABLE TO PAY, WHOLLY OR PARTLY, THE AMOUNT OF THE CLAIM; OR

(II) AN INSURER FOR ANY AMOUNT SOUGHT OR CLAIMED FOR DAMAGES OR DESTRUCTION TO THE PROPERTY OF THE CLAIMANT OR AN INSURED BY REASON OF:

1. COLLISION WITH A MOTOR VEHICLE OR OTHER OBJECT, OR BY UPSET OF THE MOTOR VEHICLE; OR

2. COVERAGE OF THE INSURED THAT PROVIDES INDEMNIFICATION FROM INJURY OR DAMAGES CAUSED BY UNINSURED MOTORISTS.

(3) THE AMOUNT TO BE PAID OUT OF THE FUND MAY NOT BE SOUGHT, WHOLLY OR PARTLY, TO:

(I) TAKE THE PLACE OF MAKING A CLAIM OR RECEIVING A PAYMENT THAT IS PAYABLE UNDER A POLICY SPECIFIED IN PARAGRAPH (2)(I) OF THIS SUBSECTION; OR

(II) REIMBURSE OR OTHERWISE INDEMNIFY AN INSURER FOR AN AMOUNT PAID OR PAYABLE UNDER A POLICY SPECIFIED IN PARAGRAPH (2)(I) OF THIS SUBSECTION.

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

In subsection (a)(1)(iii) of this section, the former reference to a "territory, or federal district of the United States or province of the Dominion of Canada" is deleted as unnecessary in light of the defined term "state" and the reference to a foreign country.

In subsections (a)(2)(i), (b)(2)(ii) and (3)(ii), and (c)(2)(ii) of this section, the references to an "individual" are substituted for the former, overly broad references to a "person" because this section applies to "individuals", *i.e.*, human beings, who drive motor vehicles and sustain injuries.

In subsection (a)(2)(iii)2 of this section, the former phrase "in a form" is deleted as surplusage.

In the introductory language of subsection (b) of this section, the former phrase "subject to the provisions of this subtitle" is deleted as surplusage.