

11-219. DEVIATIONS FROM RATING ORGANIZATION RATES.

(A) IN GENERAL.

AN INSURER MAY DEVIATE FROM THE RATES FILED BY A RATING ORGANIZATION IF:

(1) THE INSURER HAS FILED THE DEVIATION TO BE APPLIED WITH THE RATING ORGANIZATION AND COMMISSIONER;

(2) THE DEVIATION IS UNIFORM IN ITS APPLICATION TO ALL RISKS IN THE STATE OF THE CLASS OF INSURANCE TO WHICH THE DEVIATION IS TO APPLY; AND

(3) THE DEVIATION IS APPROVED BY THE COMMISSIONER.

(B) ACTION BY COMMISSIONER.

THE COMMISSIONER MAY APPROVE OR DISAPPROVE A DEVIATION AS IF THE DEVIATION FILING WERE A RATE FILING AND SPECIFY THE PERIOD OF TIME DURING WHICH AN APPROVAL WILL BE EFFECTIVE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, § 242(h)(1).

In subsection (a)(1) of this section, the word "filed" is substituted for the former word "promulgated" for clarity.

Defined terms: "Commissioner" § 1-101

"Insurance" § 1-101

"Insurer" § 1-101

"Rate" § 11-101

"Rating organization" § 11-101

11-220. APPEAL BY MEMBER OR SUBSCRIBER.

(A) IN GENERAL.

(1) A MEMBER OF OR SUBSCRIBER TO A RATING ORGANIZATION MAY APPEAL TO THE COMMISSIONER FROM THE ACTION OR DECISION OF THE RATING ORGANIZATION IN APPROVING OR REJECTING A PROPOSED CHANGE IN OR ADDITION TO THE FILINGS OF THE RATING ORGANIZATION.

(2) THE COMMISSIONER:

(I) SHALL ISSUE AN ORDER THAT APPROVES THE ACTION OR DECISION OF THE RATING ORGANIZATION OR DIRECTS IT TO GIVE FURTHER CONSIDERATION TO THE PROPOSAL; OR

(II) IF THE APPEAL IS FROM THE ACTION OR DECISION OF THE RATING ORGANIZATION IN REJECTING A PROPOSED ADDITION TO ITS FILINGS AND THE COMMISSIONER FINDS THAT THE ACTION OR DECISION WAS UNREASONABLE, MAY ISSUE AN ORDER THAT DIRECTS THE RATING ORGANIZATION TO MAKE,