

(1) THE INSURER HAS FILED A PROPOSED RATE INCREASE WITH THE COMMISSIONER;

(2) A HEARING MAY BE REQUESTED WITH RESPECT TO THE FILING;
AND

(3) AN ORDER, HEARING, OR REFUSAL OF A HEARING BY THE COMMISSIONER MAY BE APPEALED UNDER SUBTITLE 5 OF THIS TITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, § 244X.

In item (3) of this section, the reference to an appeal "under Subtitle 5 of this title" is added for clarity and consistency with § 11-211(3) of this title.

Defined terms: "Commissioner" § 1-101

"Insurance" § 1-101

"Insurer" § 1-101

"Rate" § 11-101

11-314. REVIEW OF APPLICATION OF RATING SYSTEM.

(A) IN GENERAL.

EACH RATING ORGANIZATION AND EACH INSURER SUBJECT TO THIS SUBTITLE THAT MAKES ITS OWN RATES SHALL PROVIDE REASONABLE MEANS WITHIN THE STATE BY WHICH A PERSON AGGRIEVED BY THE APPLICATION OF ITS RATING SYSTEM MAY BE HEARD IN PERSON OR BY AN AUTHORIZED REPRESENTATIVE ON THE PERSON'S WRITTEN REQUEST TO REVIEW THE MANNER IN WHICH THE RATING SYSTEM HAS BEEN APPLIED IN CONNECTION WITH THE INSURANCE AFFORDED THE AGGRIEVED PERSON.

(B) FAILURE TO ACT ON REQUEST.

IF THE RATING ORGANIZATION OR INSURER FAILS TO GRANT OR REJECT THE AGGRIEVED PERSON'S REQUEST WITHIN 30 DAYS AFTER IT IS MADE, THE APPLICANT MAY PROCEED AS IF THE APPLICATION HAD BEEN REJECTED.

(C) APPEAL TO COMMISSIONER.

(1) WITHIN 30 DAYS AFTER WRITTEN NOTICE OF THE ACTION OF A RATING ORGANIZATION OR INSURER ON A REQUEST FOR REVIEW, ANY PARTY AFFECTED BY THE ACTION MAY APPLY, IN WRITING, FOR AN APPEAL TO THE COMMISSIONER.

(2) AN APPLICATION UNDER THIS SUBSECTION SHALL SET FORTH THE BASIS FOR THE APPEAL AND THE GROUNDS ON WHICH THE APPLICANT WILL RELY.

(D) ACTION BY COMMISSIONER.

(1) THE COMMISSIONER SHALL REVIEW THE APPLICATION FOR APPEAL.