

(3) ON OR BEFORE SEPTEMBER 15 OF EACH YEAR IN WHICH A REQUEST IS FILED, THE COMMISSIONER SHALL DETERMINE WHETHER THE EXEMPTION SHOULD BE GRANTED.

(E) SAME - INSURANCE LIMITED TO GROUP MEMBERS.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE COMMISSIONER SHALL EXEMPT FROM THE REQUIREMENTS OF THIS SECTION AN INSURER THAT:

(I) ON OR AFTER JANUARY 1, 1995, HAS LIMITED THE AVAILABILITY OF ITS INSURANCE TO PERSONS WHO ARE MEMBERS OF A CLUB, GROUP, OR ORGANIZATION; AND

(II) UNIFORMLY REQUIRES ELIGIBILITY FOR THAT CLUB, GROUP, OR ORGANIZATION AS A CONDITION OF PROVIDING INSURANCE.

(2) ON OR BEFORE OCTOBER 1 OF EACH YEAR, EACH MAJOR INSURER EXEMPTED UNDER THIS SUBSECTION SHALL FILE A MARKETING PLAN FOR BALTIMORE CITY.

(3) THE GOAL OF THE MARKETING PLAN SHALL BE TO ENSURE THAT THE INSURER MARKETS AND OTHERWISE MAKES AVAILABLE INSURANCE TO THOSE PERSONS WHO RESIDE IN BALTIMORE CITY AND WHO OTHERWISE SATISFY THE ELIGIBILITY CONDITIONS OF THE INSURER, IN THE SAME MANNER AS TO PERSONS WHO RESIDE IN OTHER JURISDICTIONS IN THE STATE.

(F) PENALTIES.

UNLESS OTHERWISE EXEMPTED FROM THE REQUIREMENTS OF THIS SECTION, THE FAILURE OF A MAJOR INSURER TO FILE OR SUBSTANTIALLY IMPLEMENT A MARKETING PLAN FOR BALTIMORE CITY OR TO MARKET AND OTHERWISE MAKE AVAILABLE INSURANCE TO THOSE PERSONS WHO RESIDE IN BALTIMORE CITY IN THE SAME MANNER AS TO PERSONS WHO RESIDE IN OTHER JURISDICTIONS IN THE STATE AS REQUIRED UNDER THIS SECTION IS, AFTER NOTICE AND OPPORTUNITY FOR A HEARING, GROUNDS FOR THE IMPOSITION OF THE PENALTIES PROVIDED UNDER §§ 4-113 AND 4-114 OF THIS ARTICLE.

(G) AGENT IN PARTICULAR LOCATION.

THIS SECTION DOES NOT AUTHORIZE THE COMMISSIONER TO REQUIRE THAT AN INSURER PLACE AN AGENT IN A PARTICULAR LOCATION OR JURISDICTION.

(H) MARKET SHARE EXCEEDING 75%.

IF THE MARKET SHARE OF PRIVATE PASSENGER PREMIUM WRITTEN BY A MAJOR INSURER IN BALTIMORE CITY EQUALS OR EXCEEDS 75% OF THE MARKET SHARE OF PRIVATE PASSENGER PREMIUM WRITTEN BY THE MAJOR INSURER IN ANY YEAR IN THE STATE, EXCLUDING BALTIMORE CITY, THE MAJOR INSURER IS NOT REQUIRED TO FILE A MARKETING PLAN UNDER THIS SECTION FOR THE FOLLOWING YEAR.