

- (2) "Property and casualty insurer" does not include monoline:
- (i) mortgage guaranty insurers;
 - (ii) financial guaranty insurers; or
 - (iii) title insurers.]

(K) (1) "PROPERTY AND CASUALTY INSURER" MEANS AN INSURER THAT:

(I) IS AUTHORIZED TO WRITE PROPERTY INSURANCE OR CASUALTY INSURANCE IN THE STATE; AND

(II) RECEIVES THE MAJORITY OF ITS PREMIUM FROM THE SALE OF PROPERTY INSURANCE OR CASUALTY INSURANCE.

(2) "PROPERTY AND CASUALTY INSURER" DOES NOT INCLUDE:

(I) A HEALTH MAINTENANCE ORGANIZATION OPERATING UNDER A CERTIFICATE OF AUTHORITY ISSUED BY THE COMMISSIONER UNDER TITLE 19, SUBTITLE 7 OF THE HEALTH - GENERAL ARTICLE;

(II) A NONPROFIT HEALTH SERVICE PLAN OPERATING UNDER TITLE 14, SUBTITLE 1 OF THIS ARTICLE;

(III) A DENTAL PLAN OPERATING UNDER TITLE 14, SUBTITLE 4 OF THIS ARTICLE;

(IV) A PROVIDER-SPONSORED ORGANIZATION OPERATING UNDER TITLE 19, SUBTITLE 7A OF THE HEALTH - GENERAL ARTICLE; OR

(V) A MANAGED CARE ORGANIZATION OPERATING UNDER TITLE 15, SUBTITLE 1 OF THE HEALTH - GENERAL ARTICLE.

[(j)] (L) "Negative trend" means, with respect to a life insurer or health insurer, negative trend over a period of time, as determined in accordance with the "trend test calculation" included in the RBC instructions.

[(k)] (M) "RBC instructions" means the risk based capital instructions developed and adopted by the NAIC.

[(l)] (N) "RBC level" means an insurer's company action level RBC, regulatory action level RBC, authorized control level RBC, or mandatory control level RBC if:

(1) "company action level RBC" means the product of 2.0 and the authorized control level RBC;

(2) "regulatory action level RBC" means the product of 1.5 and the authorized control level RBC;

(3) "authorized control level RBC" means the number determined under the risk based capital formula in accordance with the RBC instructions; or

(4) "mandatory control level RBC" means the product of .70 and the authorized control level RBC.