

(2) THE FILING REQUIREMENTS OF THIS SECTION DO NOT APPLY TO POLICY FORMS AND ENDORSEMENTS AND TO MODIFICATIONS OF POLICY FORMS AND ENDORSEMENTS ISSUED TO AN EXEMPT COMMERCIAL POLICYHOLDER.

(3) (I) AN EXEMPT COMMERCIAL POLICYHOLDER MUST CERTIFY IN WRITING, ON A FORM APPROVED BY THE COMMISSIONER, TO THE INSURER ISSUING COVERAGE AND THE COMMISSIONER THAT IT MEETS THE CRITERIA NECESSARY FOR EXEMPTION FROM FORM FILING REQUIREMENTS.

(II) THE CERTIFICATION MUST INCLUDE:

1. SPECIFIC REFERENCE TO THE OPTIONAL CRITERIA THAT THE INSURED HAS SATISFIED TO QUALIFY AS AN EXEMPT COMMERCIAL POLICYHOLDER;

2. INFORMATION REQUIRED BY THE COMMISSIONER FOR THE PURPOSE OF DETERMINING THE ANNUAL AGGREGATE PREMIUMS OF THE INSURED FOR PURPOSES OF PARAGRAPH (1)(I) OF THIS SUBSECTION; AND

3. AN ACKNOWLEDGMENT BY THE INSURED THAT THE POLICY FORM, ENDORSEMENT, OR MODIFICATION INTENDED FOR USE HAS NOT BEEN FILED WITH THE COMMISSIONER.

(4) THIS SUBSECTION DOES NOT APPLY TO THE FILING OF WORKERS' COMPENSATION INSURANCE POLICY FORMS.

(5) THE COMMISSIONER MAY REQUIRE, BY REGULATION, THAT INSURERS PROVIDE INFORMATION TO THE ADMINISTRATION ON THE NUMBER AND TYPES OF POLICIES WRITTEN FOR EXEMPT COMMERCIAL POLICYHOLDERS UNDER THIS SUBSECTION.

(6) ON WRITTEN REQUEST OF THE COMMISSIONER, AN INSURER SHALL FILE WITH THE COMMISSIONER A FORM OR ENDORSEMENT ISSUED TO AN EXEMPT COMMERCIAL POLICYHOLDER.

(7) EXCEPT FOR THE EXEMPTION FROM FORM FILING REQUIREMENTS PROVIDED IN THIS SECTION, A FORM OR ENDORSEMENT ISSUED TO AN EXEMPT COMMERCIAL POLICYHOLDER IS SUBJECT TO ALL APPLICABLE PROVISIONS OF THIS ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That the Insurance Commissioner, by regulation, may authorize an exempt commercial policyholder to procure coverage under this Act from an unauthorized insurer in accordance with § 3-306.1 of the Insurance Article.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2000.

May 18, 2000

The Honorable Casper R. Taylor, Jr.
Speaker of the House