

9-406. COMMISSION — EXERCISE OF DISCRETION.

IN EXERCISING THE DISCRETION GRANTED TO THE COMMISSION BY THIS SUBTITLE, THE COMMISSION SHALL CONSIDER:

(1) EACH CONDITION OR FACT ABOUT SECURITY AND PROMPT PAYMENT OF COMPENSATION, INCLUDING:

(I) THE FINANCIAL STRENGTH OF THE EMPLOYER;

(II) THE NUMBER OF COVERED EMPLOYEES OF THE EMPLOYER;

(III) THE DEGREE OF HAZARD FOR COVERED EMPLOYEES OF THE EMPLOYER;

(IV) THE LIKELIHOOD THAT SEVERAL COVERED EMPLOYEES WILL BE INJURED OR KILLED IN THE SAME ACCIDENT; AND

(V) IF THE EMPLOYER WANTS TO USE AN AUTHORIZED INSURER, THE REPUTATION OF THE AUTHORIZED INSURER FOR FAIR AND PROMPT SETTLEMENT OF CLAIMS FOR COMPENSATION; AND

(2) EXCEPT FOR A PUBLIC SERVICE CORPORATION UNDER THE JURISDICTION OF THE PUBLIC SERVICE COMMISSION, EACH CONDITION OR FACT ABOUT PREVENTION OF ACCIDENTS, INCLUDING THE RELATIVE EFFECT OF EACH METHOD AUTHORIZED UNDER THIS SUBTITLE ON THE EMPLOYER AND COVERED EMPLOYEES OF THE EMPLOYER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 101, § 16A(e), except as it related to § 15, and the fifth sentence of (c).

In item (1)(iv) of this section, the former word "danger" is deleted as included in the word "likelihood".

In item (1)(v) of this section, the defined term "authorized insurer" is substituted for the former reference to any "insurance company or association", to conform to terminology used throughout this subtitle.

Also in item (1)(v) of this section, the former condition "without unreasonable resistance" is deleted as unnecessary in light of the conditions "fair and prompt".

Defined terms: "Authorized insurer" § 9-401

"Commission" § 9-101 "Compensation" § 9-101

"Covered employee" § 9-101

9-407. FAILURE TO INSURE.

(A) ORDER TO INSURE.