

MOVING VIOLATIONS WITHIN THE PRECEDING 36 MONTHS IF, BASED ON AN INVESTIGATION OF THE CIRCUMSTANCES OF ANY ACCIDENT, THE INSURER DETERMINES THAT 3-YEAR PERIOD FOR WHICH THE INSURED WAS THE PROXIMATE CAUSE OF THE ACCIDENT AT FAULT FOR THE ACCIDENTS;

(5) (V) SUBJECT TO § 27-606 OF THIS TITLE, THREE OR MORE MOVING VIOLATIONS AGAINST THE INSURED OR A COVERED DRIVER UNDER THE POLICY WITHIN THE PRECEDING 24-MONTH 2-YEAR PERIOD;

(6) (VI) SUBJECT TO § 27-606 OF THIS TITLE, CONVICTION OF THE NAMED INSURED OR A COVERED DRIVER UNDER THE POLICY OF ANY OF THE FOLLOWING:

(A) 1. DRIVING WHILE INTOXICATED OR IMPAIRED BY DRUGS;

(B) 2. HOMICIDE, ASSAULT, RECKLESS ENDANGERMENT, OR CRIMINAL NEGLIGENCE ARISING OUT OF THE OPERATION OF THE MOTOR VEHICLE; OR

(C) 3. USING THE MOTOR VEHICLE TO PARTICIPATE IN A FELONY; AND

(7) (VII) ANY OTHER STANDARD APPROVED BY THE COMMISSIONER THAT IS BASED ON FACTORS THAT ADVERSELY AFFECT THE LOSSES OR EXPENSES OF THE INSURER UNDER ITS APPROVED RATING PLAN AND FOR WHICH STATISTICAL VALIDATION IS UNAVAILABLE OR IS UNDULY BURDENSOME TO PRODUCE; AND

(VIII) ANY OTHER STANDARD SET FORTH IN REGULATIONS ADOPTED BY THE COMMISSIONER THAT IS FOUND TO BE REASONABLY RELATED TO THE INSURER'S ECONOMIC AND BUSINESS PURPOSES.

(2) AN INSURER IS NOT REQUIRED TO PRODUCE STATISTICAL VALIDATION THAT EXCLUDES AT FAULT ACCIDENTS OR THAT MAKES ANY DISTINCTION BETWEEN NOT AT FAULT ACCIDENTS AND AT FAULT ACCIDENTS IN ORDER TO SUSTAIN THE INSURER'S BURDEN OF PERSUASION UNDER SUBSECTION (C) OF THIS SECTION WITH RESPECT TO A CANCELLATION OR REFUSAL TO RENEW FOR A REASON THAT IS NOT LISTED IN THIS SUBSECTION.

(M) IN THE CASE OF COMMERCIAL INSURANCE OR INSURANCE ISSUED OR PROVIDED BY NONADMITTED INSURERS, AN INSURER IS NOT REQUIRED TO PRODUCE STATISTICAL VALIDATION OF ITS UNDERWRITING STANDARDS IN ORDER TO MEET ITS BURDEN OF PERSUASION UNDER THIS SECTION.

(N) (1) SUBJECT TO THE REQUIREMENTS OF THIS ARTICLE, IF AN INSURER CONSIDERS CLAIMS HISTORY FOR THE PURPOSES OF CANCELING OR REFUSING TO UNDERWRITE OR RENEW COVERAGE, THE INSURER MAY CONSIDER THE FOLLOWING FACTORS IN MITIGATION OF THE PROPOSED DECISION WITHOUT PRODUCING STATISTICAL VALIDATION:

(I) THE SEVERITY OF THE LOSSES;