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By: **Senator Astle**

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Committee Report: Favorable with amendments

Senate action: Adopted

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Insurance - Notice - Cancellation, Nonrenewal, and Premiums**

3 FOR the purpose of altering certain requirements relating to certain binders or  
 4 insurance policies; making certain binders or insurance policies subject to a  
 5 certain underwriting period; authorizing an insurer to cancel certain binders or  
 6 insurance policies under certain circumstances; altering certain requirements  
 7 for insurers to give notice in a certain manner of an intention to cancel or not to  
 8 renew; altering the time period in which an insurer is required to issue a policy  
 9 or provide notice of cancellation of a binder; altering certain requirements for  
 10 insurers to provide certain statements of the actual reasons for cancellation or  
 11 refusal to renew certain insurance policies; prohibiting the Maryland Insurance  
 12 Commissioner from disallowing certain proposed actions because of certain  
 13 deficiencies in a statement of reasons for cancellation or refusal to renew;  
 14 providing that certain information is privileged and does not constitute grounds  
 15 for an action against certain persons; ~~providing that an assignment or transfer~~  
 16 ~~of certain insurance policies is not a cancellation or nonrenewal under certain~~  
 17 ~~circumstances~~; altering certain requirements for notice relating to premium  
 18 amounts; requiring a reasonable estimate of a renewal policy premium under  
 19 certain circumstances; defining certain terms; providing for the application of  
 20 this Act; and generally relating to certain requirements relating to notice,  
 21 cancellation, nonrenewal, and premiums of insurance policies and binders.

22 BY repealing and reenacting, with amendments,  
 23 Article - Insurance  
 24 Section 12-106  
 25 Annotated Code of Maryland  
 26 (2003 Replacement Volume and 2004 Supplement)

1 BY repealing and reenacting, with amendments,  
 2 Article - Insurance  
 3 Section 27-601 through 27-603 and 27-605 through 27-609  
 4 Annotated Code of Maryland  
 5 (2002 Replacement Volume and 2004 Supplement)

6 BY adding to  
 7 Article - Insurance  
 8 Section 27-603, 27-605, 27-607, and 27-608  
 9 Annotated Code of Maryland  
 10 (2002 Replacement Volume and 2004 Supplement)

11 BY repealing  
 12 Article - Insurance  
 13 Section 27-604  
 14 Annotated Code of Maryland  
 15 (2002 Replacement Volume and 2004 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - Insurance**

19 12-106.

20 [(a) This section does not apply to life insurance or health insurance.]

21 (A) ~~(+)~~ THIS SECTION APPLIES ONLY TO ~~ANY A~~ BINDER OR POLICY, OTHER  
 22 THAN A RENEWAL POLICY, OF ~~PERSONAL PRIVATE PASSENGER~~ MOTOR VEHICLE,  
 23 HOMEOWNERS, OR COMMERCIAL PROPERTY INSURANCE OR LIABILITY INSURANCE.

24 ~~(2)~~ ~~THIS SECTION DOES NOT APPLY TO LIFE INSURANCE, HEALTH~~  
 25 ~~INSURANCE, OR WORKERS' COMPENSATION INSURANCE.~~

26 (B) A BINDER OR POLICY IS SUBJECT TO A 60-DAY UNDERWRITING PERIOD  
 27 BEGINNING ON THE EFFECTIVE DATE OF COVERAGE.

28 (C) AN INSURER MAY CANCEL A BINDER OR POLICY DURING THE  
 29 UNDERWRITING PERIOD IF THE RISK DOES NOT MEET THE UNDERWRITING  
 30 STANDARDS OF THE INSURER.

31 (D) AT THE TIME OF APPLICATION OR WHEN A BINDER OR POLICY IS  
 32 ~~DELIVERED~~ ISSUED, AN INSURER SHALL PROVIDE WRITTEN NOTICE OF ITS ABILITY  
 33 TO CANCEL A BINDER OR POLICY DURING THE UNDERWRITING PERIOD.

34 (E) A NOTICE OF CANCELLATION UNDER THIS SECTION SHALL:

- 1 (1) BE IN WRITING;
- 2 (2) HAVE AN EFFECTIVE DATE NOT LESS THAN 15 DAYS AFTER MAILING;
- 3 AND
- 4 (3) ~~INCLUDE THE REASONS~~ STATE THE INSURER'S ACTUAL REASON FOR  
5 THE CANCELLATION.
- 6 [(b)] (F) A binder or other contract for temporary insurance:
- 7 (1) may be made orally or in writing; and
- 8 (2) except as superseded by the clear and express terms of the binder, is  
9 considered to include:
- 10 (i) all the usual terms of the policy as to which the binder was  
11 given; and
- 12 (ii) the applicable endorsements designated in the binder.
- 13 [(c)] (G) A binder is no longer valid after the policy as to which it was given is  
14 issued.
- 15 [(d)] (H) (1) If a binder is given to a consumer borrower to satisfy a lender's  
16 requirement that the borrower obtain property insurance or credit loss insurance as a  
17 condition of making a loan secured by a first mortgage or first deed of trust on an  
18 interest in owner-occupied residential real property, the insurer or its insurance  
19 producer shall include in or with the binder:
- 20 (i) the name and address of the insured consumer borrower;
- 21 (ii) the name and address of the lender;
- 22 (iii) a description of the insured residential real property;
- 23 (iv) a provision that the binder may not be canceled within the term  
24 of the binder unless the lender and the insured borrower receive written notice at  
25 least ~~40~~ 15 days before the cancellation;
- 26 (v) except in the case of the renewal of a policy after the closing of  
27 a loan, a paid receipt for the full amount of the applicable premium; and
- 28 (vi) the amount of coverage.
- 29 (2) With respect to a binder given under this subsection, an insurer:
- 30 (i) if the binder is to be canceled, shall give the lender and the  
31 insured consumer borrower at least ~~40~~ 15 days' written notice before the cancellation;  
32 and

1 (ii) within [30] 60 days after the date the binder was given, shall  
 2 issue a policy of insurance or provide the required notice of cancellation of the binder.  
 3 27-601.

4 [(a) This section does not apply to policies of:

5 (1) life insurance;

6 (2) health insurance;

7 (3) motor vehicle liability insurance issued to a resident of a household  
 8 in the State as set forth in § 27-605 of this subtitle; or

9 (4) surety insurance.]

10 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
 11 INDICATED.

12 (B) (1) "COMMERCIAL INSURANCE" MEANS PROPERTY INSURANCE OR  
 13 CASUALTY INSURANCE ISSUED TO A SOLE PROPRIETOR, PARTNERSHIP,  
 14 CORPORATION, LIMITED LIABILITY COMPANY, OR SIMILAR ENTITY AND INTENDED  
 15 TO INSURE AGAINST LOSS ARISING FROM THE BUSINESS PURSUITS OF THE INSURED  
 16 ENTITY.

17 (2) "COMMERCIAL INSURANCE" DOES NOT INCLUDE:

18 (I) POLICIES ISSUED BY THE MARYLAND AUTOMOBILE  
 19 INSURANCE FUND;

20 (II) POLICIES ISSUED BY THE JOINT INSURANCE ASSOCIATION;

21 (III) WORKERS' COMPENSATION INSURANCE;

22 (IV) TITLE INSURANCE; OR

23 (V) PROFESSIONAL LIABILITY INSURANCE.

24 (C) (1) "PERSONAL INSURANCE" MEANS PROPERTY INSURANCE OR  
 25 CASUALTY INSURANCE ISSUED TO AN INDIVIDUAL, TRUST, ESTATE, OR SIMILAR  
 26 ENTITY THAT IS INTENDED TO INSURE AGAINST LOSS ARISING PRINCIPALLY FROM  
 27 THE PERSONAL, NONCOMMERCIAL ACTIVITIES OF THE INSURED.

28 (2) "PERSONAL INSURANCE" DOES NOT INCLUDE ~~PERSONAL;~~

29 (I) MOTOR VEHICLE LIABILITY INSURANCE ISSUED TO A  
 30 RESIDENT IN A HOUSEHOLD IN THE STATE AS PROVIDED IN POLICIES SUBJECT TO §  
 31 27-609 OF THIS SUBTITLE;

32 (II) POLICIES ISSUED BY THE MARYLAND AUTOMOBILE  
 33 INSURANCE FUND;

1                   (III)    POLICIES ISSUED BY THE JOINT INSURANCE ASSOCIATION; OR

2                   (IV)    SURETY INSURANCE.

3 27-602.

4       (A)    (1)    THIS SECTION APPLIES ONLY TO POLICIES OF PERSONAL  
5 INSURANCE.

6                   (2)    THIS SECTION DOES NOT APPLY TO:

7                           (Ⓐ)    ~~POLICIES OF COMMERCIAL INSURANCE, LIFE INSURANCE,~~  
8 ~~HEALTH INSURANCE, PERSONAL MOTOR VEHICLE LIABILITY INSURANCE ISSUED TO~~  
9 ~~A RESIDENT OF A HOUSEHOLD IN THE STATE AS PROVIDED IN § 27-609 OF THIS~~  
10 ~~SUBTITLE, OR SURETY INSURANCE;~~

11                           (Ⓑ)    ~~BINDERS OR~~ POLICIES IN EFFECT FOR 60 DAYS OR LESS, AS  
12 PROVIDED IN § 12-106 OF THIS ARTICLE;

13                           (Ⓒ)    ~~POLICIES ISSUED TO EXEMPT COMMERCIAL POLICYHOLDERS~~  
14 ~~UNDER § 11-206 OF THIS ARTICLE, IF THE POLICIES PROVIDE FOR WRITTEN NOTICE~~  
15 ~~OF NOT LESS THAN 30 DAYS; OR~~

16                           (Ⓓ)    ~~POLICIES ISSUED BY THE MARYLAND AUTOMOBILE~~  
17 ~~INSURANCE FUND.~~

18       (b)    (1)    Whenever an insurer, as required by subsection (c) of this section,  
19 gives notice of its intention to cancel or not to renew a policy subject to this section  
20 issued in the State or before an insurer cancels a policy subject to this section issued  
21 in the State for a reason other than nonpayment of premium, the insurer shall notify  
22 the insured of the possible right of the insured to replace the insurance under the  
23 Maryland Property Insurance Availability Act or through another plan for which the  
24 insured may be eligible.

25                   (2)    The notice required by paragraph (1) of this subsection must:

26                           (i)    be in writing;

27                           (ii)   contain the current address and telephone number of the offices  
28 of the appropriate plan; and

29                           (iii)   be sent to the insured in the same manner and at the same time  
30 as the first written notice of cancellation or of intention not to renew given or required  
31 by law, regulation, or contract.

32       (c)    (1)    At least 45 days before the date of the proposed cancellation or  
33 expiration of the policy, the insurer shall [cause to be sent] SEND to the insured, by  
34 certificate of mailing, a written notice of intention to cancel for a reason other than  
35 nonpayment of premium or notice of intention not to renew a policy issued in the  
36 State.

1 (2) Notice given to the insured by an insurance producer on behalf of the  
2 insurer is deemed to have been given by the insurer for purposes of this subsection.

3 (3) Notwithstanding paragraph (2) of this subsection, no notice is  
4 required under this section if the [insurance producer] INSURED has replaced the  
5 insurance.

6 (d) At least 10 days before the date an insurer proposes to cancel a policy for  
7 nonpayment of premium, the insurer shall [cause to be sent] SEND to the insured, by  
8 certificate of mailing, a written notice of intention to cancel for nonpayment of  
9 premium.

10 27-603.

11 (A) (1) THIS SECTION APPLIES ONLY TO POLICIES OF COMMERCIAL  
12 INSURANCE ~~OTHER THAN WORKERS' COMPENSATION INSURANCE.~~

13 (2) THIS SECTION DOES NOT APPLY TO:

14 (I) ~~POLICIES OF PERSONAL INSURANCE, LIFE INSURANCE,  
15 HEALTH INSURANCE, OR PERSONAL MOTOR VEHICLE LIABILITY INSURANCE ISSUED  
16 TO A RESIDENT OF A HOUSEHOLD IN THE STATE AS PROVIDED IN § 27-609 OF THIS  
17 SUBTITLE;~~

18 (II) ~~POLICIES ISSUED BY THE MARYLAND AUTOMOBILE  
19 INSURANCE FUND;~~

20 (III) ~~POLICIES IN EFFECT FOR 60 DAYS OR LESS, AS PROVIDED IN §  
21 12-106 OF THIS ARTICLE; OR~~

22 (IV) (II) POLICIES ISSUED TO EXEMPT COMMERCIAL  
23 POLICYHOLDERS UNDER § 11-206 OF THIS ARTICLE, IF THE POLICIES PROVIDE FOR  
24 WRITTEN NOTICE OF NOT LESS THAN 30 DAYS OF THE INSURER'S INTENT TO CANCEL  
25 OR NONRENEW.

26 (B) (1) WHENEVER AN INSURER GIVES NOTICE OF ITS INTENTION TO  
27 CANCEL OR NOT TO RENEW A POLICY ISSUED IN THIS STATE FOR A REASON OTHER  
28 THAN NONPAYMENT OF PREMIUM, THE INSURER SHALL NOTIFY THE INSURED OF  
29 THE POSSIBLE RIGHT TO REPLACE THE INSURANCE UNDER THE MARYLAND  
30 PROPERTY INSURANCE AVAILABILITY ACT, THROUGH THE MARYLAND AUTOMOBILE  
31 INSURANCE FUND, OR THROUGH ANOTHER PLAN FOR WHICH THE INSURED MAY BE  
32 ELIGIBLE.

33 (2) THE NOTICE REQUIRED BY PARAGRAPH (1) OF THIS SUBSECTION  
34 SHALL:

35 (I) BE IN WRITING;

1 (II) INCLUDE THE CURRENT ADDRESS AND TELEPHONE NUMBER  
2 OF THE OFFICES OF THE JOINT INSURANCE ASSOCIATION, THE MARYLAND  
3 AUTOMOBILE INSURANCE FUND, OR OTHER APPROPRIATE PLAN; AND

4 (III) BE SENT TO THE INSURED IN THE SAME MANNER AND AT THE  
5 SAME TIME AS THE FIRST WRITTEN NOTICE OF CANCELLATION OR OF INTENTION  
6 NOT TO RENEW THAT IS GIVEN OR REQUIRED BY LAW, REGULATION, OR CONTRACT.

7 (C) (1) AT LEAST 45 DAYS BEFORE THE DATE OF THE PROPOSED  
8 CANCELLATION OR EXPIRATION OF THE POLICY, THE INSURER SHALL SEND TO THE  
9 INSURED, BY CERTIFICATE OF MAILING, WRITTEN NOTICE OF INTENTION TO  
10 CANCEL FOR A REASON OTHER THAN NONPAYMENT OF PREMIUM OR NOTICE OF  
11 INTENTION NOT TO RENEW A POLICY ISSUED IN THE STATE.

12 (2) THE INSURER SHALL MAINTAIN PROOF OF MAILING IN A FORM  
13 AUTHORIZED OR ACCEPTED BY THE UNITED STATES POSTAL SERVICE OR OTHER  
14 COMMERCIAL MAIL DELIVERY SERVICE.

15 (3) NOTICE GIVEN TO THE INSURED BY AN INSURANCE PRODUCER ON  
16 BEHALF OF THE INSURER IS DEEMED TO HAVE BEEN GIVEN BY THE INSURER FOR  
17 THE PURPOSES OF THIS SUBSECTION.

18 (4) NO NOTICE IS REQUIRED UNDER THIS SUBSECTION IF THE INSURED  
19 HAS REPLACED THE INSURANCE.

20 (D) AT LEAST 10 DAYS BEFORE THE DATE AN INSURER PROPOSES TO CANCEL  
21 A POLICY FOR NONPAYMENT OF PREMIUM, THE INSURER SHALL SEND TO THE  
22 INSURED, BY CERTIFICATE OF MAILING, A WRITTEN NOTICE OF INTENTION TO  
23 CANCEL FOR NONPAYMENT OF PREMIUM.

24 (E) (1) IF AN INSURER PROVIDES A RENEWAL POLICY AND NOTICE OF  
25 PREMIUM DUE TO AN INSURED AT LEAST 45 DAYS BEFORE THE RENEWAL DATE OF  
26 THE POLICY AND THE INSURED FAILS TO MAKE THE REQUIRED PAYMENT BY THE  
27 RENEWAL DATE, THE INSURER MAY TERMINATE THE POLICY ON THE RENEWAL  
28 DATE FOR NONPAYMENT OF PREMIUM AFTER SENDING TO THE INSURED, BY  
29 CERTIFICATE OF MAILING, A WRITTEN OFFER TO REINSTATE THE RENEWAL POLICY  
30 WITHOUT LAPSE IN COVERAGE.

31 (2) AN OFFER TO REINSTATE UNDER THIS SUBSECTION SHALL PROVIDE  
32 NOT LESS THAN 10 DAYS FOR THE INSURED TO MAKE THE REQUIRED PREMIUM  
33 PAYMENT.

34 [27-602.] 27-604.

35 [(a) In this section, "applicant" means the person that seeks to purchase a  
36 renewal policy or to reinstate a canceled policy.

37 (b) (1) This section applies to the Maryland Property Insurance Availability  
38 Act and to any other plans that may be instituted to ensure availability of insurance,  
39 unless expressly excluded.

1 (2) This section does not apply to policies of:

- 2 (i) life insurance;
- 3 (ii) health insurance;
- 4 (iii) motor vehicle liability insurance; or
- 5 (iv) surety insurance.]

6 (A) (1) THIS SECTION APPLIES ONLY TO POLICIES OF PERSONAL  
7 INSURANCE AND INSURANCE ISSUED UNDER THE MARYLAND PROPERTY  
8 INSURANCE AVAILABILITY ACT OR ANY SIMILAR ACT INSTITUTED TO ENSURE THE  
9 AVAILABILITY OF INSURANCE.

10 (2) THIS SECTION DOES NOT APPLY TO:

11 ~~(I) POLICIES OF COMMERCIAL INSURANCE, LIFE INSURANCE,~~  
12 ~~HEALTH INSURANCE, PERSONAL MOTOR VEHICLE LIABILITY INSURANCE ISSUED TO~~  
13 ~~A RESIDENT OF A HOUSEHOLD IN THE STATE AS PROVIDED IN § 27-609 OF THIS~~  
14 ~~SUBTITLE, OR SURETY INSURANCE;~~

15 ~~(II) BINDERS OR POLICIES IN EFFECT FOR 60 DAYS OR LESS, AS~~  
16 ~~PROVIDED IN § 12-106 OF THIS ARTICLE;~~

17 ~~(III) POLICIES ISSUED TO EXEMPT COMMERCIAL POLICYHOLDERS~~  
18 ~~UNDER § 11-206 OF THIS ARTICLE, IF THE POLICIES PROVIDE FOR WRITTEN NOTICE~~  
19 ~~OF NOT LESS THAN 30 DAYS; OR~~

20 ~~(IV) POLICIES ISSUED BY THE MARYLAND AUTOMOBILE~~  
21 ~~INSURANCE FUND.~~

22 [(c)] (B) (1) Whenever an insurer cancels or refuses to renew a policy  
23 subject to this section, the insurer must provide to the [applicant] FIRST NAMED  
24 INSURED a statement of the actual reason for the cancellation or refusal to renew [if  
25 the authorized premium has been tendered or paid].

26 [(2) Paragraph (1) of this subsection applies to the cancellation of or  
27 refusal to renew a binder that has been in effect for at least 15 days or an actual  
28 policy that has been issued.]

29 (2) THE COMMISSIONER MAY NOT DISALLOW A PROPOSED ACTION OF  
30 AN INSURER BECAUSE THE STATEMENT OF ACTUAL REASON CONTAINS:

31 (I) GRAMMATICAL, TYPOGRAPHICAL, OR OTHER ERRORS, IF THE  
32 ERRORS ARE NOT MATERIAL TO THE PROPOSED ACTION AND ARE NOT MISLEADING;

33 (II) SURPLUS INFORMATION, IF THE SURPLUS INFORMATION IS  
34 NOT MISLEADING; OR

1 (III) ERRONEOUS INFORMATION, IF IN THE ABSENCE OF THE  
 2 ERRONEOUS INFORMATION THERE IS A SUFFICIENT BASIS TO SUPPORT THE  
 3 PROPOSED ACTION.

4 [(d)] (C) A statement of actual reason is privileged and does not constitute  
 5 grounds for an action against the insurer, its representatives, or another person that  
 6 in good faith provides to the insurer information on which the statement is based.

7 [(e)] (D) (1) The reason given in the statement of actual reason ~~must~~ SHALL  
 8 be [sufficiently] clear and specific [so that an applicant of reasonable intelligence  
 9 can identify the basis for the insurer's decision without making further inquiry].

10 (2) The use of generalized terms such as "personal habits", "physical  
 11 handicap or disability", "living conditions", "poor morals", or "violation or accident  
 12 record" does not meet the requirement of this subsection.

13 27-605.

14 (A) (1) THIS SECTION APPLIES ONLY TO POLICIES OF COMMERCIAL  
 15 INSURANCE ~~OTHER THAN WORKERS' COMPENSATION INSURANCE.~~

16 (2) THIS SECTION DOES NOT APPLY TO:

17 (I) ~~POLICIES OF PERSONAL INSURANCE, PERSONAL MOTOR~~  
 18 ~~VEHICLE LIABILITY INSURANCE ISSUED TO A RESIDENT IN A HOUSEHOLD IN THIS~~  
 19 ~~STATE AS PROVIDED IN § 27-609 OF THIS SUBTITLE, LIFE INSURANCE, HEALTH~~  
 20 ~~INSURANCE, OR SURETY INSURANCE;~~

21 ~~(II) BINDERS OR~~ POLICIES IN EFFECT FOR 60 DAYS OR LESS, AS  
 22 PROVIDED IN § 12-106 OF THIS ARTICLE; OR

23 ~~(III)~~ (II) POLICIES ISSUED TO EXEMPT COMMERCIAL  
 24 POLICYHOLDERS UNDER § 11-206 OF THIS ARTICLE, IF THE POLICIES PROVIDE FOR  
 25 WRITTEN NOTICE OF NOT LESS THAN 30 DAYS OF THE INSURER'S INTENT TO CANCEL  
 26 OR NONRENEW; ~~OR~~

27 ~~(IV) POLICIES ISSUED BY THE MARYLAND AUTOMOBILE~~  
 28 ~~INSURANCE FUND.~~

29 (B) (1) WHENEVER AN INSURER CANCELS OR REFUSES TO RENEW A POLICY  
 30 SUBJECT TO THIS SECTION FOR A REASON OTHER THAN NONPAYMENT OF PREMIUM,  
 31 THE INSURER MUST PROVIDE TO THE FIRST NAMED INSURED A WRITTEN  
 32 STATEMENT OF THE ACTUAL REASON FOR THE CANCELLATION OR REFUSAL TO  
 33 RENEW.

34 (2) THE REASON GIVEN IN THE STATEMENT OF ACTUAL REASON SHALL  
 35 BE CLEAR AND SPECIFIC.

36 ~~(3)~~ (3) THE STATEMENT SHALL INCLUDE THE INSURER'S OFFER TO  
 37 PROVIDE ADDITIONAL INFORMATION IN SUPPORT OF THE PROPOSED ACTION UPON

1 THE WRITTEN REQUEST OF THE INSURED AND AN ADDRESS FOR THE INSURED TO  
2 SUBMIT THE REQUEST.

3 ~~(3)~~ (4) A WRITTEN REQUEST FOR INFORMATION UNDER THIS  
4 SUBSECTION SHALL BE SENT NOT MORE THAN 30 DAYS FROM THE DATE OF THE  
5 NOTICE CONTAINING THE ACTUAL REASON.

6 ~~(4)~~ (5) ON RECEIVING A WRITTEN REQUEST FROM AN INSURED FOR  
7 ADDITIONAL INFORMATION UNDER THIS SUBSECTION AND PRIOR TO THE  
8 EFFECTIVE DATE OF THE PROPOSED ACTION, AN INSURER SHALL RESPOND IN  
9 WRITING WITHIN 15 DAYS.

10 ~~(5)~~ (6) EXCEPT AS PROVIDED IN § 27-501 OF THIS ARTICLE, A REQUEST  
11 FOR ADDITIONAL INFORMATION UNDER THIS SECTION DOES NOT STAY THE  
12 PROPOSED ACTION.

13 (C) THE COMMISSIONER MAY NOT DISALLOW A PROPOSED ACTION OF AN  
14 INSURER BECAUSE THE STATEMENT OF ACTUAL REASON CONTAINS:

15 (1) GRAMMATICAL ~~ERRORS~~, TYPOGRAPHICAL ~~ERRORS~~, OR OTHER  
16 ERRORS, IF THE ERRORS ARE NOT MATERIAL TO THE PROPOSED ACTION AND ARE  
17 NOT MISLEADING;

18 (2) SURPLUS INFORMATION, IF THE SURPLUS INFORMATION IS NOT  
19 MISLEADING; OR

20 (3) ERRONEOUS INFORMATION, IF IN THE ABSENCE OF THE  
21 ERRONEOUS INFORMATION THERE IS A SUFFICIENT BASIS TO SUPPORT THE  
22 PROPOSED ACTION.

23 (D) INFORMATION CONCERNING THE ACTUAL REASON IS PRIVILEGED AND  
24 DOES NOT CONSTITUTE GROUNDS FOR AN ACTION AGAINST THE INSURER, THE  
25 INSURER'S REPRESENTATIVES, AN INSURANCE PRODUCER, OR ANY OTHER PERSON  
26 THAT IN GOOD FAITH PROVIDES INFORMATION ON WHICH THE STATEMENT IS  
27 BASED.

28 ~~(E) FOR PURPOSES OF THIS SECTION, AN ASSIGNMENT OR TRANSFER OF AN~~  
29 ~~INSURANCE POLICY SUBJECT TO THIS SECTION TO AN AFFILIATED INSURER WITHIN~~  
30 ~~AN INSURANCE HOLDING COMPANY SYSTEM MAY NOT BE DEEMED A CANCELLATION~~  
31 ~~OR NONRENEWAL.~~

32 [27-603.] 27-606.

33 (a) (1) Except for life insurance, health insurance, and annuities, an insurer  
34 that intends to cancel or not renew a line of business shall file a plan of withdrawal  
35 with the Commissioner at least 180 days before the date of the proposed withdrawal.

36 (2) Notwithstanding paragraph (1) of this subsection, the Commissioner  
37 may allow an insurer to file a plan of withdrawal at least 60 days before the date of

1 proposed withdrawal if the Commissioner determines that compliance by the insurer  
2 with paragraph (1) of this subsection may result in:

- 3 (i) the impairment of the insurer;
- 4 (ii) the loss of or substantial changes in applicable reinsurance; or
- 5 (iii) significant financial losses to the insurer.

6 (3) For health insurance:

7 (i) an insurer that intends to cancel or not renew a health  
8 insurance product, as defined by the Commissioner, for all of its covered insureds in  
9 the State shall file a plan of withdrawal with the Commissioner at least 90 days  
10 before the date of the proposed cancellation or nonrenewal; and

11 (ii) an insurer that intends to withdraw completely from the health  
12 insurance market in the State by canceling or not renewing all of its health insurance  
13 products in the State shall file a plan of withdrawal with the Commissioner at least  
14 180 days before the date of the proposed withdrawal.

15 (b) The plan of withdrawal shall contain:

16 (1) a statement by an elected officer of the insurer that the cancellation  
17 or nonrenewal action is necessary as a result of:

- 18 (i) the loss of or substantial changes in applicable reinsurance;
- 19 (ii) financial losses of the insurer; or
- 20 (iii) another business or economic reason of the insurer;

21 (2) if the reason for cancellation or nonrenewal is loss of or substantial  
22 changes in reinsurance, a statement that explains:

23 (i) that the insurer made a good faith effort to obtain replacement  
24 reinsurance, but was unable to do so due to either the unavailability or  
25 unaffordability of replacement reinsurance;

26 (ii) how the loss of or reduction in reinsurance affects the insurer's  
27 risks throughout the entire line or category of insurance proposed for cancellation or  
28 nonrenewal; and

29 (iii) why cancellation or nonrenewal is necessary to cure the loss of  
30 or reduction in available reinsurance; and

31 (3) notwithstanding the reason for cancellation or nonrenewal, a  
32 statement that:

1 (i) identifies the category of risk, the total number of risks written  
2 by the insurer in that line of business, and the number of risks intended to be  
3 canceled or not renewed;

4 (ii) explains how the cancellation or nonrenewals, if approved, will  
5 be implemented with respect to individual risks and the steps that will be taken to  
6 ensure that the cancellation or nonrenewal decisions will not be applied in an  
7 arbitrary, capricious, or unfairly discriminatory manner or in violation of § 27-501 of  
8 this title; and

9 (iii) includes any other information that the Commissioner  
10 reasonably requires.

11 (c) If a plan of withdrawal filed with the Commissioner is not accompanied by  
12 the information required by this section, the Commissioner may so inform the insurer  
13 and the plan of withdrawal will be deemed filed when the information is provided to  
14 the Commissioner.

15 (d) After an insurer has filed a plan of withdrawal with the Commissioner, the  
16 insurer shall notify in writing each of its insurance producers in the State that the  
17 insurer has filed a plan of withdrawal.

18 (e) The Commissioner shall review each plan of withdrawal to determine its  
19 compliance with this section and § 27-501 of this title.

20 (f) (1) (i) The Commissioner shall disapprove each plan of withdrawal  
21 that does not comply with this section.

22 (ii) If the Commissioner disapproves a plan, the Commissioner  
23 shall issue an order of disapproval that includes specific reasons for the disapproval.

24 (2) (i) Subject to paragraph (3) of this subsection, a plan filed under  
25 this section is deemed approved if the Commissioner fails to approve or disapprove  
26 the plan within 60 days after the date of filing by the insurer.

27 (ii) If a filing is deemed approved under this paragraph, the filing  
28 becomes effective on the 60th day after the date of filing.

29 (3) If the Commissioner does not have sufficient information to  
30 determine whether a filing or amended filing meets the requirements of this section,  
31 the Commissioner:

32 (i) shall require the insurer to provide the necessary information;  
33 and

34 (ii) may extend the period for approval until the information is  
35 provided.

36 (4) A plan may be withdrawn or amended by the insurer at any time  
37 before approval.

1 (5) After approval or disapproval of a plan, the withdrawal or  
2 amendment of the plan is subject to the approval of the Commissioner.

3 (g) The Commissioner may disapprove a plan of withdrawal for health  
4 insurance if an insurer, nonprofit health service plan, or health maintenance  
5 organization has failed to demonstrate compliance with § 15-1212 or § 15-1308 of  
6 this article.

7 [27-604.

8 (a) This section does not apply to:

9 (1) life insurance;

10 (2) health insurance;

11 (3) motor vehicle liability insurance issued to a resident of a household  
12 in the State as set forth in § 27-605 of this subtitle;

13 (4) surety insurance;

14 (5) insurance written or issued by the Maryland Automobile Insurance  
15 Fund; or

16 (6) an insurer that satisfies the Commissioner that it cannot reasonably  
17 comply with the notice requirement in connection with certain risks or lines of  
18 business.

19 (b) Whenever an insurer intends to increase a premium for a particular policy  
20 written in the State by 20% or more, the insurer shall notify the insured and  
21 insurance producer of the increase.

22 (c) The notice shall be sent by first-class mail to the insured and insurance  
23 producer at least 45 days before the effective date of the proposed premium increase.]

24 27-607.

25 (A) ~~(1)~~ THIS SECTION APPLIES ONLY TO POLICIES OF PERSONAL  
26 INSURANCE AND INSURANCE ISSUED UNDER THE MARYLAND PROPERTY  
27 INSURANCE AVAILABILITY ACT OR ANY SIMILAR ACT INSTITUTED TO ENSURE THE  
28 AVAILABILITY OF INSURANCE.

29 ~~(2)~~ THIS SECTION DOES NOT APPLY TO:

30 ~~(1)~~ ~~POLICIES OF COMMERCIAL INSURANCE, LIFE INSURANCE,~~  
31 ~~HEALTH INSURANCE, PERSONAL MOTOR VEHICLE LIABILITY INSURANCE ISSUED TO~~  
32 ~~A RESIDENT OF A HOUSEHOLD IN THE STATE AS PROVIDED IN § 27-609 OF THIS~~  
33 ~~SUBTITLE, OR SURETY INSURANCE;~~

1                   ~~(II)     POLICIES ISSUED TO EXEMPT COMMERCIAL POLICYHOLDERS~~  
2 ~~UNDER § 11-206 OF THIS ARTICLE, IF THE POLICIES PROVIDE FOR WRITTEN NOTICE~~  
3 ~~OF NOT LESS THAN 30 DAYS; OR~~

4                   ~~(III)    POLICIES ISSUED BY THE MARYLAND AUTOMOBILE~~  
5 ~~INSURANCE FUND.~~

6       (B)       AT LEAST 45 DAYS PRIOR TO THE RENEWAL DATE OF A POLICY SUBJECT  
7 TO THIS SECTION, THE INSURER SHALL SEND A NOTICE TO THE FIRST NAMED  
8 INSURED AND THE INSURANCE PRODUCER, IF ANY, BY FIRST-CLASS MAIL STATING  
9 BOTH THE AMOUNT OF THE RENEWAL POLICY PREMIUM AND THE AMOUNT OF THE  
10 EXPIRING POLICY PREMIUM.

11 27-608.

12       (A)       ~~(+)     THIS SECTION APPLIES ONLY TO POLICIES OF COMMERCIAL~~  
13 ~~INSURANCE OTHER THAN WORKERS' COMPENSATION INSURANCE.~~

14               ~~(2)     THIS SECTION DOES NOT APPLY TO POLICIES OF PERSONAL~~  
15 ~~INSURANCE OR PERSONAL MOTOR VEHICLE LIABILITY INSURANCE ISSUED TO A~~  
16 ~~RESIDENT IN A HOUSEHOLD IN THIS STATE AS PROVIDED IN § 27-609 OF THIS~~  
17 ~~SUBTITLE.~~

18       (B)       ~~(+)~~     UNLESS AN INSURER HAS GIVEN NOTICE OF ITS INTENTION NOT TO  
19 RENEW A POLICY SUBJECT TO THIS SECTION, IF THE INSURER SEEKS TO INCREASE  
20 THE RENEWAL POLICY PREMIUM BY 20% OR MORE, THE INSURER SHALL SEND A  
21 NOTICE TO THE FIRST NAMED INSURED AND INSURANCE PRODUCER, IF ANY, NOT  
22 LESS THAN 45 DAYS PRIOR TO THE RENEWAL DATE OF THE POLICY.

23       (C)       A NOTICE UNDER THIS SECTION SHALL INCLUDE:

24               (1)     BOTH THE EXPIRING POLICY PREMIUM AND THE RENEWAL POLICY  
25 PREMIUM; AND

26               (2)     THE TELEPHONE NUMBER FOR THE INSURER OR INSURANCE  
27 PRODUCER, IF ANY, TOGETHER WITH A STATEMENT THAT THE INSURED MAY CALL  
28 TO REQUEST ADDITIONAL INFORMATION ABOUT THE PREMIUM INCREASE.

29       (D)       (1)     IF AN INSURER'S RATING METHODOLOGY REQUIRES THE INSURED  
30 TO PROVIDE INFORMATION TO CALCULATE THE RENEWAL POLICY PREMIUM, AN  
31 INSURER SHALL PROVIDE A REASONABLE ESTIMATE OF THE RENEWAL POLICY  
32 PREMIUM IF:

33                   (I)     THE INSURER HAS REQUESTED THE REQUIRED INFORMATION  
34 FROM THE INSURED; AND

35                   (II)    THE INSURER HAS NOT RECEIVED THE REQUESTED  
36 INFORMATION.

1 (2) A REASONABLE ESTIMATE UNDER THIS SUBSECTION SHALL BE  
2 BASED UPON THE INFORMATION AVAILABLE TO THE INSURER AT THE TIME THE  
3 NOTICE IS SENT.

4 (E) IN DETERMINING THE AMOUNT OF A PREMIUM INCREASE UNDER THIS  
5 SECTION, THE INSURER IS NOT REQUIRED TO INCLUDE PREMIUM RESULTING FROM:

6 (1) AN INCREASE IN THE UNITS OF EXPOSURE;

7 (2) THE APPLICATION OF AN EXPERIENCE RATING PLAN;

8 (3) THE APPLICATION OF A RETROSPECTIVE RATING PLAN;

9 (4) A CHANGE MADE BY THE INSURED THAT INCREASES THE INSURER'S  
10 EXPOSURE; OR

11 (5) AN AUDIT OF THE INSURED.

12 (F) (1) EXCEPT AS PROVIDED IN THIS SUBSECTION, A NOTICE REQUIRED  
13 UNDER THIS SECTION SHALL BE SENT BY CERTIFICATE OF MAILING.

14 (2) A NOTICE REQUIRED BY THIS SECTION MAY BE SENT BY  
15 FIRST-CLASS MAIL IF IT IS SENT TOGETHER WITH THE RENEWAL POLICY.

16 [27-605.] 27-609.

17 (a) In this section, "increase in premium" and "premium increase" include an  
18 increase in the premium for any coverage on a policy due to:

19 (1) a surcharge;

20 (2) retiring or other reclassification of an insured; or

21 (3) removal or reduction of a discount.

22 (b) (1) Except in accordance with this article, with respect to a policy of  
23 motor vehicle liability insurance or a binder of motor vehicle liability insurance, if the  
24 binder has been in effect for at least ~~45~~ 60 days, issued in the State to any resident of  
25 the household of the named insured, an insurer other than the Maryland Automobile  
26 Insurance Fund may not:

27 (i) cancel or fail to renew the policy or binder for a reason other  
28 than nonpayment of premium;

29 (ii) increase a premium for any coverage on the policy; or

30 (iii) reduce coverage under the policy.

31 (2) Notwithstanding paragraph (1) of this subsection, the requirements  
32 of this section do not apply if:

- 1 (i) the premium increase described in paragraph (1)(ii) of this  
2 subsection is part of a general increase in premiums approved by the Commissioner  
3 and does not result from a reclassification of the insured;
- 4 (ii) the reduction in coverage described in paragraph (1)(iii) of this  
5 subsection is part of a general reduction in coverage approved by the Commissioner or  
6 satisfies the requirements of Title 19, Subtitle 5 of this article; or
- 7 (iii) the failure to renew the policy takes place under a plan of  
8 withdrawal that:
- 9 1. is approved by the Commissioner under ~~§ 27-603~~ § 27-606  
10 of this subtitle; and
- 11 2. provides that each insured affected by the plan of  
12 withdrawal shall be sent by certificate of mailing at least 45 days before the  
13 nonrenewal of the policy a written notice that states the date that the policy will be  
14 nonrenewed and that the nonrenewal is the result of the withdrawal of the insurer  
15 from the market.
- 16 (c) (1) At least 45 days before the proposed effective date of the action, an  
17 insurer that intends to take an action subject to this section must send written notice  
18 of its proposed action to the insured at the last known address of the insured:
- 19 (i) for notice of cancellation or nonrenewal, by certified mail; and
- 20 (ii) for all other notices of actions subject to this section, by  
21 certificate of mailing.
- 22 (2) The notice must be in triplicate and on a form approved by the  
23 Commissioner.
- 24 (3) The notice must state in clear and specific terms:
- 25 (i) the proposed action to be taken, including:
- 26 1. for a premium increase, the amount of the increase and  
27 the type of coverage to which it is applicable; and
- 28 2. for a reduction in coverage, the type of coverage reduced  
29 and the extent of the reduction;
- 30 (ii) the proposed effective date of the action;
- 31 (iii) subject to paragraph (4) of this subsection, the actual reason of  
32 the insurer for proposing to take the action;
- 33 (iv) if there is coupled with the notice an offer to continue or renew  
34 the policy in accordance with ~~§ 27-606~~ § 27-610 of this subtitle;



1 (ii) The use of generalized terms such as "personal habits", "living  
2 conditions", "poor morals", or "violation or accident record" does not meet the  
3 requirements of this paragraph.

4 (iii) The Commissioner may not disallow a proposed action of an  
5 insurer because the statement of actual reason contains:

6 1. ~~grammatical errors, typographical errors,~~  
7 ~~TYPOGRAPHICAL~~, or other errors ~~provided that, IF~~ the errors are ~~nonmaterial and~~  
8 NOT MATERIAL TO THE PROPOSED ACTION AND ARE not misleading; ~~or~~

9 2. surplus information, ~~provided that IF~~ the surplus  
10 information is ~~nonmaterial and~~ not misleading; OR

11 3. ERRONEOUS INFORMATION, IF IN THE ABSENCE OF THE  
12 ERRONEOUS INFORMATION THERE IS A SUFFICIENT BASIS TO SUPPORT THE  
13 PROPOSED ACTION.

14 (d) At least 10 days before the date an insurer proposes to cancel a policy for  
15 nonpayment of premium, the insurer shall cause to be sent to the insured, by  
16 certificate of mailing, a written notice of intention to cancel for nonpayment of  
17 premium.

18 (e) A statement of actual reason contained in the notice given under  
19 subsection (c) of this section is privileged and does not constitute grounds for an  
20 action against the insurer, its representatives, or another person that in good faith  
21 provides to the insurer information on which the statement is based.

22 (f) (1) This subsection does not apply to an action of an insurer taken under  
23 subsection (d) of this section.

24 (2) An insured may protest a proposed action of the insurer under this  
25 section by signing two copies of the notice and sending them to the Commissioner  
26 within 30 days after the mailing date of the notice.

27 (3) On receipt of a protest, the Commissioner shall notify the insurer of  
28 the filing of the protest.

29 (4) Except for a premium increase of 15% or less for the entire policy, a  
30 protest filed with the Commissioner stays the proposed action of the insurer pending  
31 a final determination by the Commissioner.

32 (5) (i) Except for a premium increase of 15% or less for the entire  
33 policy, the insurer shall maintain in effect the same coverage and premium that were  
34 in effect on the day the notice of proposed action was sent to the insured until a final  
35 determination is made, subject to the payment of any authorized premium due or  
36 becoming due before the determination.

1 (ii) In the case of a premium increase, a dismissal of the protest or  
2 disallowance of the premium increase is deemed to be a final determination of the  
3 Commissioner 20 days after the mailing date of the Commissioner's notice of action.

4 (g) (1) Based on the information contained in the notice, the Commissioner:

5 (i) shall determine whether the protest by the insured has merit;  
6 and

7 (ii) either shall dismiss the protest or disallow the proposed action  
8 of the insurer.

9 (2) The Commissioner shall notify the insurer and the insured of the  
10 action of the Commissioner promptly in writing.

11 (3) Subject to paragraph (4) of this subsection, within 30 days after the  
12 mailing date of the Commissioner's notice of action, the aggrieved party may request  
13 a hearing.

14 (4) Except in the case of a premium increase of 15% or less for the entire  
15 policy the Commissioner shall:

16 (i) hold a hearing within a reasonable time after the request for a  
17 hearing; and

18 (ii) give written notice of the time and place of the hearing at least  
19 10 days before the hearing.

20 (5) A hearing held under this subsection shall be conducted in  
21 accordance with Title 10, Subtitle 2 of the State Government Article.

22 (6) At the hearing the insurer has the burden of proving its proposed  
23 action to be justified and, in doing so, may rely only on the reasons set forth in its  
24 notice to the insured.

25 (h) (1) The Commissioner shall issue an order within 30 days after the  
26 conclusion of the hearing.

27 (2) If the Commissioner finds the proposed action of the insurer to be  
28 justified, the Commissioner shall:

29 (i) dismiss the protest; and

30 (ii) allow the proposed action to be taken on the later of:

31 1. its proposed effective date; and

32 2. 30 days after the date of the determination.

33 (3) If the Commissioner finds the proposed action to be unjustified, the  
34 Commissioner:

1 (i) shall disallow the action; and

2 (ii) may order the insurer to pay reasonable attorney fees incurred  
3 by the insured for representation at the hearing as the Commissioner considers  
4 appropriate.

5 (i) The Commissioner may delegate the powers and duties of the  
6 Commissioner under this section to one or more employees or hearing examiners.

7 (j) (1) If the Commissioner disallows a premium increase of 15% or less for  
8 the entire policy, the insurer, within 30 days after the disallowance, shall:

9 (i) return to the insured all disallowed premium received from the  
10 insured; and

11 (ii) pay to the insured interest on the disallowed premium received  
12 from the insured calculated at 10% per annum from the date the disallowed premium  
13 was received to the date the disallowed premium was returned.

14 (2) If an insurer fails to return any disallowed premium or fails to pay  
15 interest to an insured in violation of paragraph (1) of this subsection, the insurer is in  
16 violation of this article and subject to the penalties under § 4-113(d) of this article.

17 (k) A party to a proceeding under this section may appeal the decision of the  
18 Commissioner in accordance with § 2-215 of this article.

19 (l) The Commissioner may adopt regulations that exclude from the  
20 requirements of this section certain types of premium increases, except for premium  
21 increases due to:

22 (1) an accident;

23 (2) a violation of the Maryland vehicle law or the vehicle law of another  
24 state;

25 (3) the claims history of the insured;

26 (4) the credit history or the credit score of the insured;

27 (5) a retiring of the insured; or

28 (6) a surcharge.

29 [27-606.] 27-610.

30 (a) (1) This subsection applies to ~~an automobile~~ A PRIVATE PASSENGER  
31 MOTOR VEHICLE liability insurance policy issued in the State to a resident of a  
32 household, under which more than one individual is insured.

33 (2) If an insurer is authorized under this article to cancel, nonrenew, or  
34 increase the premiums on a policy of ~~automobile~~ PRIVATE PASSENGER MOTOR

1 VEHICLE liability insurance subject to this subsection because of the claim experience  
 2 or driving record of one or more but less than all of the individuals insured under the  
 3 policy, the insurer, instead of cancellation, nonrenewal, or premium increase, shall  
 4 offer to continue or renew the insurance, but to exclude all coverage when a motor  
 5 vehicle is operated by the specifically named excluded individual or individuals whose  
 6 claim experience or driving record could have justified the cancellation, nonrenewal,  
 7 or premium increase.

8 (b) If an insurer legally could refuse to issue a policy of ~~automobile~~ PRIVATE  
 9 PASSENGER MOTOR VEHICLE liability insurance under which more than one  
 10 individual is insured because of the claim experience or driving record of one or more  
 11 but less than all of the individuals applying to be insured under the policy, the insurer  
 12 may issue the policy but exclude all coverage when a motor vehicle is operated by the  
 13 specifically named excluded individual or individuals whose claim experience or  
 14 driving record could have justified the refusal to issue.

15 (c) The policy described in subsection (a) or (b) of this section may be endorsed  
 16 to exclude specifically all coverage for any of the following when the named excluded  
 17 driver is operating a motor vehicle covered under the policy whether or not that  
 18 operation or use was with the express or implied permission of an individual insured  
 19 under the policy:

20 (1) the excluded operator or user;

21 (2) the vehicle owner;

22 (3) family members residing in the household of the excluded operator or  
 23 user or vehicle owner; and

24 (4) any other individual, except for the coverage required by §§ 19-505  
 25 and 19-509 of this article if that coverage is not available under another automobile  
 26 policy.

27 (d) The premiums charged on a policy that excludes a named driver or drivers  
 28 under this section may not reflect the claim experience or driving record of the  
 29 excluded named driver or drivers.

30 [27-607.] 27-611.

31 (a) (1) THIS SECTION APPLIES ONLY TO POLICIES OF PERSONAL  
 32 INSURANCE AND PERSONAL PRIVATE PASSENGER MOTOR VEHICLE LIABILITY  
 33 INSURANCE ISSUED TO A RESIDENT IN A HOUSEHOLD IN THIS STATE AS PROVIDED  
 34 IN POLICIES SUBJECT TO § 27-609 OF THIS SUBTITLE.

35 (2) ~~THIS SECTION DOES NOT APPLY TO COMMERCIAL INSURANCE.~~

36 ~~(4)~~ (3) Unless an insurer has provided notice of its intention not to  
 37 renew a policy in compliance with [§ 27-601, § 27-603, or § 27-605 of] this subtitle,  
 38 the insurer must provide each policyholder with notice of renewal premium due at  
 39 least 17 days before the due date.

1            [(2)]    ~~(4)~~    (3)    A licensed insurance producer may provide notice under  
2 paragraph [(1)] ~~(3)~~ (2) of this subsection on behalf of the insurer.

3            [(3)]    ~~(5)~~    (4)    The duty to provide notice under paragraph [(1)] ~~(3)~~ (2) of  
4 this subsection is deemed discharged if:

5                    (i)        the insurer shows that its established procedures would have  
6 resulted in placing the notice of renewal premium due in the United States mail; and

7                    (ii)       there is no showing that in fact the notice was not placed in the  
8 mail.

9            (b)        If an insurer fails to provide notice of renewal premium due under  
10 subsection (a) of this section, and subsequently the policyholder fails to make timely  
11 payment of the renewal premium, the insurer must:

12            (1)        provide coverage for each claim that:

13                    (i)        would have been covered under the policy; and

14                    (ii)       arises within 45 days after the date the insured discovers or  
15 should have discovered that the policy was not renewed; and

16            (2)        renew the policy on tender of payment within 30 days after the  
17 policyholder discovers or should have discovered that the policy was not renewed.

18 [27-608.] 27-612.

19        Before the actual expiration of a policy of motor vehicle insurance that results  
20 from nonpayment of a renewal premium, the insurer shall provide notice to the  
21 insured in clear and specific terms that if the insured fails to renew or replace the  
22 motor vehicle insurance before the due date, § 17-106 of the Transportation Article  
23 provides that uninsured motorist penalties be assessed and that evidences of  
24 registration be surrendered to the Motor Vehicle Administration and that failure to  
25 surrender the evidences of registration may result in suspension of current and future  
26 registration privileges.

27 [27-609.] 27-613.

28        (a)        (1)        If an insurer fails to comply with any provision of [~~§ 27-601,~~] §  
29 ~~27-602, § 27-603, § 27-604, § 27-605, § 27-606, {or § 27-607} § 27-606, OR § 27-609,~~  
30 § 27-608, § 27-609, OR § 27-611 of this subtitle, the insurer is liable to the applicant for  
31 the coverage that was requested, or that would have become effective except for the  
32 failure to comply with these provisions, unless the person seeking coverage:

33                    (i)        no longer wishes the coverage;

34                    (ii)       has obtained other substantially equivalent coverage; or

35                    (iii)      fails to tender or pay the premium after reasonable demand for  
36 the premium has been made.

1           (2)       The liability of an insurer under paragraph (1) of this subsection is in  
2 addition to any other penalties applicable by law.

3       (b)       Liability for coverage does not apply to failure to comply with ~~§ 27-608~~ §  
4 27-612 of this subtitle, as it relates to motor vehicle liability insurance.

5       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
6 construed to apply to all personal and commercial lines of property and casualty  
7 insurance issued, delivered, or renewed on or after the effective date of this Act.

8       SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2005.