

Article - Insurance

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§11-325.

(a) On or before October 1 of each year, each insurer that has been designated a major insurer on or before August 15 of the same year shall file a marketing plan with the Commissioner.

(b) The goal of the marketing plan shall be to ensure that the insurer markets and otherwise makes available insurance to those persons who reside in Baltimore City in the same manner as to persons who reside in other jurisdictions in the State.

(c) (1) The Commissioner shall review the marketing plan to determine whether the plan will achieve the goal stated in subsection (b) of this section.

(2) A marketing plan is deemed approved unless disapproved by the Commissioner within 30 days after submission.

(3) (i) If the marketing plan does not contain sufficient information for the Commissioner to determine if the plan will achieve the goal stated in subsection (b) of this section, the Commissioner shall require the major insurer to provide the needed information within 30 days after the Commissioner requests the information.

(ii) If additional information is required by the Commissioner under this paragraph, the time period for approval, disapproval, or deemed approval begins on the date the additional information is submitted.

(4) If the Commissioner determines that the marketing plan will not achieve the goal stated in subsection (b) of this section, the Commissioner shall require the major insurer to file for review and approval a revised marketing plan for Baltimore City.

(d) (1) On or before September 1 of each year, a major insurer may file a written request with the Commissioner for a 1-year exemption from the requirements of this section.

(2) The Commissioner may grant an exemption under this subsection if the Commissioner determines that for calendar year 1994 the major insurer wrote a de minimus amount of total yearly private passenger motor vehicle insurance, as determined by the Commissioner, in the Baltimore standard metropolitan statistical area.

(3) On or before September 15 of each year in which a request is filed, the Commissioner shall determine whether the exemption should be granted.

(e) (1) Subject to paragraph (2) of this subsection, the Commissioner shall exempt from the requirements of this section an insurer that:

(i) on or after January 1, 1995, has limited the availability of its insurance to persons who are members of a club, group, or organization; and

(ii) uniformly requires eligibility for that club, group, or organization as a condition of providing insurance.

(2) On or before October 1 of each year, each major insurer exempted under this subsection shall file a marketing plan for Baltimore City.

(3) The goal of the marketing plan shall be to ensure that the insurer markets and otherwise makes available insurance to those persons who reside in Baltimore City and who otherwise satisfy the eligibility conditions of the insurer, in the same manner as to persons who reside in other jurisdictions in the State.

(f) Unless otherwise exempted from the requirements of this section, the failure of a major insurer to file or substantially implement a marketing plan for Baltimore City or to market and otherwise make available insurance to those persons who reside in Baltimore City in the same manner as to persons who reside in other jurisdictions in the State as required under this section is, after notice and opportunity for a hearing, grounds for the imposition of the penalties provided under §§ 4-113 and 4-114 of this article.

(g) This section does not authorize the Commissioner to require that an insurer place an insurance producer in a particular location or jurisdiction.

(h) If the market share of private passenger premium written by a major insurer in Baltimore City equals or exceeds 75% of the market share of private passenger premium written by the major insurer in any year in the State, excluding Baltimore City, the major insurer is not required to file a marketing plan under this section for the following year.

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