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§11–342.

(a) In this section, "insurer" includes two or more affiliated insurers under common management or under common controlling ownership or other common effective legal control and in fact engaged in joint or cooperative underwriting, investment management, marketing, servicing, or administration of their business and affairs as insurers.

(b) An insurer or rating organization may not:

(1) monopolize, attempt to monopolize, or combine or conspire with another person or persons to monopolize the business of a kind of insurance, subdivision, or class of insurance;

(2) agree with another insurer or rating organization to charge or adhere to a rate, although insurers and rating organizations may continue to exchange statistical information;

(3) make an agreement with another insurer, rating organization, or other person to unreasonably restrain trade;

(4) make an agreement with another insurer, rating organization, or other person if the effect of the agreement may be substantially to lessen competition in the business of a kind of insurance, subdivision, or class of insurance; or

(5) make an agreement with another insurer or rating organization to refuse to deal with a person in connection with the sale of insurance.

(c) An insurer may not acquire or retain the capital stock or assets of, or have any common management with, another insurer if the acquisition, retention, or common management substantially lessens competition in the business of a kind of insurance, subdivision, or class of insurance.

(d) A rating organization or member or subscriber of a rating organization may not interfere with the right of an insurer to make its rates independently of the rating organization or to charge different rates from the rates made by the rating organization.

(e) A rating organization may not adopt a rule, require an agreement, or formulate or engage in a program that would require a member, subscriber, or insurer to:

(1) use some or all of its services;

(2) adhere to its rates, rating plan, rating systems, underwriting rules, or policy forms; or

(3) prevent an insurer from acting independently.

(f) (1) The Commissioner shall disapprove a rate in violation of this section in accordance with the procedures required by § 11-308(a) of this subtitle.

(2) A person that violates this section is subject to the penalties provided in § 11-344 of this subtitle.

(g) The Commissioner may maintain an action to enjoin a violation of this section.

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