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§11–206.

(a) (1) Except as otherwise provided in this section, each insurer shall file with the Commissioner all rates, supplementary rate information, policy forms, and endorsements and all modifications of rates, supplementary rate information, policy forms, and endorsements that the insurer proposes to use.

(2) Each filing shall state its proposed effective date and shall indicate the character and extent of the coverage contemplated.

(b) (1) (i) If a filing is not accompanied by the information on which the insurer supports the filing and the Commissioner does not have sufficient information to determine whether the filing meets the requirements of this subtitle, the Commissioner shall require the insurer to provide supporting information for the filing within 60 days.

(ii) If the Commissioner requires the filer to provide supporting information, the waiting period under subsection (g) of this section begins on the date the supporting information is provided.

(2) The information provided in support of a filing may include:

(i) the judgment of the filer;

(ii) the filer's interpretation of any statistical data relied on;

(iii) the experience of other filers; and

(iv) any other relevant factors.

(c) Each filing shall include the experience of the filer.

(d) A filing and any supporting information shall be open to public inspection as soon as filed.

(e) An insurer may satisfy its obligation to make filings by:

(1) being a member of or subscriber to a licensed rating organization that makes filings; and

(2) authorizing the Commissioner to accept filings on its behalf from the rating organization.

(f) The Commissioner shall review each filing as soon as reasonably possible after it is made to determine whether it meets the requirements of this subtitle.

(g) (1) (i) Except as provided in subsections (h) and (i) of this section, a filing may not take effect until 30 working days after it is filed with the Commissioner.

(ii) By written notice to the filer during the initial 30-day waiting period that the Commissioner needs additional time for consideration of the filing, the Commissioner may extend the waiting period for an additional period not exceeding 30 working days.

(2) On written application by the filer, the Commissioner may authorize a filing that the Commissioner has reviewed to become effective before the expiration of the waiting period or any extension of the waiting period or at a later date.

(3) A filing is deemed approved unless disapproved by the Commissioner during the waiting period or any extension of the waiting period.

(4) A filing may be withdrawn or amended by the filer at any time before approval.

(5) After approval or disapproval of a filing, the withdrawal or amendment of the filing is subject to the approval of the Commissioner in accordance with this section.

(h) (1) Inland marine risks that by general custom of the business are not written according to manual rates or rating plans need not be filed.

(2) Notwithstanding paragraph (1) of this subsection, specific inland marine rates on risks specially rated by a rating organization shall be filed, become effective when filed, and remain effective until the Commissioner finds the filing does not meet the requirements of this subtitle.

(i) A special filing with respect to a surety or guarantee bond required by law, by court, by executive order, or by order, rule, or regulation of a public body, not covered by a previous filing shall become effective when filed and remain effective until the Commissioner finds that the filing does not meet the requirements of this subtitle.

(j) (1) In this subsection, "exempt commercial policyholder" means a person that:

(i) pays annual aggregate property and casualty premiums for commercial insurance policies issued in the State during the current or preceding calendar year of $25,000 or more; and

(ii) meets any two of the following criteria:

1. generates annual revenues or sales in excess of $10,000,000;

2. possesses a net worth in excess of $5,000,000;

3. employs at least 25 full-time employees;

4. is a nonprofit organization or public body with an annual budget of at least $10,000,000; or

5. is a municipal corporation with a population of at least 15,000.

(2) The filing requirements of this section do not apply to policy forms and endorsements and to modifications of policy forms and endorsements issued to an exempt commercial policyholder.

(3) (i) An exempt commercial policyholder must certify in writing, on a form approved by the Commissioner, to the insurer issuing coverage and the Commissioner that it meets the criteria necessary for exemption from form filing requirements.

(ii) The certification must include:

1. specific reference to the optional criteria that the insured has satisfied to qualify as an exempt commercial policyholder;

2. information required by the Commissioner for the purpose of determining the annual aggregate premiums of the insured for purposes of paragraph (1)(i) of this subsection; and

3. an acknowledgment by the insured that the policy form, endorsement, or modification intended for use has not been filed with the Commissioner.

(4) This subsection does not apply to the filing of workers' compensation insurance policy forms.

(5) The Commissioner may require, by regulation, that insurers provide information to the Administration on the number and types of policies written for exempt commercial policyholders under this subsection.

(6) On written request of the Commissioner, an insurer shall file with the Commissioner a form or endorsement issued to an exempt commercial policyholder.

(7) Except for the exemption from form filing requirements under this section, a form or endorsement issued to an exempt commercial policyholder is subject to all applicable provisions of this article.

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