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§7–402.

This subtitle does not apply to:

(1) an acquisition that is subject to the approval or disapproval of the Commissioner under Subtitle 3 of this title;

(2) a purchase of securities solely for investment purposes if the securities are not used for voting or otherwise to cause, or attempt to cause, the substantial lessening of competition in any insurance market in the State;

(3) a purchase of securities that results in a presumption of control under § 7-104 of this title, but the commissioner of the insurer's state of domicile:

(i) accepts a disclaimer of control or affirmatively finds that control does not exist; and

(ii) informs the Commissioner of the disclaimer or finding;

(4) an acquisition:

(i) in which both the acquiring and acquired persons are not, either directly or through affiliates, primarily engaged in the insurance business; and

(ii) for which a pre-acquisition notification:

1. is filed with the Commissioner under § 7-403 of this subtitle; or

2. is not required because the acquisition otherwise is excluded from this subtitle by another provision of this subsection;

(5) an acquisition in which the acquiring and acquired persons already are affiliated;

(6) considering "market" to be the direct written insurance premium in the State for a line of business as contained in the annual statement required to be filed by authorized insurers, an acquisition that would not result immediately in:

(i) an increase in any market share;

(ii) a combined market share of the acquiring and acquired insurers, their affiliates, and the person resulting from a merger that exceeds 5% of any one market; or

(iii) in any one market:

1. a market share increase of more than 2%; and

2. a combined market share of the acquiring and acquired insurers, their affiliates, and the person resulting from a merger that exceeds 12%;

(7) an acquisition for which a pre-acquisition notification would be required under this subtitle only because of the resulting effect on the ocean marine insurance line of business; or

(8) an acquisition as to which the commissioner of the state of domicile of the acquired insurer affirmatively finds and informs the Commissioner that:

(i) the acquired insurer is in failing condition;

(ii) there is a lack of feasible alternatives to improving the failing condition of the acquired insurer; and

(iii) the public benefits from improving the acquired insurer's condition through the acquisition outweigh the public benefits from not lessening competition.

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