

ENROLLED BILL
-- Economic Matters/Finance --

Introduced by **Delegates Feldman, Miller, and Krebs**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

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; requiring certain insurers to
12 maintain a certain proof of mailing in a certain form; prohibiting the Maryland
13 Insurance Commissioner from disallowing certain proposed actions because of
14 certain deficiencies in a statement of reasons for cancellation or refusal to
15 renew; providing that certain information is privileged and does not constitute
16 grounds for an action against certain persons; altering certain requirements for
17 notice relating to premium amounts; requiring a reasonable estimate of a

1 renewal policy premium under certain circumstances; defining certain terms;
2 providing for the application of this Act; providing for a delayed effective date;
3 and generally relating to certain requirements relating to notice, cancellation,
4 nonrenewal, and premiums of insurance policies and binders.

5 BY renumbering

6 Article - Insurance
7 Section 27-605
8 to be Section 27-613
9 Annotated Code of Maryland
10 (2002 Replacement Volume and 2005 Supplement)

11 BY repealing and reenacting, with amendments,

12 Article - Insurance
13 Section 12-106
14 Annotated Code of Maryland
15 (2003 Replacement Volume and 2005 Supplement)

16 BY repealing and reenacting, with amendments,

17 Article - Insurance
18 Section 27-601 through 27-603 and 27-606 through 27-609
19 Annotated Code of Maryland
20 (2002 Replacement Volume and 2005 Supplement)

21 BY adding to

22 Article - Insurance
23 Section 27-603, 27-605, 27-607, and 27-608
24 Annotated Code of Maryland
25 (2002 Replacement Volume and 2005 Supplement)

26 BY repealing

27 Article - Insurance
28 Section 27-604
29 Annotated Code of Maryland
30 (2002 Replacement Volume and 2005 Supplement)

31 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
32 MARYLAND, That Section(s) 27-605 of Article - Insurance of the Annotated Code of
33 Maryland be renumbered to be Section(s) 27-613.

34 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
35 read as follows:

1

Article - Insurance

2 12-106.

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

4 (A) THIS SECTION APPLIES ONLY TO A BINDER OR POLICY, OTHER THAN A
5 RENEWAL POLICY, OF PRIVATE PASSENGER MOTOR VEHICLE, HOMEOWNERS,
6 DWELLING, CREDIT LOSS, OR COMMERCIAL PROPERTY INSURANCE OR LIABILITY
7 INSURANCE.

8 (B) A BINDER OR POLICY IS SUBJECT TO A 45-DAY UNDERWRITING PERIOD
9 BEGINNING ON THE EFFECTIVE DATE OF COVERAGE.

10 (C) AN INSURER MAY CANCEL A BINDER OR POLICY DURING THE
11 UNDERWRITING PERIOD IF THE RISK DOES NOT MEET THE UNDERWRITING
12 STANDARDS OF THE INSURER.

13 (D) IF APPLICABLE, AT THE TIME OF APPLICATION OR WHEN A BINDER OR
14 POLICY IS ISSUED, AN INSURER SHALL PROVIDE WRITTEN NOTICE OF ITS ABILITY TO
15 CANCEL A BINDER OR POLICY DURING THE UNDERWRITING PERIOD.

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

17 (1) BE IN WRITING;

18 (2) HAVE AN EFFECTIVE DATE NOT LESS THAN 15 DAYS AFTER MAILING;
19 AND

20 (3) STATE CLEARLY AND SPECIFICALLY THE INSURER'S ACTUAL
21 REASON FOR THE CANCELLATION.

22 [(b)] (F) A binder or other contract for temporary insurance:

23 (1) may be made orally or in writing; and

24 (2) except as superseded by the clear and express terms of the binder, is
25 considered to include:

26 (i) all the usual terms of the policy as to which the binder was
27 given; and

28 (ii) the applicable endorsements designated in the binder.

29 [(c)] (G) A binder is no longer valid after the policy as to which it was given is
30 issued.

31 [(d)] (H) (1) If a binder is given to a consumer borrower to satisfy a lender's
32 requirement that the borrower obtain property insurance or credit loss insurance as a
33 condition of making a loan secured by a first mortgage or first deed of trust on an

1 interest in owner-occupied residential real property, the insurer or its insurance
2 producer shall include in or with the binder:

3 (i) the name and address of the insured consumer borrower;

4 (ii) the name and address of the lender;

5 (iii) a description of the insured residential real property;

6 (iv) a provision that the binder may not be canceled within the term
7 of the binder unless the lender and the insured borrower receive written notice at
8 least [10] 15 days before the cancellation;

9 (v) except in the case of the renewal of a policy after the closing of
10 a loan, a paid receipt for the full amount of the applicable premium; and

11 (vi) the amount of coverage.

12 (2) With respect to a binder given under this subsection, an insurer:

13 (i) if the binder is to be canceled, shall give the lender and the
14 insured consumer borrower at least [10] 15 days' written notice before the
15 cancellation; and

16 (ii) within [30] 45 days after the date the binder was given, shall
17 issue a policy of insurance or provide the required notice of cancellation of the binder.
18 27-601.

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

20 (1) life insurance;

21 (2) health insurance;

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

24 (4) surety insurance.]

25 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
26 INDICATED.

27 (B) (1) "COMMERCIAL INSURANCE" MEANS PROPERTY INSURANCE OR
28 CASUALTY INSURANCE ISSUED TO AN INDIVIDUAL, A SOLE PROPRIETOR,
29 PARTNERSHIP, CORPORATION, LIMITED LIABILITY COMPANY, OR SIMILAR ENTITY
30 AND INTENDED TO INSURE AGAINST LOSS ARISING FROM THE BUSINESS PURSUITS
31 OF THE INSURED ENTITY.

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

1 (I) POLICIES ISSUED BY THE MARYLAND AUTOMOBILE
2 INSURANCE FUND;

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

4 (III) WORKERS' COMPENSATION INSURANCE; OR

5 (IV) TITLE INSURANCE.

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

10 (2) "PERSONAL INSURANCE" DOES NOT INCLUDE:

11 (I) MOTOR VEHICLE LIABILITY INSURANCE POLICIES SUBJECT TO
12 § ~~27-609~~ 27-613 OF THIS SUBTITLE;

13 (II) POLICIES ISSUED BY THE MARYLAND AUTOMOBILE
14 INSURANCE FUND;

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

16 (IV) SURETY INSURANCE.

17 27-602.

18 (A) (1) THIS SECTION APPLIES ONLY TO POLICIES OF PERSONAL
19 INSURANCE.

20 (2) THIS SECTION DOES NOT APPLY TO POLICIES IN EFFECT FOR 45 DAYS
21 OR LESS, AS PROVIDED IN § 12-106 OF THIS ARTICLE.

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

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

30 (i) be in writing;

31 (ii) contain the current address and telephone number of the offices
32 of the appropriate plan; and

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

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

9 (2) AN INSURER SHALL MAINTAIN PROOF OF MAILING IN A FORM
10 AUTHORIZED OR ACCEPTED BY THE UNITED STATES POSTAL SERVICE.

11 ~~(2)~~ (3) Notice given to the insured by an insurance producer on behalf
12 of the insurer is deemed to have been given by the insurer for purposes of this
13 subsection.

14 ~~(3)~~ (4) Notwithstanding paragraph ~~(2)~~ (3) of this subsection, no notice
15 is required under this section if the [insurance producer] INSURED has replaced the
16 insurance.

17 (d) At least 10 days before the date an insurer proposes to cancel a policy for
18 nonpayment of premium, the insurer shall [cause to be sent] SEND to the insured, by
19 certificate of ~~mailing~~ MAIL, a written notice of intention to cancel for nonpayment of
20 premium.

21 27-603.

22 (A) (1) THIS SECTION APPLIES ONLY TO POLICIES OF COMMERCIAL
23 INSURANCE.

24 (2) THIS SECTION DOES NOT APPLY TO:

25 (I) POLICIES IN EFFECT FOR 45 DAYS OR LESS, AS PROVIDED IN §
26 12-106 OF THIS ARTICLE; OR

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

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

37 (2) THE NOTICE REQUIRED BY PARAGRAPH (1) OF THIS SUBSECTION
38 SHALL:

1 (I) BE IN WRITING;

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

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

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

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

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

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

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

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

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

36 [27-602.] 27-604.

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

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

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

5 (i) life insurance;

6 (ii) health insurance;

7 (iii) motor vehicle liability insurance; or

8 (iv) surety insurance.]

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

13 (2) THIS SECTION DOES NOT APPLY TO POLICIES IN EFFECT FOR 45 DAYS
14 OR LESS, AS PROVIDED IN § 12-106 OF THIS ARTICLE.

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

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

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

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

26 (II) SURPLUS INFORMATION, IF THE SURPLUS INFORMATION IS
27 NOT MISLEADING; OR

28 (III) ERRONEOUS INFORMATION, IF IN THE ABSENCE OF THE
29 ERRONEOUS INFORMATION THERE IS A SUFFICIENT BASIS TO SUPPORT THE
30 PROPOSED ACTION.

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

34 [(e)] (D) (1) The reason given in the statement of actual reason [must]
35 SHALL be [sufficiently] clear and specific [so that an applicant of reasonable

1 intelligence can identify the basis for the insurer's decision without making further
2 inquiry].

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

6 27-605.

7 (A) (1) THIS SECTION APPLIES ONLY TO POLICIES OF COMMERCIAL
8 INSURANCE.

9 (2) THIS SECTION DOES NOT APPLY TO:

10 (I) POLICIES IN EFFECT FOR 45 DAYS OR LESS, AS PROVIDED IN §
11 12-106 OF THIS ARTICLE; OR

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

15 (B) (1) WHENEVER AN INSURER CANCELS OR REFUSES TO RENEW A POLICY
16 SUBJECT TO THIS SECTION FOR A REASON OTHER THAN NONPAYMENT OF PREMIUM,
17 THE INSURER MUST PROVIDE TO THE ~~FIRST~~ NAMED INSURED A WRITTEN
18 STATEMENT OF THE ACTUAL REASON FOR THE CANCELLATION OR REFUSAL TO
19 RENEW.

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

22 (3) THE STATEMENT SHALL INCLUDE THE INSURER'S OFFER TO
23 PROVIDE ADDITIONAL INFORMATION IN SUPPORT OF THE PROPOSED ACTION UPON
24 THE WRITTEN REQUEST OF THE INSURED AND AN ADDRESS FOR THE INSURED TO
25 SUBMIT THE REQUEST.

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

29 (5) ON RECEIVING A WRITTEN REQUEST FROM AN INSURED FOR
30 ADDITIONAL INFORMATION UNDER THIS SUBSECTION AND PRIOR TO THE
31 EFFECTIVE DATE OF THE PROPOSED ACTION, AN INSURER SHALL RESPOND IN
32 WRITING WITHIN 15 DAYS.

33 (6) EXCEPT AS PROVIDED IN § 27-501 OF THIS ARTICLE, A REQUEST FOR
34 ADDITIONAL INFORMATION UNDER THIS SECTION DOES NOT STAY THE PROPOSED
35 ACTION.

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

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

3 (2) SURPLUS INFORMATION, IF THE SURPLUS INFORMATION IS NOT
4 MISLEADING; OR

5 (3) ERRONEOUS INFORMATION, IF IN THE ABSENCE OF THE
6 ERRONEOUS INFORMATION THERE IS A SUFFICIENT BASIS TO SUPPORT THE
7 PROPOSED ACTION.

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

13 [27-603.] 27-606.

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

17 (2) Notwithstanding paragraph (1) of this subsection, the Commissioner
18 may allow an insurer to file a plan of withdrawal at least 60 days before the date of
19 proposed withdrawal if the Commissioner determines that compliance by the insurer
20 with paragraph (1) of this subsection may result in:

21 (i) the impairment of the insurer;

22 (ii) the loss of or substantial changes in applicable reinsurance; or

23 (iii) significant financial losses to the insurer.

24 (3) For health insurance:

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

29 (ii) an insurer that intends to withdraw completely from the health
30 insurance market in the State by canceling or not renewing all of its health insurance
31 products in the State shall file a plan of withdrawal with the Commissioner at least
32 180 days before the date of the proposed withdrawal.

33 (b) The plan of withdrawal shall contain:

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

36 (i) the loss of or substantial changes in applicable reinsurance;

- 1 (ii) financial losses of the insurer; or
- 2 (iii) another business or economic reason of the insurer;
- 3 (2) if the reason for cancellation or nonrenewal is loss of or substantial
4 changes in reinsurance, a statement that explains:
- 5 (i) that the insurer made a good faith effort to obtain replacement
6 reinsurance, but was unable to do so due to either the unavailability or
7 unaffordability of replacement reinsurance;
- 8 (ii) how the loss of or reduction in reinsurance affects the insurer's
9 risks throughout the entire line or category of insurance proposed for cancellation or
10 nonrenewal; and
- 11 (iii) why cancellation or nonrenewal is necessary to cure the loss of
12 or reduction in available reinsurance; and
- 13 (3) notwithstanding the reason for cancellation or nonrenewal, a
14 statement that:
- 15 (i) identifies the category of risk, the total number of risks written
16 by the insurer in that line of business, and the number of risks intended to be
17 canceled or not renewed;
- 18 (ii) explains how the cancellation or nonrenewals, if approved, will
19 be implemented with respect to individual risks and the steps that will be taken to
20 ensure that the cancellation or nonrenewal decisions will not be applied in an
21 arbitrary, capricious, or unfairly discriminatory manner or in violation of § 27-501 of
22 this title; and
- 23 (iii) includes any other information that the Commissioner
24 reasonably requires.
- 25 (c) If a plan of withdrawal filed with the Commissioner is not accompanied by
26 the information required by this section, the Commissioner may so inform the insurer
27 and the plan of withdrawal will be deemed filed when the information is provided to
28 the Commissioner.
- 29 (d) After an insurer has filed a plan of withdrawal with the Commissioner, the
30 insurer shall notify in writing each of its insurance producers in the State that the
31 insurer has filed a plan of withdrawal.
- 32 (e) The Commissioner shall review each plan of withdrawal to determine its
33 compliance with this section and § 27-501 of this title.
- 34 (f) (1) (i) The Commissioner shall disapprove each plan of withdrawal
35 that does not comply with this section.

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

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

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

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

11 (i) shall require the insurer to provide the necessary information;
12 and

13 (ii) may extend the period for approval until the information is
14 provided.

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

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

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

23 [27-604.

24 (a) This section does not apply to:

25 (1) life insurance;

26 (2) health insurance;

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

29 (4) surety insurance;

30 (5) insurance written or issued by the Maryland Automobile Insurance
31 Fund; or

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

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

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

6 27-607.

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

11 (B) AT LEAST 45 DAYS PRIOR TO THE RENEWAL DATE OF A POLICY SUBJECT
12 TO THIS SECTION, THE INSURER SHALL SEND A NOTICE TO THE ~~FIRST~~ NAMED
13 INSURED AND THE INSURANCE PRODUCER, IF ANY, BY FIRST-CLASS MAIL STATING
14 BOTH THE AMOUNT OF THE RENEWAL POLICY PREMIUM AND THE AMOUNT OF THE
15 EXPIRING POLICY PREMIUM.

16 27-608.

17 (A) THIS SECTION APPLIES ONLY TO POLICIES OF COMMERCIAL INSURANCE.

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) A NOTICE REQUIRED BY THIS SECTION SHALL BE SENT BY FIRST-CLASS
13 MAIL AND MAY BE SENT TOGETHER WITH THE RENEWAL POLICY.

14 [27-606.] 27-609.

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

18 (2) If an insurer is authorized under this article to cancel, nonrenew, or
19 increase the premiums on a policy of ~~automobile~~ ~~PRIVATE PASSENGER MOTOR~~
20 ~~VEHICLE~~ liability insurance subject to this subsection because of the claim experience
21 or driving record of one or more but less than all of the individuals insured under the
22 policy, the insurer, instead of cancellation, nonrenewal, or premium increase, shall
23 offer to continue or renew the insurance, but to exclude all coverage when a motor
24 vehicle is operated by the specifically named excluded individual or individuals whose
25 claim experience or driving record could have justified the cancellation, nonrenewal,
26 or premium increase.

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

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

- 1 (1) the excluded operator or user;
- 2 (2) the vehicle owner;
- 3 (3) family members residing in the household of the excluded operator or
4 user or vehicle owner; and
- 5 (4) any other individual, except for the coverage required by §§ 19-505
6 and 19-509 of this article if that coverage is not available under another automobile
7 policy.

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

11 [27-607.] 27-610.

12 (a) (1) THIS SECTION APPLIES ONLY TO POLICIES OF PERSONAL
13 INSURANCE AND PRIVATE PASSENGER MOTOR VEHICLE LIABILITY INSURANCE
14 POLICIES SUBJECT TO § 27-613 OF THIS SUBTITLE.

15 [(1)] (2) Unless an insurer has provided notice of its intention not to
16 renew a policy in compliance with [§ 27-601, § 27-603, or § 27-605 of] this subtitle,
17 the insurer must provide each policyholder with notice of renewal premium due at
18 least ~~47~~ 45 days before the due date.

19 [(2)] (3) A licensed insurance producer may provide notice under
20 paragraph [(1)] (2) of this subsection on behalf of the insurer.

21 [(3)] (4) The duty to provide notice under paragraph [(1)] (2) of this
22 subsection is deemed discharged if:

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

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

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

30 (1) provide coverage for each claim that:

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

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

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

1 [27-608.] 27-611.

2 Before the actual expiration of a policy of motor vehicle insurance that results
3 from nonpayment of a renewal premium, the insurer shall provide notice to the
4 insured in clear and specific terms that if the insured fails to renew or replace the
5 motor vehicle insurance before the due date, § 17-106 of the Transportation Article
6 provides that uninsured motorist penalties be assessed and that evidences of
7 registration be surrendered to the Motor Vehicle Administration and that failure to
8 surrender the evidences of registration may result in suspension of current and future
9 registration privileges.

10 [27-609.] 27-612.

11 (a) (1) If an insurer fails to comply with any provision of [§ 27-601,] §
12 27-602, § 27-603, § 27-604, § 27-605, [or] § 27-606, § 27-607, § 27-608, § 27-610,
13 OR § 27-613 of this subtitle, the insurer is liable to the applicant for the coverage that
14 was requested, or that would have become effective except for the failure to comply
15 with these provisions, unless the person seeking coverage:

- 16 (i) no longer wishes the coverage;
- 17 (ii) has obtained other substantially equivalent coverage; or
- 18 (iii) fails to tender or pay the premium after reasonable demand for
19 the premium has been made.

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

22 (b) Liability for coverage does not apply to failure to comply with [§ 27-608] §
23 27-611 of this subtitle, as it relates to motor vehicle liability insurance.

24 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be
25 construed to apply to all personal and commercial lines of property and casualty
26 insurance issued, delivered, or renewed on or after the effective date of this Act.

27 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 January 1, 2007.