

§2319. Appeal by insureds as to filings

1. Application to the superintendent. Any insured aggrieved with respect to any filing, rate, expense or premium level that is in effect may make a written application to the superintendent for a hearing. The application must specify the grounds to be relied upon by the applicant in asserting that the filing, rate, expense or premium level is unjust or unreasonable.

A. [PL 1991, c. 885, Pt. B, §8 (RP); PL 1991, c. 885, Pt. B, §13 (AFF).]

B. [PL 1991, c. 885, Pt. B, §8 (RP); PL 1991, c. 885, Pt. B, §13 (AFF).]
[PL 1991, c. 885, Pt. B, §8 (RPR); PL 1991, c. 885, Pt. B, §13 (AFF).]

2. Responsive filing and hearing. If the superintendent finds that the application is made in good faith, that the applicant would be so aggrieved if the applicant's grounds were established and that such grounds otherwise justify holding a hearing, the superintendent shall, by written order, require that the insurer, advisory organization or rating organization prepare within 30 days a responsive filing containing information necessary, in the judgment of the superintendent, to review the application. A public hearing may be conducted and, if conducted, must be at least 30 days from the date the responsive filing is determined complete by the superintendent.

A. [PL 1991, c. 885, Pt. B, §8 (RP); PL 1991, c. 885, Pt. B, §13 (AFF).]

B. [PL 1991, c. 885, Pt. B, §8 (RP); PL 1991, c. 885, Pt. B, §13 (AFF).]

C. [PL 1991, c. 885, Pt. B, §8 (RP); PL 1991, c. 885, Pt. B, §13 (AFF).]
[PL 1991, c. 885, Pt. B, §8 (RPR); PL 1991, c. 885, Pt. B, §13 (AFF).]

3. If, after such a hearing, the superintendent finds that the filing, rate, expense or premium level does not meet the requirements of this chapter, the superintendent shall issue a final order specifying in what respects the superintendent finds that the filing fails to meet the requirements of this chapter, or is unjust and unreasonable, and stating when, within a reasonable period thereafter, the filing, rate, expense or premium level shall be changed, replaced or determined no longer effective. Copies of the order shall be sent to the applicant and to every insurer and rating or advisory organization. The order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in the order.

[PL 1989, c. 467, §1 (AMD); PL 1989, c. 797, §20 (AMD); PL 1989, c. 797, §§37, 38 (AFF).]

SECTION HISTORY

PL 1969, c. 132, §1 (NEW). PL 1973, c. 585, §12 (AMD). PL 1989, c. 467, §1 (AMD). PL 1989, c. 797, §§20,37,38 (AMD). PL 1991, c. 885, §B8 (AMD). PL 1991, c. 885, §B13 (AFF).

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