

(D) DISCRIMINATION IN CANCELLATION, AMENDMENT, OR REFUSAL TO ACCEPT INSURANCE BUSINESS.

NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, AN INSURER MAY NOT CANCEL OR AMEND A WRITTEN AGREEMENT WITH AN AGENT OR BROKER OR REFUSE TO ACCEPT BUSINESS FROM THE AGENT OR BROKER IF THE CANCELLATION, AMENDMENT, OR REFUSAL IS ARBITRARY, CAPRICIOUS, UNFAIR, OR DISCRIMINATORY OR IS BASED WHOLLY OR PARTLY ON THE RACE, CREED, COLOR, SEX, RELIGION, NATIONAL ORIGIN, OR PLACE OF RESIDENCY OF THE AGENT OR BROKER OR THE APPLICANTS OR POLICYHOLDERS OF THE AGENT OR BROKER.

(E) REASONS FOR REJECTION.

IF AN INSURER OR AGENT THAT ACCEPTS BROKERAGE BUSINESS REJECTS THE BUSINESS OF A BROKER, THE INSURER OR AGENT SHALL GIVE TO THE COMMISSIONER AND THE BROKER, ON REQUEST OF THE BROKER, THE REASONS FOR THE REJECTION IN WRITING.

(F) PROPERTY OR CASUALTY INSURANCE.

AN INSURER MAY NOT CANCEL OR AMEND A WRITTEN AGREEMENT WITH AN AGENT OR BROKER ABOUT PROPERTY INSURANCE OR CASUALTY INSURANCE BECAUSE OF AN ADVERSE LOSS RATIO EXPERIENCE ON THE AGENT'S OR BROKER'S BOOK OF BUSINESS IF:

(1) THE INSURER REQUIRED THE AGENT OR BROKER TO SUBMIT THE APPLICATION FOR UNDERWRITING APPROVAL, ALL MATERIAL INFORMATION ON THE APPLICATION WAS COMPLETED, AND THE AGENT OR BROKER DID NOT OMIT OR ALTER ANY INFORMATION PROVIDED BY THE APPLICANT; OR

(2) THE INSURER ACCEPTED, WITHOUT PRIOR APPROVAL, POLICIES ISSUED BY THE AGENT OR BROKER, IF ALL MATERIAL INFORMATION ON THE APPLICATION FOR THE POLICY OR ON THE INSURER'S COPY OF ANY POLICY ISSUED BY THE AGENT OR BROKER WAS COMPLETED AND THE AGENT OR BROKER DID NOT OMIT OR ALTER ANY INFORMATION PROVIDED BY THE APPLICANT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, § 234B.

In subsection (b)(1)(i) of this section, the defined term "wet marine and transportation insurance" is substituted for the former reference to "wet marine ... insurance" to conform to terminology used throughout this article.

In subsection (d) of this section, the word "refusal" is added in light of the reference to "refus[ing] to accept business" in former Art. 48A, § 234B(d).

In subsection (f)(1) and (2) of this section, the word "fully", which formerly modified "completed", is deleted as surplusage.

Defined terms: "Agent" § 1-101

"Broker" § 1-101