

HOUSE BILL No. 5331

November 20, 1991, Introduced by Rep. Gagliardi and referred to the Committee on Insurance.

A bill to amend section 2628 of Act No. 218 of the Public Acts of 1956, entitled as amended

"The insurance code of 1956,"

being section 500.2628 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 2628 of Act No. 218 of the Public Acts
2 of 1956, being section 500.2628 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 2628. (1) In lieu of the filing requirements of this
5 chapter and as an alternative method of filing, ~~any~~ AN insurer
6 ~~or rating organization~~ may file with the commissioner ~~any~~ A
7 manual of classification, rules, or rates, any rating plan and
8 every modification of any of the foregoing ~~which~~ THAT it
9 proposes to use, the filing to indicate the character and extent
10 of the coverage contemplated. IN LIEU OF THE FILING REQUIREMENTS

1 OF THIS CHAPTER AND AS AN ALTERNATIVE METHOD OF FILING, A RATING
2 ORGANIZATION MAY FILE WITH THE COMMISSIONER FOR AN INSURER A
3 MANUAL OF CLASSIFICATION, RULES, AND EVERY MODIFICATION OF ANY OF
4 THE FOREGOING, THE FILING TO INDICATE THE CHARACTER AND EXTENT OF
5 THE COVERAGE CONTEMPLATED. Every ~~such~~ filing under this section
6 shall state the effective date ~~thereof~~ OF THE FILING, shall
7 take effect on ~~said~~ THAT date, shall not be subject to any
8 waiting period requirements, and shall be deemed to meet the
9 requirements of ~~subdivision (d) of subsection (1) of section~~
10 ~~2603 (rate standards)~~ SECTION 2603(1)(D). A filing and any sup-
11 porting information shall be open to public inspection, if the
12 filing is not disapproved.

13 (2) At any time within 15 days from and after the date of
14 ~~any such~~ A filing UNDER SUBSECTION (1), the commissioner may
15 give written notice to the insurer ~~or rating organization~~
16 making ~~such~~ THE filing, specifying in what respect and to what
17 extent he OR SHE contends ~~such~~ THE filing fails to comply with
18 the requirements of ~~subdivision (d) of subsection (1) of section~~
19 ~~2603~~ SECTION 2603(1)(D) and fixing a date for hearing not less
20 than 10 days from the date of THE mailing of ~~such~~ THE notice.
21 At ~~such~~ THE hearing the factors specified in ~~subsection (2) of~~
22 ~~section 2606~~ SECTION 2606(2) shall be considered. If the com-
23 missioner after hearing finds that the filing does not comply
24 with the provisions of this chapter, he OR SHE may issue ~~his~~ AN
25 order determining ~~wherein~~ WHERE and to what extent ~~such~~ THE
26 filing is ~~deemed to be~~ improper and fixing a date,
27 ~~thereafter~~, within a reasonable time, after which ~~such~~ THE

1 filing shall no longer be effective. ~~Any~~ AN order of
 2 disapproval under this section must be entered within 30 days of
 3 the date of the filing affected.

4 (3) ~~In the event that no~~ IF A notice of hearing ~~shall be~~
 5 IS NOT issued within 15 days from the date of ~~any such~~ A filing
 6 UNDER SUBSECTION (1), the filing shall be deemed to be approved.
 7 If ~~such~~ THE filing ~~shall be~~ IS disapproved, the insuring pro-
 8 visions of ~~any~~ A contract or policy issued prior to the time
 9 the order becomes effective shall not be affected. But if the
 10 commissioner disapproves ~~such~~ THE filing as not being in com-
 11 pliance with ~~subdivision (d) of subsection (1) of section 2603~~
 12 ~~(rate standards)~~ SECTION 2603(1)(D), he OR SHE may order an
 13 adjustment of the premium to be made with the policyholder either
 14 by refund or collection of additional premium, if the amount is
 15 substantial and equals or exceeds the cost of making the
 16 adjustment. The commissioner may ~~thereafter~~ review any such
 17 filing in the manner provided in sections 2618 and 2620, but if
 18 so reviewed, ~~no~~ AN adjustment of premium ~~may~~ SHALL NOT be
 19 ordered. ~~Subsection (5) of section 2606 (filing may be made by~~
 20 ~~rating organization), subsection (1) of section 2608~~
 21 ~~(commissioner shall review filing as soon as reasonably~~
 22 ~~possible), and 2612 (insurer must adhere to filing)~~ SECTIONS
 23 2606(4), 2608(1), AND 2612 shall be applicable to filings made
 24 under this section.

25 Section 2. This amendatory act shall not take effect unless
 26 all of the following bills of the 86th Legislature are enacted
 27 into law:

1 (a) Senate Bill No. _____ or House Bill No. _____ (request
2 no. 00706'91).

3 (b) Senate Bill No. _____ or House Bill No. _____ (request
4 no. 00707'91).

5 (c) Senate Bill No. _____ or House Bill No. _____ (request
6 no. 00708'91).

7 (d) Senate Bill No. _____ or House Bill No. _____ (request
8 no. 00709'91).

9 (e) Senate Bill No. _____ or House Bill No. _____ (request
10 no. 00710'91).

11 (f) Senate Bill No. _____ or House Bill No. _____ (request
12 no. 00711'91).

13 (g) Senate Bill No. _____ or House Bill No. _____ (request
14 no. 00712'91).

15 (h) Senate Bill No. _____ or House Bill No. _____ (request
16 no. 00713'91).

17 (i) Senate Bill No. _____ or House Bill No. _____ (request
18 no. 00715'91).