

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 448*

Short Title: Reins. Facility Procedures.

(Public)

Sponsors: Senators Parnell; Johnson of Wake, Speed, and Guy.

Referred to: Insurance.

March 15, 1989

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE COMMISSIONER OF INSURANCE TO APPROVE RULES, PRACTICES, AND PROCEDURES OF THE NORTH CAROLINA MOTOR VEHICLE REINSURANCE FACILITY; AND TO PROVIDE FOR REMEDIAL MEASURES IN APPEALS TO THE COMMISSIONER OF FACILITY BOARD DECISIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 58-248.34(b) reads as rewritten:

"(b) The plan of operation, unless sooner approved in writing, shall be deemed to meet the requirements of the Article if it is not disapproved by order of the Commissioner within 30 days from the date of filing. Prior to the disapproval of all or any part of the proposed plan of operation the Commissioner shall notify the Facility in what respect the plan of operation fails to meet the specific requirements of this Article. The Facility shall, within 30 days thereafter, submit for his approval a revised plan of operation which meets the specific requirements of this Article. In the event the Facility fails to submit a revised plan of operation which meets the specific requirements of this Article within the aforesaid 30-day period, the Commissioner of Insurance shall enter an order accordingly and shall immediately thereafter formulate and place into effect a plan consistent with the provisions of this Article. As used in this subsection and in subsections (c) and (d) of this section, 'plan of operation' includes all rules, practices, and procedures of the Facility."

Sec. 2. G.S. 58-248.39(c) reads as rewritten:

~~"(c) The Commissioner shall issue an order approving the action or decision, disapproving the action or decision, or directing the Board of Governors to reconsider~~

1 ~~the ruling.~~ The Commissioner shall issue an order approving or modifying the action or
2 ~~decision, or directing the Board to reconsider the action or decision. In the event the~~
3 ~~Commissioner directs the Board to reconsider the action or decision and the Board fails~~
4 ~~to take action satisfactory to the Commissioner, the Commissioner shall make such~~
5 ~~order as he may see fit."~~

6 Sec. 3. Within 30 days after the effective date of this act, the North Carolina
7 Motor Vehicle Reinsurance Facility shall file, with the Commissioner of Insurance for
8 his approval, copies of all rules, practices, and procedures that are not contained within
9 its plan of operation or other documents that have already been approved by the
10 Commissioner.

11 Sec. 4. This act is effective upon ratification.