

HOUSE BILL No. 4495

March 21, 1989, Introduced by Reps. Gagliardi and Power 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, EXCEPT FOR FILINGS CONCERNING RATES, rating organization may
7 file with the commissioner ~~any~~ A manual of classification,
8 rules or rates, any rating plan, and every modification of any of
9 the foregoing which it proposes to use, the filing to indicate
10 the character and extent of the coverage contemplated. Every

1 ~~such~~ filing under this section shall state the effective date
2 ~~thereof~~ OF THE FILING, shall take effect on ~~said~~ THAT date,
3 shall not be subject to any waiting period requirements, and
4 shall be deemed to meet the requirements of ~~subdivision (d) of~~
5 ~~subsection (1) of section 2603 (rate standards)~~

6 SECTION 2603(1)(D). A filing and any supporting information
7 shall be open to public inspection, if the filing is not
8 disapproved.

9 (2) At any time within 15 days from and after the date of
10 ~~any such~~ A filing UNDER SUBSECTION (1), the commissioner may
11 give written notice to the insurer or rating organization making
12 ~~such~~ THE filing, specifying in what respect and to what extent
13 he OR SHE contends ~~such~~ THE filing fails to comply with the
14 requirements of ~~subdivision (d) of subsection (1) of section~~
15 ~~2603~~ SECTION 2603(1)(D) and fixing a date for hearing not less
16 than 10 days from the date of THE mailing of ~~such~~ THE notice.
17 At ~~such~~ THE hearing the factors specified in ~~subsection (2) of~~
18 ~~section 2606~~ SECTION 2606(2) shall be considered. If the com-
19 missioner after hearing finds that the filing does not comply
20 with the provisions of this chapter, he OR SHE may issue ~~his~~ AN
21 order determining ~~wherein~~ WHERE and to what extent ~~such~~ THE
22 filing is ~~deemed to be~~ improper and fixing a date,
23 ~~thereafter,~~ within a reasonable time, after which ~~such~~ THE
24 filing shall no longer be effective. ~~Any~~ AN order of disap-
25 proval under this section must be entered within 30 days of the
26 date of the filing affected.

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

21 Section 2. This amendatory act shall not take effect unless
22 all of the following bills of the 85th Legislature are enacted
23 into law:

24 (a) Senate Bill No. ____ or House Bill No. 4492 (request
25 no. 02451'89).

26 (b) Senate Bill No. ____ or House Bill No. 4490 (request
27 no. 02451'89 a).

1 (c) Senate Bill No. _____ or House Bill No. 4491 (request
2 no. 02470'89).

3 (d) Senate Bill No. _____ or House Bill No. 4488 (request
4 no. 02471'89).

5 (e) Senate Bill No. _____ or House Bill No. 4489 (request
6 no. 02472'89).

7 (f) Senate Bill No. _____ or House Bill No. 4493 (request
8 no. 02473'89).

9 (g) Senate Bill No. _____ or House Bill No. 4494 (request
10 no. 02474'89).

11 (h) Senate Bill No. _____ or House Bill No. 4496 (request
12 no. 02475'89).

13 (i) Senate Bill No. _____ or House Bill No. 4487 (request
14 no. 01344'89 a*).