

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 652\*

Short Title: Reins. Facility Procedures.

(Public)

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Sponsors: Representatives Beard; Hasty, Mercer, Brawley, Duncan, Walker, Isenhower, Lutz, Mills, and Warner.

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Referred to: Commerce.

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March 16, 1989

A BILL TO BE ENTITLED

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

7 The General Assembly of North Carolina enacts:

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

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

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

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

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

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