

§4384. Assessment prima facie correct; notice; payment; proceedings to collect

1. Any assessment of a subscriber or member of an insurer made by the superintendent pursuant to the order of court fixing the aggregate amount of the assessment against all members or subscribers and approving the classification and formula made by the superintendent under section 4383, subsection 1 shall be prima facie correct.

[PL 1973, c. 585, §12 (AMD).]

2. Each member or subscriber must be notified of the amount of assessment to be paid by the member or subscriber by written notice mailed to the address of the member or subscriber last of record with the insurer. Failure of the member or subscriber to receive the notice so mailed, within the time specified therein or at all, is not a defense in any proceeding to collect the assessment.

[RR 2021, c. 1, Pt. B, §378 (COR).]

3. If any such member or subscriber fails to pay the assessment within the period specified in the notice, which period shall not be less than 20 days after mailing, the superintendent may obtain an order in the delinquency proceedings requiring the member or subscriber to show cause at a time and place fixed by the court why judgment should not be entered against such member or subscriber for the amount of the assessment together with all costs, and a copy of the order and a copy of the petition therefor shall be served upon the member or subscriber within the time and in the manner designated in the order.

[PL 1973, c. 585, §12 (AMD).]

4. If the subscriber or member after due service of a copy of the order and petition referred to in subsection 3 is made upon the subscriber or member:

A. Fails to appear at the time and place specified in the order, judgment must be entered against the subscriber or member as prayed for in the petition; or [RR 2021, c. 1, Pt. B, §379 (COR).]

B. Appears in the manner and form required by law in response to the order, the court shall hear and determine the matter and enter a judgment in accordance with its decision. [PL 1969, c. 132, §1 (NEW).]

[RR 2021, c. 1, Pt. B, §379 (COR).]

5. The superintendent may collect any such assessment through any other lawful means.

[PL 1973, c. 585, §12 (AMD).]

SECTION HISTORY

PL 1969, c. 132, §1 (NEW). PL 1973, c. 585, §12 (AMD). RR 2021, c. 1, Pt. B, §§378, 379 (COR).

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