§ 5213. Settlement of claims or actions. (a) The corporation may, except in the case of claims or actions by or on behalf of infants or judicially declared incompetents, settle without court approval any claim or action against a financially irresponsible motorist if the board, after due deliberation, is satisfied that the settlement is fair and has approved payment, which shall in no event exceed the applicable amount specified in section five thousand two hundred ten of this article and that:

(1) the claimant has complied with the requirements prescribed in paragraphs one, two and three of subsection (a) of section five thousand two hundred eleven of this article;

(2) the settlement is not made on the behalf of an insurer or surety under circumstances described in paragraph six of subsection (a) of section five thousand two hundred eleven of this article;

(3) the financially irresponsible motorist involved in the accident was not insured under a policy of motor vehicle liability insurance or an indemnity bond under which the insurer or surety is liable for the damages sustained; and

(4) a judgment against the financially irresponsible motorist would not be collectible within a reasonable time.

(b) As a condition to the payment of the amount of the settlement the qualified person, notwithstanding the provisions of title one of article thirteen of the general obligations law, shall assign his claim to the corporation which shall then be subrogated to all of the rights of the qualified person against the financially irresponsible motorist.