

3. A STATEMENT OF THE REASON THAT THE INSURED BELIEVES THE PREMIUM INCREASE IS INCORRECT;

(VI) THE ADDRESS AND FACSIMILE NUMBER OF THE ADMINISTRATION; AND

(VII) THAT THE COMMISSIONER SHALL ORDER THE INSURER TO PAY REASONABLE ATTORNEY FEES INCURRED BY THE INSURED FOR REPRESENTATION AT A HEARING IF THE COMMISSIONER FINDS THAT:

1. THE ACTUAL REASON FOR THE PROPOSED ACTION IS NOT STATED IN THE NOTICE OR THE PROPOSED ACTION IS NOT IN ACCORDANCE WITH THIS ARTICLE OR THE INSURER'S FILED RATING PLAN; AND

2. THE INSURER'S CONDUCT IN MAINTAINING OR DEFENDING THE PROCEEDING WAS IN BAD FAITH OR THE INSURER ACTED WILLFULLY IN THE ABSENCE OF A BONA FIDE DISPUTE.

(D) (1) IF THE INSURED BELIEVES THAT THE PREMIUM INCREASE IS INCORRECT, THE INSURED MAY PROTEST THE PROPOSED ACTION OF THE INSURER WITHIN 30 DAYS AFTER THE MAILING DATE OF THE NOTICE BY MAILING OR TRANSMITTING BY FACSIMILE TO THE COMMISSIONER:

(I) A COPY OF THE NOTICE;

(II) THE INSURED'S ADDRESS AND DAYTIME TELEPHONE NUMBER;

AND

(III) A STATEMENT OF THE REASON THAT THE INSURED BELIEVES THE PREMIUM INCREASE IS INCORRECT.

(2) ON RECEIPT OF A PROTEST, THE COMMISSIONER SHALL NOTIFY THE INSURER OF THE FILING OF THE PROTEST.

(3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A PROTEST FILED WITH THE COMMISSIONER DOES NOT STAY THE PROPOSED ACTION OF THE INSURER.

(II) IF A PREMIUM INCREASE FOR A POLICY EXCEEDS 15%, THE COMMISSIONER MAY ORDER A STAY OF THE PREMIUM INCREASE PENDING A FINAL DECISION IF THE COMMISSIONER MAKES A FINDING THAT THE PREMIUM INCREASE:

1. MAY CAUSE THE POLICYHOLDER UNDUE HARM; AND

2. IS IN VIOLATION OF THE INSURER'S FILED RATING PLAN.

(4) BASED ON THE INFORMATION CONTAINED IN THE NOTICE, THE COMMISSIONER SHALL:

(I) DETERMINE WHETHER THE INSURER'S ACTION IS IN ACCORDANCE WITH THE INSURER'S FILED RATING PLAN AND THIS ARTICLE; AND

(II) DISMISS THE PROTEST OR DISALLOW THE PROPOSED ACTION OF THE INSURER.