

(5) THE COMMISSIONER SHALL NOTIFY THE INSURER AND THE INSURED OF THE ACTION OF THE COMMISSIONER PROMPTLY IN WRITING.

(6) FOR A PREMIUM INCREASE OF MORE THAN 15% FOR THE ENTIRE POLICY, WITHIN 30 DAYS AFTER THE MAILING DATE OF THE COMMISSIONER'S NOTICE OF ACTION, THE AGGRIEVED PARTY MAY REQUEST A HEARING.

(7) THE COMMISSIONER SHALL:

(I) HOLD A HEARING WITHIN A REASONABLE TIME AFTER THE REQUEST FOR A HEARING; AND

(II) GIVE WRITTEN NOTICE OF THE TIME AND PLACE OF THE HEARING AT LEAST 10 DAYS BEFORE THE HEARING.

(8) A HEARING REQUESTED UNDER THIS SUBSECTION SHALL BE CONDUCTED IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(9) AT THE HEARING THE INSURER HAS THE BURDEN OF PROVING ITS PROPOSED ACTION TO BE IN ACCORDANCE WITH ITS FILED RATING PLAN AND THIS ARTICLE AND, IN DOING SO, MAY RELY ONLY ON THE REASONS SET FORTH IN ITS NOTICE TO THE INSURED.

(E) (1) THE COMMISSIONER SHALL ISSUE AN ORDER WITHIN 30 DAYS AFTER THE CONCLUSION OF THE HEARING.

(2) IF THE COMMISSIONER FINDS THE PROPOSED ACTION OF THE INSURER TO BE IN ACCORDANCE WITH THE INSURER'S FILED RATING PLAN AND THIS ARTICLE, THE COMMISSIONER SHALL:

(I) DISMISS THE PROTEST; AND

(II) IF THE INSURER'S ACTION IS STAYED, ALLOW THE PROPOSED ACTION OF THE INSURER TO BE TAKEN ON THE LATER OF:

1. ITS PROPOSED EFFECTIVE DATE; AND

2. 30 DAYS AFTER THE DATE OF THE DETERMINATION.

(3) IF THE COMMISSIONER FINDS THAT THE ACTUAL REASON FOR THE PROPOSED ACTION IS NOT STATED IN THE NOTICE OR THE PROPOSED ACTION IS NOT IN ACCORDANCE WITH THE INSURER'S FILED RATING PLAN OR THIS ARTICLE, THE COMMISSIONER SHALL:

(I) DISALLOW THE ACTION; AND

(II) ORDER THE INSURER TO PAY REASONABLE ATTORNEY FEES INCURRED BY THE INSURED FOR REPRESENTATION AT THE HEARING IF THE COMMISSIONER FINDS THAT 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.