

~~THE INSURER'S UNDERWRITING STANDARDS, THAT THE COMMISSIONER, IN THE COMMISSIONER'S SOLE DISCRETION, MAY SHALL ORDER THE INSURER TO PAY REASONABLE ATTORNEY FEES INCURRED BY THE INSURED FOR REPRESENTATION AT THE HEARING IF THE COMMISSIONER FINDS THAT THAT THE COMMISSIONER SHALL ORDER THE INSURER TO PAY REASONABLE ATTORNEY FEES INCURRED BY THE INSURED FOR REPRESENTATION AT THE 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 § 27-501 OF THIS ARTICLE, THE INSURER'S FILED RATING PLAN, ITS UNDERWRITING STANDARDS, OR THE LAWFUL TERMS AND CONDITIONS OF THE POLICY RELATED TO A CANCELLATION, NONRENEWAL, PREMIUM INCREASE, OR REDUCTION IN COVERAGE; 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 ~~CONSIDERS THE FEES APPROPRIATE;~~ and

(ix) if the proposed action is based wholly or partly on a credit score or information from a credit report:

1. the name, address, and telephone number of the consumer reporting agency that furnished the credit report to the insurer, including the toll-free telephone number established by the agency if the agency compiles and maintains files on consumers on a nationwide basis;

2. that the consumer reporting agency did not make the decision to take the proposed action and is unable to provide the insured the specific reasons why the action is proposed to be taken;

3. that the insured may obtain, under § 1681 of the federal Fair Credit Reporting Act, a free copy of the credit report of the insured from the consumer reporting agency within 60 days after receipt of the notice; and

4. that the insured may dispute, under § 1681i of the federal Fair Credit Reporting Act, with the consumer reporting agency the accuracy or completeness of any information in the credit report furnished by the agency.

(h) (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 ~~justified~~ SUPPORTED BY THE INSURER'S UNDERWRITING STANDARDS IN ACCORDANCE WITH THE INSURER'S FILED RATING PLAN, ITS UNDERWRITING STANDARDS, OR THE LAWFUL TERMS AND CONDITIONS OF THE POLICY RELATED TO A CANCELLATION, NONRENEWAL, PREMIUM INCREASE, OR REDUCTION IN COVERAGE, AS APPLICABLE, AND NOT IN VIOLATION OF § 27-501 OF THIS ARTICLE, the Commissioner shall:

(i) dismiss the protest; and