

244H.

(A) THE COMMISSIONER MAY INVESTIGATE AND DETERMINE WHETHER OR NOT RATES IN THIS STATE FOR THE KINDS OF INSURANCE TO WHICH THIS SUBTITLE APPLIES ARE EXCESSIVE, INADEQUATE, OR UNFAIRLY DISCRIMINATORY.

(B) IN ANY SUCH INVESTIGATION AND DETERMINATION THE COMMISSIONER SHALL GIVE DUE CONSIDERATION TO THOSE FACTORS SPECIFIED IN § 244D OF THIS SUBTITLE.

244-I.

(A) IF THE COMMISSIONER FINDS AFTER A HEARING THAT A RATE IS NOT IN COMPLIANCE WITH § 244D OF THIS SUBTITLE, OR THAT A RATE HAD BEEN SET IN VIOLATION OF § 244M OF THIS SUBTITLE, THE COMMISSIONER SHALL ORDER THAT ITS USE BE DISCONTINUED FOR ANY POLICY ISSUED OR RENEWED AFTER A DATE SPECIFIED IN THE ORDER AND THE ORDER MAY PROSPECTIVELY PROVIDE FOR PREMIUM ADJUSTMENT OF ANY POLICY THEN IN FORCE. EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE ORDER SHALL BE ISSUED WITHIN 30 DAYS AFTER THE CLOSE OF THE HEARING OR WITHIN A REASONABLE TIME EXTENSION AS FIXED BY THE COMMISSIONER. THE ORDER SHALL EXPIRE 1 YEAR AFTER ITS EFFECTIVE DATE UNLESS RESCINDED EARLIER BY THE COMMISSIONER.

(B) (1) PENDING A HEARING, THE COMMISSIONER MAY ORDER THE SUSPENSION PROSPECTIVELY OF A RATE FILED BY AN INSURER AND REIMPOSE THE LAST PREVIOUS RATE IN EFFECT IF THE COMMISSIONER HAS REASONABLE CAUSE TO BELIEVE THAT:

(I) AN INSURER IS IN VIOLATION OF §244D OF THIS SUBTITLE;

(II) UNLESS THE ORDER OF SUSPENSION IS ISSUED, CERTAIN INSUREDS WILL SUFFER IRREPARABLE HARM;

(III) THE HARDSHIP INSUREDS WILL SUFFER ABSENT THE ORDER OF SUSPENSION OUTWEIGHS ANY HARDSHIP THE INSURERS WOULD SUFFER IF THE ORDER OF SUSPENSION WERE TO ISSUE; AND

(IV) THE ORDER OF SUSPENSION WILL CAUSE NO SUBSTANTIAL HARM TO THE PUBLIC.

(2) IN THE EVENT THE COMMISSIONER SUSPENDS A RATE UNDER THIS SUBSECTION, THE COMMISSIONER MUST, UNLESS WAIVED BY THE INSURER, HOLD A HEARING WITHIN 15 WORKING DAYS AFTER ISSUING THE ORDER SUSPENDING THE RATE. IN ADDITION, THE COMMISSIONER MUST MAKE A DETERMINATION AND ISSUE THE ORDER AS TO WHETHER OR NOT THE RATE SHOULD BE DISAPPROVED WITHIN 15 WORKING DAYS AFTER THE CLOSE OF THE HEARING.

(C) (1) AT ANY HEARING TO DETERMINE COMPLIANCE WITH § 244D PURSUANT TO SUBSECTION (A) OF THIS SECTION, THE COMMISSIONER SHALL FIRST DETERMINE WHETHER A REASONABLE DEGREE OF COMPETITION