

(5) IF THE COMMISSIONER DETERMINES THAT A RATE IS EXCESSIVE UNDER PARAGRAPH (4) OF THIS SUBSECTION AND DISAPPROVES A RATE, THE DISAPPROVAL IS SUBJECT TO § 244-I(C)(4), (D), AND (E).

(b) In determining whether rates comply with standards under subsection (a) of this section, due consideration shall be given to:

- (1) Past and prospective loss experience within and outside this State;
- (2) Conflagration or catastrophe hazards;
- (3) A reasonable margin for underwriting profit and contingencies;
- (4) Dividends, savings, or unabsorbed premium deposits allowed or returned by insurers to their policyholders or members or subscribers;
- (5) Past and prospective expenses, both countrywide and those specially applicable to this State;
- (6) Investment income earned or realized by insurers both from their unearned premium and from their loss reserve funds; and
- (7) All relevant factors within and outside this State.

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 The order shall expire 1 year after its effective date unless rescinded earlier by the Commissioner.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.