

(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] § 244D(A)(2) OF THIS SUBTITLE pursuant to subsection (a) of this section, the Commissioner shall first determine whether a reasonable degree of competition exists within a market, and shall give a ruling to that effect. All insurers operating within such market shall have the burden of establishing that a reasonable degree of competition exists within that market. The Commissioner shall consider all relevant factors in determining the competitiveness of a market, including:

(i) The number of insurers actively engaged in providing coverage IN THE MARKET;

(ii) Market shares;

(iii) Changes in market shares; and

(iv) Ease of entry.

(2) (I) If the Commissioner determines that a reasonable degree of competition does not exist in a market, any insurer designated by the Commissioner shall have the burden of justifying its rate in such market.

(II) THE COMMISSIONER MAY REQUIRE THAT AN INSURER FILE SUPPORTING DATA AS PROVIDED UNDER § 244K(B) OF THIS SUBTITLE.

(3) All determinations made by the Commissioner shall be on the basis of findings of fact and conclusions of law.

(4) If the Commissioner disapproves a rate, the disapproval shall take effect not less than 15 days after its order and the last previous rate in effect for the insurer shall be reimposed for a period of 1 year unless the Commissioner approves a rate under subsection (d) or subsection (e) of this section.

~~(5) (I) IF THE COMMISSIONER DISAPPROVES A RATE UNDER PARAGRAPH (4) OF THIS SUBSECTION, THE COMMISSIONER MAY ORDER THE INSURER TO REFUND THE EXCESSIVE PORTION OF PREMIUMS COLLECTED FOR A PERIOD NOT EXCEEDING 1 YEAR PRIOR TO THE EFFECTIVE DATE OF THE DISAPPROVAL.~~

~~(II) IF A REFUND IS ORDERED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COMMISSIONER MAY ORDER THE INSURER TO PAY INTEREST AT A RATE SET BY THE COMMISSIONER.~~

(d) Within 1 year after the effective date of a disapproval order no rate adopted to replace one disapproved under such order may be used until it has been filed with the Commissioner and not disapproved within 30 days thereafter.