

~~(I) INFLATIONARY FACTORS, UNRELATED TO ANY COST CONTAINMENT MEASURES APPLICABLE TO INSURERS UNDER THIS ARTICLE, WHICH SERVE TO INCREASE INSURANCE RATES GENERALLY; AND~~

~~(II) FACTORS SPECIFIC TO A PARTICULAR INSURER WHICH RESULT IN ACTUARIALLY JUSTIFIED RATES EVEN THOUGH THE RATES ARE NOT IN COMPLIANCE WITH PARAGRAPH (1) OF THIS SUBSECTION.~~

~~(4) AT A HEARING HELD TO DETERMINE WHETHER RATES ARE EXCESSIVE UNDER THIS SUBSECTION, THE BURDEN OF PERSUASION SHALL BE ON THE INSURER TO ESTABLISH THAT THE RATES IN QUESTION ARE NOT EXCESSIVE.~~

~~(5) IF AFTER A HEARING THE COMMISSIONER DETERMINES A RATE TO BE EXCESSIVE UNDER THIS SUBSECTION, THE DISAPPROVAL IS SUBJECT TO § 244-I(D) AND (E) OF THIS SUBTITLE.~~

~~(6) THE COMMISSIONER SHALL BY REGULATIONS ADOPTED OCTOBER 1, 1996, DETERMINE THE METHOD FOR CALCULATING THE STATEWIDE AVERAGE RATE OF AN INSURER UNDER SUBSECTION (F)(1).~~

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 The order shall expire 1 year after its effective date unless rescinded earlier by the Commissioner.~~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