

(II) ALL INSURERS THAT OPERATE WITHIN A MARKET THAT IS SUBJECT TO A DETERMINATION BY THE COMMISSIONER UNDER THIS PARAGRAPH SHALL HAVE THE BURDEN OF ESTABLISHING THAT A REASONABLE DEGREE OF COMPETITION EXISTS WITHIN THAT MARKET.

(III) IN DETERMINING THE COMPETITIVENESS OF A MARKET, THE COMMISSIONER SHALL CONSIDER ALL RELEVANT FACTORS INCLUDING:

1. THE NUMBER OF INSURERS ACTIVELY ENGAGED IN PROVIDING COVERAGE IN THE MARKET;
2. MARKET SHARES;
3. CHANGES IN MARKET SHARES; AND
4. EASE OF ENTRY.

(2) (I) IF THE COMMISSIONER DETERMINES THAT A REASONABLE DEGREE OF COMPETITION DOES NOT EXIST IN A MARKET, EACH INSURER DESIGNATED BY THE COMMISSIONER SHALL HAVE THE BURDEN OF JUSTIFYING ITS RATE IN THAT MARKET.

(II) THE COMMISSIONER MAY REQUIRE THAT AN INSURER FILE SUPPORTING DATA AS PROVIDED UNDER § 11-312 OF THIS SUBTITLE.

(3) THE COMMISSIONER SHALL MAKE EACH DETERMINATION ON THE BASIS OF FINDINGS OF FACT AND CONCLUSIONS OF LAW.

(4) IF THE COMMISSIONER DISAPPROVES A RATE:

(I) THE DISAPPROVAL MAY NOT TAKE EFFECT UNTIL AT LEAST 15 DAYS AFTER THE DATE OF THE ORDER OF DISAPPROVAL; AND

(II) UNLESS THE COMMISSIONER APPROVES A RATE UNDER SUBSECTION (D) OR (E) OF THIS SECTION, THE LAST PREVIOUS RATE IN EFFECT FOR THE INSURER SHALL BE REIMPOSED FOR A PERIOD OF 1 YEAR.

(D) REPLACING DISAPPROVED RATE.

DURING THE 1-YEAR PERIOD AFTER THE EFFECTIVE DATE OF AN ORDER OF DISAPPROVAL, A RATE ADOPTED TO REPLACE A RATE DISAPPROVED UNDER THE ORDER MAY NOT BE USED UNTIL:

- (1) THE RATE HAS BEEN FILED WITH THE COMMISSIONER; AND
- (2) THE COMMISSIONER HAS NOT DISAPPROVED THE RATE WITHIN 30 DAYS AFTER IT WAS FILED.

(E) INTERIM RATES.

(1) IF AN INSURER DOES NOT HAVE ANY LEGALLY EFFECTIVE RATES AS A RESULT OF THE COMMISSIONER'S DISAPPROVAL OF RATES OR OTHER ACT, THE COMMISSIONER: