

(9) AT THE HEARING THE INSURER HAS THE BURDEN OF PROVING ITS PROPOSED ACTION TO BE IN ACCORDANCE WITH ITS FILED RATING PLAN AND THIS ARTICLE AND, IN DOING SO, MAY RELY ONLY ON THE REASONS SET FORTH IN ITS NOTICE TO THE INSURED.

(E) (1) THE COMMISSIONER SHALL ISSUE AN ORDER WITHIN 30 DAYS AFTER THE CONCLUSION OF THE HEARING.

(2) IF THE COMMISSIONER FINDS THE PROPOSED ACTION OF THE INSURER TO BE IN ACCORDANCE WITH THE INSURER'S FILED RATING PLAN AND THIS ARTICLE, THE COMMISSIONER SHALL:

(I) DISMISS THE PROTEST; AND

(II) IF THE INSURER'S ACTION IS STAYED, ALLOW THE PROPOSED ACTION OF THE INSURER TO BE TAKEN ON THE LATER OF:

1. ITS PROPOSED EFFECTIVE DATE; AND
2. 30 DAYS AFTER THE DATE OF THE DETERMINATION.

(3) IF THE COMMISSIONER FINDS THAT THE ACTUAL REASON FOR THE PROPOSED ACTION IS NOT STATED IN THE NOTICE OR THE PROPOSED ACTION IS NOT IN ACCORDANCE WITH THE INSURER'S FILED RATING PLAN OR THIS ARTICLE, THE COMMISSIONER SHALL:

(I) DISALLOW THE ACTION; AND

(II) ORDER THE INSURER TO PAY REASONABLE ATTORNEY FEES INCURRED BY THE INSURED FOR REPRESENTATION AT THE HEARING IF THE COMMISSIONER FINDS THAT THE INSURER'S CONDUCT IN MAINTAINING OR DEFENDING THE PROCEEDING WAS IN BAD FAITH OR THE INSURER ACTED WILLFULLY IN THE ABSENCE OF A BONA FIDE DISPUTE.

(4) THE COMMISSIONER MAY NOT DISMISS A PROTEST SOLELY BECAUSE OF THE INSURED'S FAILURE TO STATE A REASON THAT THE INSURED BELIEVES THE PREMIUM INCREASE IS INCORRECT.

(F) (1) IF THE COMMISSIONER DISALLOWS A PREMIUM INCREASE FOR THE ENTIRE POLICY, THE INSURER, WITHIN 30 DAYS AFTER THE DISALLOWANCE, SHALL:

(I) RETURN TO THE INSURED ALL DISALLOWED PREMIUM RECEIVED FROM THE INSURED; AND

(II) PAY TO THE INSURED INTEREST ON THE DISALLOWED PREMIUM RECEIVED FROM THE INSURED CALCULATED AT 10% A YEAR FROM THE DATE THE DISALLOWED PREMIUM WAS RECEIVED TO THE DATE THE DISALLOWED PREMIUM WAS RETURNED.

(2) IF AN INSURER FAILS TO RETURN ANY DISALLOWED PREMIUM AND INTEREST TO THE INSURED AS PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION WITHIN 30 DAYS AFTER THE COMMISSIONER DISALLOWS THE ACTION OF THE INSURER, THE INSURER SHALL PAY INTEREST ON THE DISALLOWED PREMIUM