

955 CMR: INSURANCE PREMIUM FINANCE BOARD

955 CMR 1.00: REGULATION OF THE INSURANCE PREMIUM FINANCE BOARD GOVERNING HEARINGS HELD PURSUANT TO THE PROVISIONS OF M.G.L. c. 175, § 162B

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1.01: Scope of Regulation

955 CMR 1.00 shall govern hearings held by the Insurance Premium Finance Board, hereinafter called "The Board", pursuant to the provisions of M.G.L. c. 175, § 162B, as amended.

1.02: Nature of Hearing

All hearings held pursuant to the provisions of M.G.L. c. 175, § 162B, shall be rule-making hearings.

1.03: Filing of Documents

All material required to be filed with the Board shall be filed with the Executive Secretary. Unless otherwise specifically notified, a party shall file an original and four copies of each document (and paper) required by the Board.

1.04: Notice of Hearing

Reasonable notice of the hearing shall be accorded all interested parties and shall include a statement of the time and place of the hearing. Parties shall have sufficient notice of the issues involved to afford them reasonable opportunity to prepare and present evidence and argument. If the issues cannot be fully stated in advance of the hearing, they shall be fully stated as soon as practicable. In all cases of delayed statements, or where subsequent amendment of the issues is necessary, sufficient time shall be allowed to afford all parties reasonable opportunity to prepare and present evidence and argument respecting the issues.

1.05: Parties to a Hearing

- (1) The Board may initiate a hearing at any time by giving notice to all interested parties.
- (2) The Board may hold a hearing upon petition of any interested party.
- (3) An interested party shall include persons substantially and specifically affected by the proceeding, as well as the Division of Banks and Loan Agencies, the Division of Insurance, and the Department of The Attorney General.

1.06: Conduct of Hearing

- (1) All hearings shall be conducted in the presence of a majority of the Board.
- (2) The Chairman, under the direction of the Board, shall have authority to permit the examination of witnesses, to rule upon the admissibility of evidence, to allow and deny motions, to limit testimony to oral or written presentation as appropriate and to adjourn or relocate a hearing.

1.06: continued

- (3) The Chairman, or a person designated by him or her, shall have the power to administer oaths and affirmations.
- (4) The Board may issue subpoenas authorized by law and shall issue such at the request of interested parties.
- (5) The Board may in its discretion before or during a hearing direct the interested parties to prefile direct testimony and evidence. All prefiled testimony shall be considered to be admitted into evidence and shall be part of the record of the hearing.
- (6) The Board may in its discretion before or during a hearing direct the interested parties to appear before it for a conference to consider:
 - (a) a simplification of issues;
 - (b) the necessity or desirability of amendments to any notice or petition served or to be served;
 - (c) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;
 - (d) a limitation on the number of expert witnesses; and
 - (e) such other matters as may aid in the disposition of the proceeding before the Board.
- (7) The petitioning party shall have the burden of going forward, and all persons appearing in favor of said petition or a modification thereof shall present their cases prior to the presentation of opposing evidence.
- (8) All persons wishing to become parties shall enter appearances. Said appearances may be entered through counsel, and shall be filed with the Chairman or Executive Secretary within three weeks after publication of the hearing notice. However, appearances may be filed at any stage of the hearing by permission of the Board for good cause shown.
- (9) A person desirous of making a statement of position shall be allowed to do so and shall not be subject to the requirement of the taking of an oath or affirmation, be deemed an interested party or be subject to examination or cross-examination. Statements of position may be presented orally or in writing, as deemed appropriate by the Board. Such statements shall be considered part of the record but shall not be accorded full evidentiary value.
- (10) The Board shall not be bound by formal rules of evidence. Statistical and published reports of State and Federal governmental agencies shall be admitted without certification.
- (11) Subject to the provisions of 955 CMR 1.06(5), any party to a hearing shall have the right to present his or her case by oral or documentary evidence, as deemed appropriate by the Board, to submit rebuttal evidence and conduct such cross-examination as may be required for a clear and true disclosure of the facts.
- (12) Immaterial, irrelevant or unduly repetitious evidence shall be excluded, whether offered on direct examination or cross-examination of witnesses.
- (13) Objections to the admission or exclusion of evidence shall state the grounds of objection relied upon, and no argument thereon shall be permitted except with the permission of the Board.
- (14) Rulings on objections and all other matters shall be part of the record, and failure to object timely to the admission or exclusion of evidence or to any ruling shall be considered a waiver of such objection.
- (15) The Board may take notice of any fact which may be judicially noticed by the courts, and in addition may take notice of general, technical and scientific facts within its specialized knowledge. Interested parties shall be notified of the material so noticed and shall be afforded an opportunity to contest the facts so noticed. The Board may utilize its experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to it.

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1.07: Filing of Briefs

Each party shall have a period of 30 days from the termination of the hearing, or until such other time as the Board may for good cause determine, to file a brief, a copy of which shall be forwarded by the person filing the brief to every other party desiring it.

1.08: Decision of the Board

A copy of the decision of the Board shall be furnished to each licensee and to each interested party. The decision shall be recorded with the Secretary of the Commonwealth pursuant to the provisions of law.

1.09: Limitations

No part of 955 CMR 1.00 is intended to limit the power of the Board contained in said M.G.L. c. 175, § 162B.

REGULATORY AUTHORITY

955 CMR 1.00: M.G.L. c. 175, § 162B; c. 255C § 77.