Title 31 MARYLAND INSURANCE ADMINISTRATION

Subtitle 02 POWERS AND DUTIES — HEARINGS

Chapter 01 Hearings

Authority: Insurance Article, §§2-109 and 2-205—2-215; State Government Article, §10-206; Annotated Code of Maryland

.06 Subpoenas.

A. - B. (text unchanged)

C. Service of Subpoenas.

(1) The party requesting the subpoena shall be responsible for proper service of the subpoena.

[(1)] *(2)* Except as provided in §C[(2)] *(3)* of this regulation, subpoenas shall be served by hand delivery by an individual 18 years old or older who is not a party to the proceeding *by delivering a copy to the person named or to an agent authorized by appointment or by law to receive service for the person named or as permitted by Rule 2-121(a)(3)of the Maryland Rules of Civil Procedure. Service of a subpoena upon a party represented by an attorney may be made by service upon the attorney under Rule 1-321(a)(3) of the Maryland Rules of Civil Procedure.* [For subpoenas requested 15 calendar days or fewer before the scheduled hearing, the requester shall provide service.]

[(2)] *(3)* In a case where the licensee to be served resides out of Maryland, the subpoena may be served by certified mail.

D. - F. (text unchanged)

.07 Conduct of Hearing — In General.

A. - C. (text unchanged)

D. The hearing officer shall conduct the hearing and may allow the case to proceed in a manner necessary to ensure the fair resolution of the issues including, but not limited to*:* [, placing reasonable limitations on the number of witnesses a party may call and the exclusion of evidence which is repetitive, irrelevant, immaterial, or otherwise not probative. The Maryland Rules of Civil Procedure may be used as a guide for resolving procedural issues regarding the conduct of the hearing.]

(1) Placing reasonable limitations on the number of witnesses a party may call,

(2) Excluding evidence which is repetitive, irrelevant, immaterial, or otherwise not probative; and

(3) Ruling on all procedural matters, including motions, objections, and offers of proof.

E. *Formal rules of pleading or evidence need not be observed at a hearing under the provisions of this regulation.* [The hearing officer shall rule on all procedural matters, including motions, objections, and offers of proof.]

F. *Representation of the Administration.* [The Commissioner may designate an attorney to represent the Administration. Once the hearing is closed by the hearing officer, the individual presenting the case on behalf of the Administration may not have a further role in the decision process of the Administration.]

(1) The Commissioner may designate an attorney to represent the Administration.

(2) Once the record is closed by the hearing officer, the attorney who represented the Administration may not have a further role in the decision process of the Administration.

G. (text unchanged)

H. *The Maryland Rules of Civil Procedure may be used as a guide for resolving issues regarding the conduct of the hearing.*

.08 Conduct of Hearing — Proposed Examination Reports.

A. - B. (text unchanged)

C. Rights of Parties.

(1) (text unchanged)

(2) The hearing officer [may] *shall conduct the hearing and allow the case to proceed in a manner necessary to ensure the fair resolution of the issues including, but not limited to*:

(a) [Place] *Placing* reasonable limitations on the number of witnesses a party may call; [and]

(b) [Exclude] *Excluding* evidence that is repetitive, irrelevant, immaterial, or otherwise not probative[.]*; and*

(c) *Ruling on all procedural matters, including motions, objections, and offers of proof.*

[D. Rules of Pleading or evidence.]

[(1)] *D.* Formal rules of pleading or evidence need not be observed at a hearing under [this] *provisions of this* regulation.

[(2) The Maryland Rules of Civil Procedure may be used as a guide for resolving procedural issues regarding the conduct of the hearing.**]**

E. - F. (text unchanged)

G. The Maryland Rules of Civil Procedure may be used as a guide for resolving issues regarding the conduct of the hearing.