

Chapter Ins 5

**RULES OF PROCEDURE FOR HEARINGS**

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**Ins 5.01 Definitions.** (1) "Hearing" as used herein includes both hearings and rehearings, and these rules shall cover both so far as applicable, except where otherwise specifically provided by statute or in these rules.

(2) "Commissioner" as used herein includes the deputy commissioner whenever detailed by the commissioner or discharging the duties and exercising the powers of the commissioner during his absence or a vacancy in the office of the commissioner, all as provided by section 601.11 (1) (b), Wis. Stats.

(3) "License" as used herein means any license, permit, certificate of authority or certificate of registration.

*History:* 1-2-56; am. (2), Register, September, 1973, No. 213, eff. 10-1-73.

**Ins 5.02 Place.** Unless otherwise specifically provided by law or ordered in the notice of hearing, all hearings shall be held at the office of the commissioner in the state capitol at Madison, Wisconsin.

**Ins 5.03 Conduct of hearings.** All hearings shall be conducted and presided over by the commissioner or such subordinate as is designated to hear the matter.

**Ins 5.04 Continuances.** Continuances and adjournments of hearings may be granted for cause by the commissioner or the subordinate designated to conduct said hearing.

**Ins 5.05 Hearings public.** All hearings shall be open to the public, except where otherwise specifically provided by statute or ordered by the commissioner or the subordinate conducting the same.

**Ins 5.06 Subpoenas.** The commissioner may sign and issue subpoenas for the attendance of a party or any witness at a hearing whether he is to conduct the hearing or not. The subordinate designated to conduct the hearing may sign and issue subpoenas for the attendance of witnesses or parties at such hearing.

**Ins 5.07 Service.** Service of notice of hearing, notice of order of the commissioner, and of any other notices during the process of and in relation to a hearing shall be given as provided by chapter 227, Wis. Stats. Service of any notice, paper or document in a proceeding after

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the entry of an appearance as provided by Ins 5.08 shall be made in such manner and may be on the party or on any agent, employe, officer or attorney appearing for or with the party, and for the purposes thereof the mail address of such party and of any agent, employe, officer or attorney appearing for or with such party as last entered in the record of such proceedings or furnished and in modification thereof shall be conclusive as the proper and correct mail address.

**History:** 1-2-56; am. Register, May, 1975, No. 233, eff. 6-1-75.

**Ins 5.08 Appearances.** Parties may appear in person or by a regularly employed employe or agent, or by a duly authorized attorney at law, and if a corporation by any of its active officers. Upon an appearance at a hearing the name and mail address of the party appearing and the name and mail address of any agent, employe, officer or attorney appearing with or for such party shall be furnished and entered in the record of the proceedings, and the said appearances so made and the mail addresses so given shall be binding on the party unless and except as modified by written notice to the commissioner or the subordinate conducting the hearing and to all other parties appearing therein served as provided by Ins 5.07 which when so modified shall in turn have the same force and effect as in the first instance.

**Ins 5.09 Examination of witnesses.** Witnesses may be examined on behalf of the commissioner by the commissioner or the subordinate conducting the hearing, or by an employe of the commissioner with the permission of the person presiding, or by a representative of the attorney-general acting as counsel for the commissioner or the state. Such witnesses may be cross-examined by a party or any one authorized and appearing therefor, but no more than one individual, whether the party or an agent, employe, officer or attorney appearing with or for such party, shall cross examine a witness except by special permission of the person conducting the hearing. The commissioner, the subordinate conducting said hearing, any employe of the commissioner or any representative of the attorney-general who shall be acting at said hearing, may call adversely any party, officer, agent or employe of a party and any witness on behalf of any party and may cross examine any witness or party testifying at such hearing. All witnesses shall be sworn by the commissioner or the subordinate conducting such hearing before testifying in the same manner as is provided by a statute in respect to the swearing of witnesses testifying in proceedings before courts of record.

**Ins 5.10 Record.** (1) **METHOD.** All the proceedings at a hearing in a contested case shall be recorded either mechanically, electronically or stenographically. The typed transcript of the record will be prepared when deemed necessary by the commissioner or other hearing officer or when requested as set out in subsection (2). The record in a contested case shall include the material listed in section 227.07 (6), Wis. Stats.

(2) **COPIES.** If a transcript of the hearing is prepared for the commissioner or other hearing officer, copies will be furnished to all persons upon request upon payment of the fee authorized by section 601.31 (21), Wis. Stats. If no transcript has been prepared by the commissioner or other hearing officer and a party requests that one be prepared, that party shall be responsible for all costs of transcript

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preparation. All requests for a transcript of the hearing shall be made in writing and presented to the hearing officer at the hearing.

(3) **COPIES FOR INTERESTED PARTIES.** Parties who are impecunious who require and request a transcript for appeal or for other purposes deemed reasonable by the commissioner or hearing officer shall be furnished with a transcript of the hearing at the expense of the office of the commissioner of insurance upon the filing of a verified petition stating the purpose for which the transcription is needed and that the person is without means to purchase a transcript.

History: 1-2-66; r. and recr. Register, March, 1977, No. 255, eff. 4-1-77.

**Ins 5.11 Evidence.** All evidence, testimony and exhibits must be of reasonable probative value to the subject matter of the hearing and all immaterial, irrelevant or unduly repetitious evidence, testimony or exhibits will be excluded.

**Ins 5.12 Stipulations.** All stipulations or agreements in reference to a matter the subject of a hearing or entered into at a hearing shall be

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