

**PROPOSED REGULATION OF THE
COMMISSIONER OF INSURANCE**

LCB File No. R110-04

June 4, 2004

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§1-3, NRS 679B.130.

A REGULATION relating to administrative hearings; authorizing the Commissioner of Insurance to dismiss hearings under certain circumstances; allowing a hearing officer to proceed with a hearing if the party who requested the hearing fails to appear; and providing other matters properly relating thereto.

Section 1. Chapter 679B of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Commissioner may, in his discretion and for good cause, upon his own motion or upon the motion of any party, dismiss any action before the Division for want of prosecution after providing proper notice to all parties.

2. The Commissioner will dismiss any action for want of prosecution if, after a period of 1 year from the date the action was filed, the party requesting the hearing has, without good cause, caused the hearing to be delayed unreasonably.

Sec. 2. NAC 679B.161 is hereby amended to read as follows:

679B.161 1. Except as otherwise provided in this section, the provisions of chapter 233B of NRS, NRS 679B.310 to 679B.370, inclusive, and NAC 679B.161 to 679B.480, inclusive, *and section 1 of this regulation* govern practice before the Division. To the extent that any action

before the Division is not covered by those provisions, the Division may follow any applicable rule in the Nevada Rules of Civil Procedure.

2. If good cause appears and if stipulated by all parties, the hearing officer may deviate from the provisions of NAC 679B.161 to 679B.480, inclusive ~~[]~~, *and section 1 of this regulation.*

Sec. 3. NAC 679B.321 is hereby amended to read as follows:

679B.321 If a party *requesting a hearing* fails to appear at the time and place set for the hearing, the hearing officer may ~~[dismiss]~~ :

1. *Proceed with the hearing without the party;*
2. *Dismiss* the proceeding with or without prejudice ~~[, or may recess]~~ ; *or*
3. *Recess* the hearing to a time set by him to enable the party to attend.