

**ADOPTED REGULATION OF  
THE COMMISSIONER OF INSURANCE**

**LCB File No. R080-07**

Effective December 4, 2007

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

AUTHORITY: §1, NRS 679B.130 and 679B.310.

A REGULATION relating to insurance; authorizing a hearing officer designated by the Commissioner of Insurance to take certain actions if a party who has received notice of a hearing fails to appear at the hearing; and providing other matters properly relating thereto.

**Section 1.** NAC 679B.321 is hereby amended to read as follows:

679B.321 **1.** If a party requesting a hearing fails to appear at the time and place set for the hearing, the hearing officer may ~~⌋~~

~~⌋~~ , *if satisfied that the party has received appropriate notice of the hearing pursuant to NRS 679B.320:*

~~(a)~~ Proceed with the hearing without the party;

~~(2.)~~ ~~(b)~~ Dismiss the proceeding with or without prejudice; or

~~(3.)~~ ~~(c)~~ Recess the hearing to a time set by him to enable the party to attend.

**2.** *If a party who has been ordered to appear at a hearing by written order or by notice of a hearing fails to appear at the time and place set for the hearing, the hearing officer may, if satisfied that the party has received appropriate notice of the hearing pursuant to NRS 679B.320:*

*(a) Proceed with the hearing without the party; or*

*(b) Recess the hearing to a time set by him to enable the party to attend.*

**NOTICE OF ADOPTION OF PROPOSED REGULATION**  
**LCB File No. R080-07**

The Commissioner of Insurance adopted regulations assigned LCB File No. R080-07 which pertain to chapter 679B of the Nevada Administrative Code.

**INFORMATIONAL STATEMENT**

A workshop was held on October 23, 2007, and a hearing was held on October 24, 2007, at the offices of the Department of Business and Industry, Division of Insurance (“Division”), 788 Fairview Drive, Suite 300, Carson City, Nevada 89701, with a simultaneous video-conference conducted at the Bradley Building, 2501 E. Sahara Avenue, Real Estate Division Conference Room, 2<sup>nd</sup> Floor, Las Vegas, Nevada 89104, concerning failure of a party to appear at a noticed regulatory hearing.

Public comment was solicited by posting notice of the hearing in the following public locations: the Division’s Carson City and Las Vegas offices, Carson City Courthouse, Office of the Attorney General, the Donald W. Reynolds Press Center, Capitol Building Lobby, Capitol Building Press Room, Blasdel Building, Legislative Counsel Bureau, Nevada State Library, Carson City Library, Churchill County Library, Clark County District Library, Douglas County Library, Elko County Library, Esmeralda County Library, Eureka Branch Library, Humboldt County Library, Lander County Library, Lincoln County Library, Lyon County Library, Mineral County Library, Pershing County Library, Storey County Library, Tonopah Public Library, Washoe County Library, and White Pine County Library.

The Division maintains a general list of interested parties, comprised mainly of insurance companies, agencies and other persons regulated by the Division. These persons were also notified of the hearing and that copies of the regulation could be obtained from or examined at the offices of the Division in Carson City.

The hearing was attended by 6 interested parties in Carson City and 1 interested party in Las Vegas. There were no written comments received, and no one attending either the workshop or the hearing testified regarding this proposed regulation. The Commissioner, sitting as the Hearing Officer, suggested that paragraph (c) of subsection 2 of section 1 be deleted because the Commissioner already has authority pursuant to NRS 679B.180 to refer matters to the Attorney General’s Office in cases in which an order of the Commissioner has been violated. Paragraph (c) of subsection 2 of section 1 is duplicative with respect to NRS 679B.180.

The Commissioner has issued an order adopting the proposed regulation, LCB File No. R080-07, as amended, as a permanent regulation of the Division.

The amendment deleting paragraph (c) of subsection 2 of section 1 is necessary to prevent duplication with NRS 679B.180.

The economic impact of the regulation is as follows:

- (a) On the business it is to regulate: None.
- (b) On small businesses: None.
- (c) On the public: None.

The Division anticipates no additional expenses to enforce the proposed regulation. The Division is not aware of any overlap or duplication of the regulation with any state, local or federal regulation.