**Section 2402.295 Cancellation/Non-Renewal Hearing**

a) Any Section of this Part to the contrary notwithstanding, the procedures set out in this Section shall apply for all hearings conducted on the cancellation/non-renewal of an insurance policy pursuant to Section 143.23 of the Illinois Insurance Code [215 ILCS 5/143.23].

1) Parties − The parties to a cancellation/non-renewal hearing shall be the individual insureds named on the policy that has been cancelled or non-renewed and the insurance company that issued the policy. No intervention by any other party or persons shall be allowed.

2) Attorneys − An attorney shall not be required. If an attorney is engaged, an appearance in accordance with Section 2402.70 is required.

3) Motion − All motions shall be presented at the commencement of the hearing. All motions shall become part of the record.

4) Conduct of Hearing − The Hearing Officer shall conduct the hearing in the following manner:

A) The insured shall proceed first and present his or her case in the narrative. The company may ask relevant questions at the conclusion of the insured's narrative. The company shall then proceed and present its case in the narrative. The insured may ask relevant questions at the conclusion of the company's narrative.

B) At the conclusion of all narratives and questions, if any, the Hearing Officer shall take the matter under advisement and enter his or her recommendations to the Director within 5 days.

5) Record − The record of the hearing shall be comprised of the Hearing Officer's notes and all documents and motions introduced, if no transcription of the proceedings is requested. The Hearing Officer may use a tape recorder to assist in the taking of notes. A party may request that the proceedings be transcribed by a court reporter as provided in Section 2402.240. This request shall be made at least one week before the hearing date, or less if a court reporter can be scheduled.

6) Hearing Officer's Recommendations − The Hearing Officer shall provide written recommendations and findings to the Director within 5 days after the close of the hearing. The Hearing Officer's recommendations shall be limited to one of the following:

A) The actions of the insurance company were incorrect and the company must retain the risk; or

B) The actions of the insurance company were correct and the company need not retain the risk.

b) The procedures set forth in this Section are intended to provide a less formal setting for cancellation/non-renewal hearings. These procedures shall apply only to cancellation/non-renewal hearings and no others. Any Section of this Part that does not conflict with these procedures is to be followed, with careful attention given to the overall informality of cancellation/non-renewal hearings.

(Source: Amended at 38 Ill. Reg. 19943, effective September 30, 2014)