

**31A-2-301 Special hearing officers -- Witness and mileage fees.**

- (1) If the commissioner considers it necessary because of the technicality or complexity of the subject, the commissioner may appoint a special hearing officer from outside the department staff and may contract for a reasonable professional fee for the services.
- (2)
  - (a) In hearings before the commissioner, witness fees and reimbursement for mileage traveled, if claimed, shall be allowed at the same rate as in district courts.
  - (b) Witness fees and reimbursement for mileage, together with the actual expense necessarily incurred in securing attendance of witnesses and their testimony, and the hearing officer's fee and reasonable actual expenses, shall be paid by the Insurance Department.
  - (c) The commissioner shall be reimbursed for these costs as provided in Section 31A-2-205 if:
    - (i) the hearing is incident to an examination for which costs are payable under Section 31A-2-205; or
    - (ii) the commissioner orders the persons involved in the hearing to reimburse the department for hearing costs, which the commissioner may do if the commissioner had reasonable cause to believe that the order which issued or might have issued was necessary.
- (3) Whenever the commissioner is reimbursed for costs under this section, the expenditures may not be charged against the department budget.

Amended by Chapter 297, 2011 General Session