

Sec. 42-181-2. Powers and duties of arbitrator

(a) The Commissioner may designate an arbitrator who shall conduct fair and impartial motor vehicle dispute settlement program arbitration hearings. The arbitrator shall have all powers necessary to avoid delay in the disposition of the dispute and to maintain order during proceedings, including, but not limited to, the following:

(1) To consider any and all evidence offered by the parties which the arbitrator deems necessary;

(2) To request the Commissioner to issue subpoenas to compel the attendance of witnesses and the production of relevant documents, papers, and records;

(3) To regulate the course of the arbitration hearings and the conduct of the parties and any third parties or counsel therein;

(4) To hold conferences;

(5) To determine if a vehicle inspection is necessary, and if deemed necessary, to specify the location for such inspection;

(6) To continue the arbitration hearing to a subsequent date if, at the initial arbitration hearing, the arbitrator determines that additional information is necessary in order to render a fair and accurate decision;

(7) To require, with good cause, the withdrawal from the arbitration hearing of any individual who is not a party to the dispute; and

(8) To reopen the arbitration hearing at will or upon motion of either party for good cause shown at any time before the decision is rendered.

(b) An arbitrator shall maintain impartiality throughout the course of the arbitration hearing. An arbitrator shall:

(1) Sign a written oath prior to the commencement of each arbitration hearing to which he or she has been assigned, attesting to his or her impartiality in that case; and

(2) Refrain from direct communication with the parties other than at the arbitration hearing. Any such communication shall be reported by the arbitrator to the department and noted in the dispute record. Any communications to be conducted between the parties and the arbitrator shall be submitted to the department for transmittal to the appropriate party or individual.

(Effective December 18, 1984; Amended August 30, 2000; Amended April 6, 2018)