

2770.5200 DECISIONS.

Decisions:

A. Arbitration panels may, upon their own initiative, render a decision in favor of a respondent company without production of evidence by such respondent, if the panel unanimously agrees following presentation of the applicant's evidence that such applicant has not made out a prima facie case.

B. A decision of an arbitration panel on issues of fact or law is final and binding. However, a local committee's chair is not precluded from correcting a clerical, typographical, or jurisdictional error on the part of a local committee's staff, provided it is called to the local committee's attention in writing by one of the arbitrating reparation obligors within 30 days after publication of the decision; or if recognized by the local committee without notice from the arbitrating reparation obligors within 30 days after publication of the decision; provided further, that the correction be made in either event within 60 days after publication of the decision.

C. The law of the locality in which the accident, insured event, or loss occurred will control the decision on questions of liability. A finding as to the amount of damages in issue shall be based upon the facts presented to the arbitrators.

D. The amount paid shall not be at issue unless pleaded specifically.

E. Decisions of the arbitrators shall be promptly rendered after consideration of the case, and the evidence submitted by the controverting parties shall be returned promptly.

F. The arbitrators shall prepare a written decision in each case, copies of which shall be distributed by the secretary as follows: one copy will be retained by the arbitration panel secretary; one copy shall be furnished to each party involved in the arbitration; and the original shall be furnished to the Committee on Insurance Arbitration.

G. The decisions of the arbitration panel shall include the following minimum information:

- (1) date and place of hearing;
- (2) names of panel members;
- (3) names of applicant and respondent carriers and names of their respective insureds;
- (4) names of respective controverting party representatives, if any, attending the hearing;
- (5) brief description of the claim or controversy and amount involved therein;

(6) names of controverting insurance carrier in whose favor an award is rendered and the amount thereof;

(7) brief statement of the basis for the finding, such as lack of proof, contributory negligence, or other controlling principles of law; and

(8) signature of the arbitrator who prepared the decision.

H. Decisions of an arbitration panel shall be complied with as soon as practicable. Any unwarranted delay on the part of the parties concerned should be reported to the Committee on Insurance Arbitration by the prevailing party.

Statutory Authority: *MS s 65B.53*

History: *17 SR 1279*

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