**Section 1001.230 Rules of Evidence**

a) The hearing officer shall conduct the hearing, and with respect to the hearing, shall have, but not be limited to, the following powers:

1) The authority to administer oaths;

2) The authority to examine witnesses;

3) The authority to issue subpoenas; and

4) The authority to rule upon the admissibility of evidence.

b) The hearing need not be conducted according to strict rules of evidence. Any relevant evidence may be admitted in a hearing held pursuant hereto if it is of the type relied upon by reasonable, prudent persons in the conduct of their affairs, regardless of the existence of any common law or statutory rule which would render it inadmissible over objection in civil or criminal actions. The rules pertaining to privileged communications shall be recognized in these hearings to the same extent as they are recognized in civil actions. Irrelevant and unduly repetitious evidence shall be excluded upon objection. Objections to evidentiary offers may be made and shall be noted in the record, and ruled upon by the hearing officer. Any petitioner may make an offer of proof following an adverse evidentiary ruling. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, any part of the evidence may be received in written form. Subject to the evidentiary requirements of this subsection, a petitioner may conduct cross-examination required for a full and fair disclosure of the facts.

c) The Secretary may offer into evidence, and the hearing officer shall receive into evidence, any accident report forms required by Sections 11-406 and 11-410 of the Code and reports in the Secretary's possession furnished by any law enforcement agency that may have investigated the accident. The person who made the report need not be present or testify at the hearing; however, if such person is present his testimony may be taken in corroboration of or in lieu of the reports. Accident reports may be used in support of the preliminary finding of the Secretary when used in conjunction with testimony or other evidence, or when the petitioner refuses to testify.

d) In cases where the operator of a motor vehicle is not the owner, the establishment of ownership of the motor vehicle creates a rebuttable presumption that the vehicle was being operated by the agent of the owner. As such, the owner is liable for the negligence of the agent. Agency may also be proven by other admissible evidence. The weight given the presumption and whether it is overcome, or whether agency is proven, are questions of fact for determination by the hearing officer. This presumption applies equally to private and commercial vehicles.

e) Upon proper motion, the hearing officer may grant petitioner leave to submit additional relevant evidence. Leave must be granted for a time certain in no case to exceed 30 calendar days from the date of the hearing. Leave to submit additional evidence must be made a matter of record. Leave will not be granted to submit insurance letters or proof of compliance.

f) The jurisdiction of the Safety Responsibility Hearing applies to accidents that occur anywhere in Illinois and regardless of when the accident occurred. (See Sections 7-201 and 11-201 of the Code.)

(Source: Amended at 26 Ill. Reg. 9380, effective June 13, 2002)