**Section 446.503 Hearings**

a) When a hearing is requested and scheduled under Section 446.501, a presiding officer designated by the secretary, convenes and presides over the hearing. Testimony by witnesses shall be given under oath and the hearing shall be recorded verbatim.

b) The presiding officer may:

1) Administer oaths and affirmations;

2) Adopt procedures for the submission of evidence in written form;

3) Rule on offers of proof and receive relevant evidence;

4) Examine witnesses at the hearings;

5) Convene, recess, reconvene, adjourn and otherwise regulate the course of the hearing;

6) Hold conferences for settlement, simplification of issues, or any other proper purpose; and

7) Take any other action authorized by or consistent with the provisions of this Part and permitted by law which may expedite the hearing or aid in the disposition of an issue raised therein.

c) The petitioner has the burden of proving the facts alleged in his Petition for Approval of Disallowed Rates, or Petition for Approval of rate change, including proof that the disallowed rate(s) is just an reasonable.

d) The petitioner may offer such relevant information and testimony as may be necessary to fully inform the presiding officer as to the matter concerned, and conduct such cross-examination as may be required for a full disclosures of the facts.

e) The presiding officer shall take into consideration the following factors in addition to any other relevant material prior to issuing a decision.

1) Average length of time to complete a safety test.

2) Average shop rate.

3) Average hourly rates of pay for journeyman mechanics and certified safety testers.

4) The current and/or propose rates and charges.