

2021 Proposed Amendments

Rule 4

A. Filing with the Office. A request for a contested case hearing, accompanied by a filing fee as provided by Rule 21, must be filed with the Office. The Office must serve a copy of the request on each party, including the Department of Motor Vehicles. After the request for hearing and filing fee are delivered to the Office, all subsequent filings must contain the docket number assigned. The Office will maintain its official file from the receipt of the request for hearing until a final order is issued by the hearing officer.

B. Time for Filing Request. Unless otherwise provided by statute, a request for a contested case hearing must be filed within thirty days after actual notice of the Department of Motor Vehicles' determination.

C. Content of the Request. The request for a contested case hearing may be submitted on a form prescribed by the Office and shall contain the following information:

- (1) the name, address, telephone number and e-mail address of the party requesting the hearing;
- (2) the issue for which the hearing is requested;
- (3) information sufficient to identify the matter which is the subject of the hearing;
- (4) a copy of the Department's written determination or letter;
- (5) the relief requested.

The request for the hearing will not be assigned to a hearing officer until all required information and the filing fee is received. If a representative of a party files the request for hearing, the request must contain the name, address, telephone number and e-mail address of the representative. If an attorney is retained to represent a party after the initial request for a hearing is filed, the attorney must file a letter or notice of representation with the Office which contains the name, address, telephone number and e-mail address of the attorney.

D. Filing Defined. The date of the filing of the request is the date of delivery or the date of mailing. All documents filed with the Office, other than the request for a contested case hearing as provided in subsection (A), shall be accompanied by proof of service of such document on all parties, and, if filed by mail, shall be accompanied by a certificate of the date of mailing. A document, pleading or motion or other paper is deemed filed with the Office by:

- (1) delivering the document to the Office; or
- (2) depositing the document in the U.S. mail, properly addressed to the Office, with sufficient first class postage attached; or
- (3) Following the filing of a case with the Office, parties may submit motions or other documents by electronic mail (e-mail) if the submission complies with all other Rules of the OMVH.

E. Paper Size. All papers filed with the Office shall be on letter-size (8½ by 11 inches) paper. Exhibits or copies of exhibits in their original form which exceed that size shall be reduced by photocopying or otherwise to letter-size so long as such documents remain legible after reduction.

Note

All filed papers must be served upon all parties to the case, including the Department of Motor Vehicles, and must be accompanied by proof of service. The Office shall serve a copy of the request for a contested case hearing upon all parties, but all other documents filed with the Office must be served upon all parties by the proponent of the document and must be accompanied by proof of service.

Note to 2011 Amendments

Rule 4(C) has been amended to require an attorney retained to represent a party after the initial hearing request is filed to file a notice of representation with the Office containing the specified information. 5. Service. Any document, pleading, motion, brief or memorandum or other paper

Note to 2021 Amendment

Rule 4 (D) has been amended to allow filing by e-mail after the initial request for a hearing.

Rule 5

5. **Service.** Any document, pleading, motion, brief or memorandum or other paper filed with the Office, other than the request for a contested case hearing as provided in Rule 4(A), shall be served by the proponent of the document upon all parties to the proceeding. Service shall be made upon counsel if the party is represented, or if there is no counsel, upon the party. Service shall be made by delivery, or by mail to the last known address. Service is deemed complete upon mailing. Service that complies with Rule 5(b)(1), SCRCF, also shall satisfy this Rule. A party who furnishes an e-mail address to the Office pursuant to Rule 4(C) or Rule 6 consents to the service of notices of hearing or other notices issued by the Office via e-mail. Once the Office has served a notice of hearing, the parties shall be allowed to serve documents, pleadings, motions, briefs or memoranda by e-mail. The parties must use the e-mail addresses provided by the Office. If a party's e-mail address is not listed in the notice served by the Office, all correspondence to that party must be served by U.S mail.

Note

Service is required of all documents filed with the Office, except for the initial request for a contested case hearing, which is served by the Office. It is deemed complete upon mailing. The method of service is by delivery or mailing, but not fax. However, if a party furnishes an e-mail address to the Office, that party thereby consents to the services of notices issued by the Office, including notices of hearings, via e-mail. After the Office has served a notice listing those parties who have provided e-mail addresses, parties are allowed to serve the listed parties by e-mail.