

Subchapter L. EVIDENCE AND EXHIBITS IN CONTESTED CASES.

§22.221. Rules of Evidence in Contested Cases.

- (a) **Rules of civil evidence apply.** The Texas Rules of Civil Evidence as applied in nonjury civil cases in the courts of Texas shall be followed in contested cases. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. When necessary to ascertain facts not reasonably susceptible of proof under the Texas Rules of Civil Evidence, evidence not admissible under those rules may be admitted, except where precluded by statute, if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.
- (b) **Rules of privilege and exemption.** The rules of privilege and exemption recognized by Texas law shall apply.
- (c) **Objections.** Objections to evidentiary offers may be made, shall be ruled upon, and shall be noted in the record. Failure to object to evidence at the time it is offered constitutes a waiver of all objections to the evidence.
- (d) **Formal exceptions not required.** Formal exceptions to rulings made by the presiding officer during a hearing are not required. It shall be sufficient that the party notified the presiding officer of the grounds for the objection and desired ruling.
- (e) **Public comment.** Public comment is not part of the evidentiary record of a contested case.