

1507 - 21st Street, Suite 330
Sacramento, California 95811
Telephone: (916) 445-1888
Contact Person: Nicole Angulo
www.nmvb.ca.gov

STATE OF CALIFORNIA
NEW MOTOR VEHICLE BOARD

A G E N D A

GENERAL MEETING

New Motor Vehicle Board
Hearing Room #1
1507 21st Street, Suite 330
Sacramento, California 95811

December 3, 2010

Please note that Board action may be taken regarding any of the issues listed below. As such, if any person has an interest in any of these issues, he or she may want to attend.

The Board provides an opportunity for members of the public to comment on each agenda item before or during the discussion or consideration of the item as circumstances permit. (Gov. Code § 11125.7).

1. **10:30 a.m. -- Meeting called to order.**
2. **Roll Call.**
3. **Pledge of Allegiance.**
4. **Approval of the Minutes from the June 15, 2010, General Meeting, and August 24, 2010, and October 29, 2010, Special Meetings.**
5. **First consideration of petition pursuant to Section 557 of Title 13 of the California Code of Regulations.**

MEGA RV CORP. dba MCMAHON'S RV v. ROADTREK MOTORHOMES, INC.
Petition No. P-457-10

First consideration by the Public Members of the Board pursuant to Title 13, California Code of Regulations, section 554, et seq.

6. **Consideration of petition requesting that the Board direct DMV to conduct an investigation of the allegations contained therein and to order DMV to exercise any and all authority over Respondent's Occupational License pursuant to Vehicle Code section 3050(c)(1) and (3).**

MEGA RV CORP. dba MCMAHON'S RV v. ROADTREK MOTORHOMES, INC.
Petition No. P-457-10

Consideration of Petition requesting that the Board direct DMV to conduct an investigation of the allegations contained therein and to order DMV to exercise any and all authority over Respondent's Occupational License, by the Public Members of the Board.

7. **Discussion and consideration of whether to designate the Board's decision in *Mega RV Corp., dba McMahon's RV v. Roadtrek Motorhomes, Inc.*, Protest Nos. PR-2234-10, PR-2235-10, and PR-2236-10, as a precedent decision pursuant to Government Code section 11425.60, by the Public and Dealer Members.**
8. **Consideration of presentation of Resolution to Robert L. Frisch, former Vice President, Western Region, BMW of North America, LLC.**
9. **Report on non-substantive changes to the proposed regulatory text of Sections 550, 551.12, 594, 595, and 597 of Title 13 of the California Code of Regulations - Executive Committee.**
10. **Annual update concerning the development and use of the Board's website - Administration Committee.**
11. **Discussion of the Board's lease on its current facility and potential alternative locations - Administration Committee.**
12. **Status report concerning manufacturer and distributor compliance with Vehicle Code sections 3064/3074 and 3065/3075 (the filing of statutorily required schedules and formulas) - Administration Committee.**
13. **Annual Report on Board Development Program - Board Development Committee.**
14. **Semi-annual discussion and consideration of the methods for determining Board fees - Fiscal Committee.**
15. **Board financial condition report for the previous fiscal year - Fiscal Committee.**

16. **Status report concerning the Board's financial condition for the 1st quarter of fiscal year 2010-2011 and status on the Board's collection of its annual fees - Fiscal Committee.**
17. **Discussion and consideration of 2011 Industry/Attorney Roundtable - Government and Industry Affairs Committee.**
18. **Consideration of proposed regulations - Policy and Procedure Committee.**
 - a. Determination of Annual Board Fee (13 § 553.20);
 - b. Noncompliance (13 § 553.30);
 - c. Obligation to Comply (13 § 553.50);
 - d. Payment of Fees (13 § 553.70);
 - e. Transmittal of Fees by Mail (13 § 553.72).
19. **Consideration of 2011 Rulemaking Calendar - Policy and Procedure Committee.**
20. **Discussion concerning Legislation - Policy and Procedure Committee.**
 - a. Legislation of Special Interest - none.
 - b. Legislation of General Interest.
 - (1) Assembly Bill 2597 (Assembly Member Berryhill) [vetoed 9/29/10].
 - c. Pending Federal Legislation of General Interest.
 - (1) United States House of Representatives Bill 2743 (U.S. Representative Maffei) - Automobile Dealer Economic Rights Restoration Act of 2009.
 - (2) United States House of Representatives Bill 2796 (U.S. Representative LaTourette) - Automobile Dealer Economic Rights Restoration Act of 2009.
 - (3) United States House of Representatives Bill 3311 (U.S. Representative Blumenauer).
 - (4) United States House of Representatives Bill 3450 (U.S. Representative Jackson-Lee) - Automobile Dealers Fair Competition Act of 2009.
 - (5) United States House of Representatives Bill 4897 (U.S. Representative Richardson) - Drivers Accelerated Interest Deductibility Act of 2010 or the Drivers AID Act.
 - (6) United States House of Representatives Bill 5345 (U.S. Representative Speier) - Consumer Auto Safety Enhancement Act of 2010.
 - (7) United States Senate Bill 209 (U.S. Senator Boxer).
 - (8) United States Senate Bill 247 (U.S. Senator Feinstein) - Accelerated Retirement of Inefficient Vehicles Act of 2009.

- (9) United States Senate Bill 271 (U.S. Senator Cantwell) - Fuel Reduction using Electrons to End Dependence on the Mid-East (FREEDOM) Act of 2009.
- (10) United States Senate Bill 1200 (U.S. Senator Feinstein) - Short Term Accelerated Retirement of Inefficient Vehicles Act of 2009.

21. **Executive Director's Report.**

- A. Administrative Matters.
- B. Case Management.
- C. Judicial Review.
- D. Notices Filed Pursuant to Vehicle Code sections 3060/3070 and 3062/3072.
- E. Other.

22. **Annual report of staff participation in the California State Employees Charitable Campaign (CSECC).**

23. **Selection of Board meeting dates for 2011.**

24. **Closed Executive Session.**

Pursuant to Government Code section 11126(a)(1), all members of the Board shall convene in a closed Executive Session.

Consideration of annual performance review for Executive Director - Executive Committee.

25. **Open Session.**

26. **Public Comment. (Gov. Code § 11125.7).**

27. **Adjournment.**

To request special accommodations for persons with disabilities at this or any future Board meeting or to request any accommodation for persons with disabilities necessary to receive agendas or materials prepared for Board meetings, please contact Nicole Angulo at (916) 445-1888 or nangulo@nmvb.ca.gov.