

STATE OF CALIFORNIA



## MEMO

**To :** POLICY AND PROCEDURE COMMITTEE  
KATHRYN ELLEN DOI, CHAIR  
BISMARCK OBANDO, MEMBER

**Date:** May 14, 2014

**From :** WILLIAM G. BRENNAN  
ROBIN P. PARKER

**Subject:** CONSIDERATION OF THE 2014 EDITION OF THE *NEW MOTOR VEHICLE BOARD ADMINISTRATIVE LAW JUDGES' BENCHBOOK*

The enclosed 2014 edition of the *New Motor Vehicle Board Administrative Law Judges' Benchbook* ("Benchbook") was thoroughly reviewed and revised most recently at the March 13, 2013, General Meeting. It is being revised again to reflect legislative changes that were effective January 1, 2014. The title page, table of contents, and all page references were also updated. The substantive changes are in strikeout and italic/underline font, and are limited to the following:

- "New as of 2014" on pages 6-10.
- Footnote 9 on page 11 was revised to reflect the new Board policy on the allocation of court reporter fees and costs.
- Footnote 19 on page 37 was amended to reflect that the burden of proof on most 3065 warranty protests and all franchisor incentive program protests is now on the franchisor.
- The analysis of good cause in Section 3062 was updated on page 44 and footnote 20 was added.
- The analysis in Section 3064, 3065, 3065.1, 3074, 3075, and 3076 protests on pages 45-48 was updated consistent with legislative changes.
- The section on stipulated decisions on pages 68-69 was updated to reflect correct statutory references and to incorporate Article 5 RV protests.
- The conflict of interest section on page 80 was updated to reflect the Board's current conflict of interest code.

This topic is being agendized for discussion and consideration at the July 15, 2014, General Meeting.

If you have any questions or require additional information, please contact me at (916) 324-6197 or Robin at (916) 323-1536.

Enclosure