1	Attorney(s) name(s) and state bar number Law Firm Address Telephone number Facsimile number	
2		
3		
4	E-mail address	
5		
6	Attorney(s) for Protestant	
7	SAMPLE PROTEST 3060 Modification	
8		
9		
10	STATE OF CALIFORNIA	
11	NEW MOTOR VEHICLE BOARD	
12		
13	In the Matter of the Protest of	Protest No. (leave blank)
14	NAME OF DEALERSHIP/FRANCHISEE,	PROTEST
15	Protestant,	
16	v.	[Vehicle Code section 3060]
17	NAME OF MANUFACTURER	
18	/DISTRIBUTOR/FRANCHISOR,	
19	Respondent.	
20		
21		
22	Protestant, [enter Protestant's name], files this protest under the provisions of California	
23	Vehicle Code section 3060(b) and alleges as follows:	
24	1. Protestant is a new motor vehicle dealer selling [enter line-make] and is located	
25	at [address of dealership]. Protestant's telephone number is [enter telephone number].	
26	2. Respondent distributes/manufactures [enter line-make] products and is the	
27	franchisor of Protestant.	
28	3. Protestant is represented in this	s matter by [Name of Attorney or Protestant's

Dealer Principal or authorized representative], whose address is [enter address] and telephone number is [enter telephone number].

4. On or about [enter a date], Protestant received from Respondent a notice that Respondent intends to modify or replace its existing franchise with a succeeding franchise.

[Note: the protest needs to be filed with the Board within 30 calendar days of receipt of the notice]

- 5. Respondent's actions will result in the modification (or replacement) of Protestant's franchise without Protestant's consent, and such modification (or replacement) will substantially affect Protestant's sales and service obligations and investments.
- 6. Respondent does not have good cause to modify (or replace) the franchise considering the existing circumstances as stated in Vehicle Code section 3061. These circumstances include but are not limited to all of the following:
- (a) Amount of business transacted by the franchisee, as compared to the business available to the franchise.
- (b) Investment necessarily made and obligations incurred by the franchisee to perform its part of the franchise.
  - (c) Permanency of the investment.
  - (d) Whether it is injurious to the public welfare for the franchise to be modified.
- (e) Whether the franchisee has adequate motor vehicle sales and service facilities, equipment, vehicle parts, and qualified service personnel to reasonably provide for the needs of the consumers for the motor vehicles handled by the franchisee and has been and is rendering adequate services to the public.
- (f) Whether the franchisee fails to fulfill the warranty obligations of the franchisor to be performed by the franchisee.
  - (g) Extent of franchisee's failure to comply with the terms of the franchise.
- (h) Other circumstances that would support the claim that there is not good cause to modify Protestant's franchise.
- 7. Protestant and its attorney(s) desire to appear before the Board and estimate that the hearing in this matter will take [enter number of days] days to complete.

8. A Pre-Hearing Conference is requested. 1 WHEREFORE, Protestant prays as follows: 2 That the Board (or its authorized representative) immediately advise Respondent 1. 3 that a protest has been filed; 4 2. That a hearing of the Protest is required pursuant to Vehicle Code section 3066; 5 and, 6 3. 7 That, pursuant to Vehicle Code section 3060 and 3061, Respondent may not modify or replace the franchise unless and until the Board finds that Respondent has established 8 good cause for such action. 9 10 11 Date: [enter date] By [signature] 12 Attorney(s) name(s) 13 14 15 16 17 18 19 20 THE PROTEST MAY NOT BE PROCESSED WITHOUT AN ATTACHED PROOF OF SERVICE AND THE \$200.00 FILING FEE 21 PAID BY CHECK OR BY PHONE WITH A CREDIT CARD (916-445-1888) 22 23 24 25 **DISCLAIMER:** This sample provides a basic means for drafting a document for filing with the Board, but the sample should not be mistaken as a substitute for personalized 26 advice from a qualified attorney or other person sufficiently knowledgeable to represent parties before the Board. The Board strives to provide relevant, accurate and complete 27 information. However, the Board cannot and does not warrant the relevancy, accuracy, completeness or propriety of the information provided in this sample. 28