

§ 553. Annual Board Fee.

(a) Pursuant to section 11723 of the Vehicle Code, every applicant for a license as a new motor vehicle dealer or dealer branch, and every applicant for renewal of a license as a new motor vehicle dealer or dealer branch, shall pay to the department for each issuance or renewal of such license, the sum of \$300.00, per year of licensure, in addition to all other fees now required by the Vehicle Code.

For the purposes of this section, a dealer or dealer branch which is enfranchised to sell both new motorcycles and new motor vehicles other than motorcycles shall be subject to a licensing fee for sales of motorcycles and a licensing fee for sales of motor vehicles other than motorcycles.

(b) Pursuant to section 3016 of the Vehicle Code, every new motor vehicle manufacturer and distributor shall pay to the Board an annual fee of \$.45 per new motor vehicle distributed by the manufacturer or distributor which was sold, leased, or otherwise distributed in California to a consumer of such new motor vehicles during the preceding calendar year, provided, however, that the fee to be paid by each manufacturer or distributor shall not be less than \$300.00.

The board may waive fees for a new motor vehicle manufacturer or distributor licensed in California, based on a determination that the manufacturer or distributor either does not sell vehicles in California or does not have an independent dealer or dealer branch in California.

Note: Authority cited: Section 3050(a), Vehicle Code. Reference: Sections 11723 and 3016, Vehicle Code; and ~~Section 472.5(b), Business and Professions Code.~~

§ 553.10. Statement of Number of Vehicles Distributed.

(a) All manufacturers and distributors of new vehicles (as defined in section 430 of the Vehicle Code) are required to file a written statement with the Board on or before May 1 of each calendar year. The statement shall include:

(1) The number of new motor vehicles distributed by the manufacturer or distributor which were sold, leased, or otherwise distributed in California to a consumer of such new motor vehicles during the preceding calendar year;

(2) The name and business address of other manufacturers and distributors who are required to submit a statement reporting the distribution of the same new motor vehicles;

(3) The name and business address of the person or persons authorized to receive notices on behalf of the manufacturer or distributor.

(b) If the information required by subdivision (a) is not received by the Board within the applicable time period or it is determined by the Board that the information that is received is substantially inaccurate as compared to the registration information derived from the records of the Department of Motor Vehicles, it shall be presumed that the number of new motor vehicles sold, leased, or otherwise distributed in this state by or on behalf of the non-reporting entity during the preceding calendar year is equal to the total number of new registrations during the period in question of all vehicles manufactured or distributed by the non-reporting entity as derived from the records of the Department of Motor Vehicles.

Note: Authority cited: Section 3050(a) and 3016, Vehicle Code. Reference: Section 3016, Vehicle ~~472.5(b) and (c)(2), Business and Professions Code.~~

§ 553.20. Determination of Annual Board Fee.

Upon receipt of the information required by Section 553.10(a), or as determined by Section 553.10(b), the Board shall calculate the Annual Board Fee to be paid by each ~~manufacture~~, manufacturer and distributor by multiplying the annual fee per vehicle (as set forth in Section 553(b)) by the number of new motor vehicles distributed by the manufacturer or distributor in the preceding calendar year provided, however, that the fee to be paid by each manufacturer or distributor shall not be less than \$300.00. The Board shall thereafter send a written notice by regular mail or electronic-mail ~~certified mail, return receipt requested~~, to each manufacturer and distributor stating the number of new motor vehicles distributed by the manufacturer or distributor and the amount of the fee to be paid.

Payment of the fee shall be made to the New Motor Vehicle Board no later than thirty (30) days after the date of receipt of the notice.

NOTE: Authority cited: Section 3050(a) and 3016, Vehicle Code. Reference: Section 3050(a) and 3016, Vehicle Code 472.5(b), (c)(1) and (c)(2), ~~Business and Professions Code~~.

§ 553.30. Noncompliance.

The New Motor Vehicle Board may consider any failure of a manufacturer or distributor to comply with any provisions of Article 1, Section 553.10 or 553.20 to be good cause to exercise its authority pursuant to Vehicle Code Section 3050(c).

Note: Authority cited: Sections 3016 and 3050(a), Vehicle Code. Reference: Section 3050(c), Vehicle Code.

§ 553.50. Obligation to Comply.

(a) All manufacturers, manufacturer branches, distributors and distributor branches of new motor vehicles (as defined in Business and Professions Code Section 472.5(e) ~~472(a)~~) are required to file a written statement with the New Motor Vehicle Board on or before May 1 of each calendar year. The statement shall include:

(1) The number of new motor vehicles distributed by the manufacturer or distributor which were sold, leased, or otherwise distributed in California to a consumer of such new motor vehicles during the preceding calendar year;

(2) The name and business address of other manufacturers and distributors who are required to submit a statement reporting the distribution of the same new motor vehicles; and

(3) The business address and name of the person or persons authorized to receive notices on behalf of the manufacturer or distributor.

(b) Payment of the fees pursuant to Business and Professions Code Section 472.5 shall be the responsibility of the manufacturer or distributor which authorizes a retail seller, including a dealer, franchisee, or lessor (as those terms are defined in the Vehicle Code), to sell, lease, or otherwise distribute the new motor vehicles.

Note: Authority cited: Section 472.5(f), Business and Professions Code. Reference: Sections ~~472.5(b) and (f)~~, Business and Professions Code; and Sections 285, 331.1 and 372, Vehicle Code.

§ 553.70. Payment of Fees.

The New Motor Vehicle Board shall determine the fee to be assessed per vehicle by dividing the dollar amount necessary to fully fund the certification program for the Arbitration Certification Program by the number of new motor vehicles sold, leased, or otherwise distributed in California during the preceding calendar year. For calendar year 2010, the fee shall be \$.989 per vehicle.

Upon receipt of the information required by Section 553.50(a), or as determined by section 553.60, the New Motor Vehicle Board shall send a written notice by certified mail, return receipt requested, to manufacturers and distributors subject to the fee assessment stating the number of new motor vehicles (as defined in Business and Professions Code Section 472.5(e)) distributed by the manufacturer or distributor and the amount of the fee to be paid.

Payment of the fee shall be made to the New Motor Vehicle Board no later than thirty (30) days after the date of receipt of the notice.

NOTE: Authority cited: Section 472.5(f), Business and Professions Code. Reference: Sections 472.5(b), (c) and (e), Business and Professions Code.

§ 553.72. Transmittal of Fees by Mail.

No penalty shall be imposed for delinquent payment of any fee required to be paid under this article in the event any instrument for effective payment of such fee is placed in the United States mail or in any postal box maintained by the United States Postal Service with sufficient identification, in an envelope with postage thereon prepaid and addressed to the New Motor Vehicle Board, 1507 21st Street, Suite 330, Sacramento, California, 9584411 prior to the date the fee becomes delinquent.

Note: Authority cited: Section 472.5(f), Business and Professions Code. Reference: Sections 472.5(b) and (d), Business and Professions Code.