

§ 550.10. Application of ~~Sub~~Chapter.

Application of this ~~sub~~chapter is subject to the limitations as set forth in section 3051 of the Vehicle Code.

Note: Authority cited: Section 3050(a), Vehicle Code. Reference: Section 3051, Vehicle Code.

551. Authority.

The powers and duties of this board are set forth in Chapter 6 (commencing at Section 3000) of Division 2 of the Vehicle Code. Persons having matters to be considered by the board, or appeals to the board from actions or decisions of the Department of Motor Vehicles should refer to said Vehicle Code provisions under which these rules are adopted to govern procedural matters of the board. Reference is also made to the General Provisions of the Vehicle Code (commencing at Section 1), and Division 1 thereof (commencing at Section 100), and to the provisions of Chapter 5, Part 1, Division 3, Title 2 of the Government Code (commencing with Section 11500 thereof).

Note: Authority cited: Section 3050(a), Vehicle Code. Reference: Sections 1, et seq., and 3000, et seq., Vehicle Code; Section 11500, et seq., Government Code.

551.1. Challenge.

An administrative law judge or board member shall voluntarily disqualify himself or herself and withdraw from any hearing or deliberation in which he or she cannot accord a fair and impartial hearing or consideration. Any party may request the disqualification of any administrative law judge or board member by filing an affidavit, prior to the taking of evidence at a hearing, stating with particularity the grounds upon which it is claimed that a fair and impartial hearing cannot be accorded. Where the request concerns a board member, the issue shall be determined by the other members of the board. Where the request concerns the administrative law judge, the issue shall be determined by the board if the board itself hears the case with the administrative law judge, otherwise the issue shall be determined by the administrative law judge.

Note: Authority cited: Section 3050, Vehicle Code. Reference: Sections 11425.40 and 11512, Government Code 11723, Vehicle Code.

551.6. Testimony by Deposition.

On verified petitions of any party, the board may order that the testimony of any material witness residing within or without the state be taken by deposition in the manner prescribed by law for depositions in civil actions. Petition shall set forth the nature of the pending proceedings; the name and address of the witness whose testimony is desired; the showing of the materiality of his or her testimony; a showing that the witness shall be unable or cannot be compelled to attend; and shall request an order requiring the witness to appear and testify before an officer named in the petition for that purpose. Where the witness resides outside the state and where the board has ordered the taking of his or her testimony by deposition, the board shall obtain an order

of court to that effect by filing a petition therefor in the Superior Court in Sacramento County. The proceedings thereon shall be in accordance with the provisions of Section 11189 of the Government Code.

Note: Authority cited: Section 3050, Vehicle Code. Reference: Section 11189, Government Code 44723, Vehicle Code.

§ 553.40. Filing Fees.

A party filing a request for informal mediation, petition, appeal, or protest pursuant to the provisions of this subchapter shall simultaneously deliver to the board a filing fee of \$200, which is to be in the form of a check or money order payable directly to the board, or a credit card payment. The initial pleading filed in response to such request for informal mediation, petition, appeal, or protest shall also be accompanied by a \$200 filing fee. The board, in the discretion of the executive director, may refuse to accept for filing any pleading subject to this section that is not accompanied by the requisite fee. The executive director may, upon showing of good cause, waive any such fee.

Note: Authority cited: Section 3016, 3050(a) and 3050.5, Vehicle Code; and Section 6163, Government Code. Reference: Sections 3050, 3052, 3060, and 3062, 3064, 3065, 3065.1, 3070, 3072, 3074, 3075, 3076, Vehicle Code.

§ 583. Form; Separate Protests.

A protest shall be in writing and conform to the provisions of Article 6 herein. If the franchisee is a natural person, not a corporation or other legal entity, the protest shall be signed by that person or by the franchisee's attorney or representative. If the franchisee is a corporation or other legal entity, the protest shall be signed by an attorney representing the entity, or by an authorized representative of the entity.

Separate protests are required if there is more than one franchisee.

Note: Authority cited: Section 3050, Vehicle Code. Reference: Sections ~~3050(b), 3050(c) and 3050(d),~~ Vehicle Code.

§ 598. Acceptance of Filing.

(a) A document which purports to be a protest pursuant to Vehicle Code section 3060, 3062, 3070, or 3072, which is received at the offices of the Board shall not be filed until the executive director has reviewed it for compliance with the Board's enabling statutes and Title 13, SubChapter 2 of the California Code of Regulations. If the executive director deems the document to comply, said document shall be filed. The executive director may reject any document that does not comply with the Board's enabling statutes and Title 13, SubChapter 2 of the California Code of Regulations.

(b) A protest accepted for filing by the executive director shall be recorded as filed as of the date it was received at the Board's offices or the date of certified or registered mailing.

(c) The executive director may, for good cause shown, accept for filing any papers that do not comply with the Board's enabling statutes and Title 13, ~~Sub~~Chapter 2 of the California Code of Regulations. Good cause issues and challenges to the executive director's compliance determinations may be resolved by law and motion proceedings before an administrative law judge.

Note: Authority cited: Section 3050(a), Vehicle Code. Reference: Section 3014, Vehicle Code.