

550.20 Use of Certified Mail in Lieu of Registered Mail.

Any notice or other communication required by Chapter 6 of Division 2 of the Vehicle Code to be mailed by registered mail shall be deemed to be in compliance with the requirements of said Chapter if mailed by certified mail.

NOTE: Authority cited: Section 3050(a), Vehicle Code. Reference: Sections 3052, 3057, 3058, and 3066-3068, Vehicle Code; Section 17, Civil Code.

551.11. Settlement Conference: Separation of Powers

(a) The administrative law judge at the settlement conference shall not preside at the hearing on the merits or in any proceeding relating to motions for temporary relief or interim orders unless otherwise stipulated by the parties. Nothing in this regulation shall affect or limit the provisions of Vehicle Code § 3050.4.

(b) The parties shall file a written settlement conference statement that contains a detailed statement of facts, a statement of issues, and a good faith settlement proposal. The settlement conference statement and the original proof of service shall be received by the Board and ~~exchanged between the parties~~ copies served on opposing party or parties no later than five business days before the settlement conference.

NOTE: Authority cited: Section 3050(a), Vehicle Code. Reference: Sections 3050 and 3050.4, Vehicle Code

551.12. Notice of Assignment of Administrative Law Judges; Peremptory Challenges

(a) The assigned administrative law judge in a protest or petition proceeding will be noted on the order of time and place of hearing. If there is a subsequent assignment, an amended order or notice will be issued identifying the new administrative law judge.

(b) In any proceeding other than those relating to applications for temporary relief or interim orders, each A party is entitled to a peremptory challenge of one disqualification without cause (peremptory challenge) of an assigned administrative law judge that will be granted subject to, based solely upon satisfying all of the following requirements:

~~(a) A party is not entitled to a peremptory challenge in any proceeding relating to applications for temporary relief or interim orders.~~

~~(b) (1) The peremptory challenge shall be directed to the executive director of the board (or designee) or the assigned administrative law judge. The peremptory challenge shall be made filed within the Board no later than either 20 days from the date of the order of time and place of hearing or 20 days prior to the date scheduled for commencement of the hearing, whichever is earlier 10 days of the assignment of the administrative law judge, or 20 days prior to the hearing, whichever occurs first.~~

~~(c) (2) The peremptory challenge shall be made by the party, the party's attorney, or authorized representative appearing in any proceeding by written declaration consistent with the requirement of subsection (ie), below; and-~~

~~(d) (3) Notice of a peremptory challenge shall be served on opposing parties.~~

~~(e) The peremptory challenge shall be made within 10 days of the assignment of the administrative law judge, or 20 days prior to the hearing, whichever occurs first.~~

~~(f) Any peremptory challenge by any other party to a subsequently assigned administrative law judge shall be made within 10 days of the assignment or at the hearing, whichever occurs first.~~

~~(g) In no event shall any peremptory challenge be entertained if it is made after the commencement of hearing.~~

~~(h) Assignments of administrative law judges may be ascertained by contacting the executive director of the board (or designee) 30 days in advance of the hearing.~~

(c) If a party obtains the removal of the assigned administrative law judge, either by way of peremptory challenge, or for cause under Section 551.1, any other party shall have the right to a peremptory challenge of the subsequently assigned administrative law judge provided that the party complies with subparagraphs (b)(2)-(3), above. This latter peremptory challenge shall be filed with the Board no later than either 20 days from the date of the notice or order identifying the subsequent administrative law judge or 10 days prior to the date scheduled for the hearing, whichever is earlier.

(d) No peremptory challenge shall be considered or granted if it is not made within the time limits set forth above.

(e) Any declaration filed pursuant to this regulation shall be in substantially the following form:

I, (name) , declare: That I am a party (or attorney or authorized representative for a party) to in the pending matter. That the administrative law judge assigned

to the hearing is prejudiced against the party (or his or her attorney or authorized representative of record) or the interest of the party (or his or her attorney or authorized representative) so that the declarant cannot or believes that he or she cannot have a fair and impartial hearing before the administrative law judge.

This declaration is made under penalty of perjury under the laws of the state of California and is signed (date) at (city and state) .

(jf) Unless required for the convenience of the board or ~~unless~~ good cause is shown, a continuance of the hearing shall not be granted by reason ~~of the making~~ of a peremptory challenge. If a continuance is granted, the matter shall be continued to the first convenient day for the board and shall be reassigned or transferred for hearing as promptly as possible. Nothing in this regulation shall affect or limit the provisions of Vehicle Code § 3066(a).

(kg) Nothing in this regulation shall affect or limit the provisions of a challenge for cause under Article 1, section 551.1.

NOTE: Authority cited: Section 3050(a) and 3066, Vehicle Code. Reference: Section 3050(a), Vehicle Code; and Section 11425.40, Government Code.