

NEW MOTOR VEHICLE BOARD

Sections Affected in Title 13: 550, 551, 551.8, 551.14, 551.15, 551.16, 551.17, 551.25, 553.30, 553.40, 553.75, 554, 555, 555.1, 557, 561, 562, 564, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 584, 591, 592, 593.3, 595 and 597

Justification for Changes without Regulatory Effect:

The New Motor Vehicle Board (“Board”) reviewed its regulations and determined that all references to Article 3 of the Vehicle Code (Sections 3052-3058) regarding appeals must be removed due to Article 3 being repealed as of January 1, 2020. In addition, references to warranty formulas must be removed due to their removal from the related Vehicle Code sections, as well as re-lettering of subdivisions that have also been amended. Finally, all references to subdivisions in the reference sections have been removed for consistency.

These regulatory changes qualify as Title 1, CCR, section 100 changes because they do “...not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element” of any California Code of Regulations provision due to the repeal of all statutory authority of the Board’s appeal jurisdiction. The proposed regulatory changes are consistent with, and necessitated by, the changed statute and the Board has no discretion to adopt any changes which differ in substance from the ones chosen. In addition, re-lettering subdivisions and changes to reference sections are also considered non-substantive and justify the changes as being without regulatory effect.

Section 550 includes definitions. This section is being updated to remove the definitions for “appeal” and “appellant” since the Board’s appeal jurisdiction was removed in recent legislation.

Section 551 removes references to appeals given their removal from the Board’s jurisdiction.

Section 551.8 removes subdivision (b) relating to appeals and re-letters the subdivisions accordingly. References to appeals in [original] subdivisions (d) and (e) are also removed, as well as reference to Vehicle Code section 3057 from subdivision (e), since that section has also been repealed. In addition, all references to subdivisions in the reference section are removed for consistency. Subdivisions are no longer referenced in any reference sections.

Section 551.14 re-letters reference to Vehicle Code 3050 subdivision (c) to (b) as it was amended by the recently enacted legislation. In addition, the reference to the subdivision in the reference section has also been removed for consistency. Subdivisions are no longer referenced in any reference sections.

Section 551.15 updates the reference section to remove citations to the subdivision for consistency. Subdivisions are no longer referenced in any reference sections.

Section 551.16 updates the reference section to remove citations to the subdivision for consistency. Subdivisions are no longer referenced in any reference sections.

Section 551.17 re-letters reference to Vehicle Code 3050 subdivision (c) to (b) as it was amended by the recently enacted legislation. In addition, the reference to the subdivision in the reference section has also been removed for consistency. Subdivisions are no longer referenced in any reference sections.

Section 551.25 removes all references to appeals due to the repeal of the Board's jurisdiction to hear appeals in the recently enacted legislation. In addition, the reference to the subdivision in the reference section has also been removed for consistency. Subdivisions are no longer referenced in any reference sections.

Section 553.30 re-letters reference to Vehicle Code 3050 subdivision (c) to (b) as it was amended by the recently enacted legislation. In addition, the reference to the subdivision in the reference section has also been removed for consistency. Subdivisions are no longer referenced in any reference sections.

Section 553.40 removes all references to appeals due to the repeal of the Board's jurisdiction to hear appeals in the recently enacted legislation. Repealed Vehicle Code section 3052 was also removed from the reference section.

Section 553.75 re-letters reference to Vehicle Code 3050 subdivision (c) to (b) as it was amended by the recently enacted legislation. In addition, the references to the subdivisions in the reference section have also been removed for consistency. Subdivisions are no longer referenced in any reference sections.

Section 554 updates the reference section to remove citations to the subdivision for consistency. Subdivisions are no longer referenced in any reference sections.

Section 555 updates the reference section to remove citations to the subdivision for consistency. Subdivisions are no longer referenced in any reference sections.

Section 555.1 updates the reference section to remove citations to the subdivision for consistency. Subdivisions are no longer referenced in any reference sections.

Section 557 updates the reference section to remove citations to the subdivision for consistency. Subdivisions are no longer referenced in any reference sections.

Section 561 updates the reference section to remove citations to the subdivision for consistency. Subdivisions are no longer referenced in any reference sections.

Section 562 updates the reference section to remove citations to the subdivision for consistency. Subdivisions are no longer referenced in any reference sections.

Section 564 updates the reference section to remove citations to the subdivision for consistency. Subdivisions are no longer referenced in any reference sections.

Article 3. Appeals from Decisions of the Department

Sections 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576 and 577 are being repealed because the Board no longer has jurisdiction to hear appeals pursuant to the recently enacted legislation. Therefore, the entirety of Article 3 is repealed.

Article 4. Hearings on Petitions and Appeals is being renamed to remove reference to Appeals.

Section 584 updates the reference section to remove citations to the subdivision for consistency. Subdivisions are no longer referenced in any reference sections.

Section 591 updates the reference section to remove citations to the subdivision for consistency. Subdivisions are no longer referenced in any reference sections.

Section 592 updates the reference section to remove citations to the subdivision for consistency. Subdivisions are no longer referenced in any reference sections.

Section 593.3 removes references to formulas due to the removal of the requirement to file formulas in Vehicle Code section 3065 pursuant to the recently enacted legislation that amends this section (Assembly Bill 179, Stats. 2019, ch. 179). This legislation was effective January 1, 2020.

Section 595 removes all references to appeals due to the repeal of the Board's jurisdiction to hear appeals in the recently enacted legislation. Reference to the "department" is also removed because appeals were the only type of dispute heard relating to the department.

Section 597 removes all references to appeals due to the repeal of the Board's jurisdiction to hear appeals in the recently enacted legislation.