

## **NEW MOTOR VEHICLE BOARD**

### **Sections Affected in Title 13: 551.8, 551.12, 591, and 592**

#### **Justification for Changes without Regulatory Effect:**

The New Motor Vehicle Board (“NMVB”) reviewed its regulations in response to two new pieces of legislation enacted which became effective January 1, 2016. In order to ensure that all of the Board’s regulations are consistent with, and include reference to, the new legislation, several sections of the Board’s regulations need to be amended as well as additions made to the Authority and References. These changes are needed to update and clarify the Board’s regulations. The changes qualify as a Title 1, CCR, section 100 change because they do “...not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any California Code of Regulations provision”. The proposed regulatory changes are inconsistent with and superseded by the changed statute and the NMVB has no discretion to adopt any changes which differ in substance from the ones chosen.

In general, RV protests were previously established but new legislation clarified and made proper references to them in Article 5 of the Vehicle Code (Sections 3070 et al.), and Article 6 protests (Section 3085 et al.) were created, which pertain to the new type of protests which can be filed by a new motor vehicle dealer association challenging the legality of an export or sale-for-resale prohibition policy of a manufacturer.

Vehicle Code sections 3081 and 3085.4 are being added to Section 551.8, subsection (e), which makes reference to an order of dismissal of a protest being a final order pursuant to the relevant Vehicle Code sections. The Reference section is also being amended to add the Vehicle Code sections mentioned above.

Amendments to Section 551.12 add the two protest Sections (Vehicle Code section 3080 regarding RV protests and section 3085.2 regarding association protests) in subsection (f) pertaining to the Notice of Assignment of Administrative Law Judges and Peremptory Challenges. The same Vehicle Code sections are added to the Authority cited.

An amendment to Section 591, which describes time required by the Board to fix the time and place of hearing, adds Vehicle Code section 3080 to the Reference section to include RV protests.

Vehicle Code section 3080(a) is being added to the text of Section 592, relating to Continuances, to include RV protests. The Authority and Reference in Section 592 is being added because there was no Authority or Reference cited previously in this Section.