

§ 551.8. Dismissals of Petitions, Appeals, and Protests.

(a) The board may, at its discretion, dismiss a petition for good cause shown. Good cause may include, but shall not be limited to, failure by the petitioner to comply with any of the following sections of Article 2: 554, 555, 556.

(b) The board may, at its discretion, dismiss an appeal from decisions of the department for good cause shown. Good cause may include, but shall not be limited to, failure by the appellant to comply with any of the following sections of Article 3: 566, 567, 568, 569, 570, 571(a), 571(b), 571(d), 572(a), 572(b), 572(c), 573(a), 573(d).

(c) The board may, at its discretion, dismiss a protest for good cause shown. Good cause may include, but shall not be limited to, failure by the protestant to comply with any of the following sections of Article 5: 583, 585, 586, 589.

(d) The board may, at its discretion, dismiss a petition, an appeal or a protest, if additional information requested by the board is not supplied within the time specified by the board.

(e) An order of dismissal of a petition, an appeal or a protest shall be a final order pursuant to Vehicle Code sections 3057, ~~or~~ 3067, 3081, and 3085.4 and no reconsideration or rehearing shall be permitted.

Note: Authority cited: Section 3050(a), Vehicle Code. Reference: Sections 3050(a), 3050(c), 3050(d), ~~and~~ 3066, 3080, and 3085.2, Vehicle Code; Automotive Management Group Inc. [Santa Cruz Mitsubishi] v. New Motor Vehicle Board; Real Party in Interest, Mitsubishi Motor Sales of America, Inc.(1993) 20 Cal.App.4th 1002; 24 Cal.Rptr.2d 904; Duarte & Witting, Inc. v. New Motor Vehicle Board, Defendant and Respondent; DaimlerChrysler Motors Corp., Real Party in Interest and Respondent (2002), 104 Cal.App.4th 626; 128 Cal.Rptr.2d 501.

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

(a) The name of the administrative law judge assigned to a protest or petition proceeding will be noted on the order of time and place of hearing. An amended order or notice will be issued if a different administrative law judge is subsequently assigned to the proceeding.

(b) In any proceeding other than those relating to applications for temporary relief or interim orders, each party is entitled to only one peremptory challenge of the assigned administrative law judge, based solely upon satisfying all of the following requirements:

(1) The peremptory challenge shall be filed with the board no later than either 20 days from the date of the order of time and place of hearing identifying the administrative law judge or 20 days prior to the date scheduled for commencement of the hearing, whichever is earlier.

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

(3) The peremptory challenge shall be served on opposing parties.

(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

§ 592. Continuances.

Within the time limitation fixed by Section 3066(a) or 3080(a), the board, or the administrative law judge, for good cause shown, may continue the date fixed for the hearing. Application for continuance shall be in writing and filed with the executive director at least 10 days prior to the date of hearing. No continuances otherwise requested shall be granted except in extreme emergencies such as serious accident or death.

Note: Authority cited: Section 3050(a), Vehicle Code. Reference: Sections 3050(d), 3066, and 3080, Vehicle Code.