

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, 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, 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.

Section 551.10 Costs for Changes in Venue

A party to a proceeding before the board may request a change in venue. The board or an administrative law judge designated by the board or its executive director may assess board costs to the requesting party if the requesting party cancels the proceedings at the new location without good cause or sufficient notice to the board to allow the board to avoid costs incurred in changing the venue.

Note: Authority cited: Section 3050(a), Vehicle Code. Reference: Sections 3015 and 3050(a), Vehicle Code.

553. Board Annual Fee.

(a) Pursuant to Section 11723 of the Vehicle Code, every applicant for a

license as a new motor vehicle dealer or dealer branch, and every applicant for renewal of a license as a new motor vehicle dealer or dealer branch, shall pay to the department for each issuance or renewal of such license, the sum of \$225, in addition to all other fees now required by the Vehicle Code.

For the purposes of this section, a dealer or dealer branch which is enfranchised to sell both new motorcycles and new motor vehicles other than motorcycles shall be subject to a licensing fee for sales of motorcycles and a licensing fee for sales of motor vehicles other than motorcycles.

(b) Pursuant to Section 3016 of the Vehicle Code, every new motor vehicle manufacturer and distributor shall pay to the board an annual fee of \$.338 per new motor vehicle distributed by the manufacturer or distributor which was sold, leased, or otherwise distributed in California to a consumer of such new motor vehicles during the preceding calendar year, provided, however, that the fee to be paid by each manufacturer or distributor shall not be less than \$225.

The board may waive fees for a new motor vehicle manufacturer or distributor licensed in California, based on a determination that the manufacturer or distributor either does not sell vehicles in California or does not have an independent dealer or dealer branch in California.

Note: Authority cited: Section 3050(a), Vehicle Code. Reference: Sections 11723 and 3016, Vehicle Code; and Section 472.5(b), Business and Professions 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 Secretary, may refuse to accept for filing any pleading subject to this section that is not accompanied by the requisite fee. The Secretary may, upon showing of good cause, waive any such fee.

Note: Authority cited: Section 3016, 3050(a) and 3050.5, Vehicle Code; Section 6163 Government Code. Reference: Sections 3060 and 3062, Vehicle Code.