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STATE OF CALIFORNIA
NEW MOTOR VEHICLE BOARD

A G E N D A
GENERAL MEETING

Hilton Los Angeles Airport
San Lorenzo D Room (2nd Floor)
5711 West Century Boulevard
Los Angeles, California 90045
(310) 410-4000

February 4, 2010

Please note that Board action may be taken regarding any of the issues listed below. As such, if any person has an interest in any of these issues, he or she may want to attend.

The Board provides an opportunity for members of the public to comment on each agenda item before or during the discussion or consideration of the item as circumstances permit. (Gov. Code § 11125.7).

1. **10:30 a.m. -- Meeting called to order.**
2. **Roll Call.**
3. **Pledge of Allegiance.**
4. **Approval of the Minutes from the December 10, 2009, General Meeting.**
5. **2010 election of Board President and Vice President - Executive Committee.**
6. **Appointment of Committee members to the Administration Committee, Board Development Committee, Fiscal Committee, Government and Industry Affairs Committee, and Policy and Procedure Committee, by the incoming Board President.**

7. **Discussion and consideration of revising Board policy on public comments in compliance with the Bagley-Keene Open Meeting Act (Gov. Code § 11120 et seq.), during consideration of Proposed Decisions, Orders or Rulings conducted pursuant to Government Code section 11500, et seq. that provides members of the public an opportunity to comment on such matters at the end of the meeting - Ad Hoc Public Comment Committee.**
8. **Annual update on Board Consumer Mediation Program - Administration Committee.**
9. **Consideration of the revised *Guide to the New Motor Vehicle Board* to include information on statutory and regulatory changes - Administration Committee.**
10. **Consideration of whether to order the Department of Motor Vehicles to withhold the renewal and/or suspend the existing occupational licenses for Vicoo Industry Inc. and JMSTAR Inc. for failure to file the statutorily required schedules and formulas (Veh. Code § 3064/3065 & § 3074/3075) - Administration Committee.**
11. **Annual report concerning out-of-state travel plans for the 2010-2011 fiscal year - Fiscal Committee.**
12. **Consideration of 2010 revisions to the *Informational Guide for Manufacturers and Distributors* which outlines their obligations to provide notices, schedules, and formulas mandated by the California Vehicle Code and Civil Code to the New Motor Vehicle Board and/or impacted dealers - Policy and Procedure Committee.**
13. **Annual report concerning Board adopted policies - Policy and Procedure Committee.**
14. **Annual report on the assignment of cases to Board Administrative Law Judges - Policy and Procedure Committee.**
15. **Consideration of proposed regulations - Policy and Procedure Committee.**
 - a. **Definitions (13 CCR § 550);**
 - b. **Subpoenas; Motion to Quash (13 CCR § 551.2);**
 - c. **Settlement Conference: Separation of Powers (13 CCR § 551.11);**
 - d. **Notice of Assignment of Administrative Law Judges; Peremptory Challenges (13 CCR § 551.12);**
 - e. **Request for Informal Mediation (13 CCR § 551.14);**
 - f. **Request for Discovery; Informal Mediation (13 CCR § 551.15);**
 - g. **Conversion of Informal Mediation to Petition; Confidentiality (13 CCR § 551.17);**
 - h. **Motions; Form, Briefing, and Hearings (13 CCR § 551.19);**

- i. Conduct of Hearing; Protective Orders (13 CCR § 551.20);
- j. Sanctions - Bad Faith Actions (13 CCR § 551.21);
- k. Interpreters and Accommodation (13 CCR § 551.23);
- l. Service; Proof of Service (13 CCR § 551.24);
- m. Substitution and Withdrawal of Counsel (13 CCR § 551.25);
- n. Service of Petition upon Respondent(s) (13 CCR § 555.1);
- o. Form and Filing of Petition (13 CCR § 556);
- p. Answer-Time of Filing; Form and Content (13 CCR § 558);
- q. Additional Evidence and Argument in Support of Petition (13 CCR § 561);
- r. Form of Appeal (13 CCR § 567);
- s. Form; Separate Protests (13 CCR § 583);
- t. Service of Protest upon Franchisor (13 CCR § 584);
- u. Filing of Protest, Schedules of Compensation for Preparation and Delivery Obligations, Warranty Reimbursement Schedules or Formulas, and Franchisor Incentive Program Reimbursement Pursuant to Vehicle Code sections 3064, 3065, 3065.1, 3074, 3075, and 3076 (13 CCR § 586);
- v. Notice of Hearing of Protest (13 CCR § 591);
- w. Papers Defined - Approved Forms (13 CCR § 593);
- x. Notices (13 CCR § 593.1);
- y. Failure to File or to Timely File Statutorily Required Notices, Schedules, or Formulas (13 CCR § 593.3)
- z. Size of Paper, Pagination, Etc. (13 CCR § 594);
- aa. Format of First Page; Format and Filing of Papers (13 CCR § 595); and
- bb. Last Page; Signature (13 CCR § 597).

16. Consideration of annual Rulemaking Calendar - Policy and Procedure Committee.

17. Discussion concerning legislation - Policy and Procedure Committee.

- a. Pending Legislation of Special Interest - none.
- b. Pending Legislation of General Interest - none.
- c. Federal Legislation of General Interest.
 - (1) United States House of Representatives Bill 3288 (U.S. Representative Olver) - Consolidated Appropriations Act, 2010.
- d. Pending Federal Legislation of General Interest.
 - (1) United States House of Representatives Bill 100 (U.S. Representative Dreier) - Commonsense Auto Recovery Act of 2009.
 - (2) United States House of Representatives Bill 120 (U.S. Representative Frelinghuysen).
 - (3) United States House of Representatives Bill 159 (U.S. Representative Pascrell).
 - (4) United States House of Representatives Bill 385 (U.S. Representative Rogers) - Consumer Auto Relief Act of 2009 or the CAR Act of 2009.

- (5) United States House of Representatives Bill 1550 (U.S. Representative Sutton) - Consumer Assistance to Recycle and Save Act of 2009.
- (6) United States House of Representatives Bill 2224 (U.S. Representative Terry).
- (7) United States House of Representatives Bill 2743 (U.S. Representative Maffei) - Automobile Dealer Economic Rights Restoration Act of 2009.
- (8) United States House of Representatives Bill 2750 (U.S. Representative LaTourette) - Automobile Dealer Economic Rights Restoration Act of 2009.
- (9) United States House of Representatives Bill 2796 (U.S. Representative LaTourette) - Automobile Dealer Economic Rights Restoration Act of 2009.
- (10) United States House of Representatives Bill 3311 (U.S. Representative Blumenauer).
- (11) United States House of Representatives Bill 3367 (U.S. Representative Levin) - Heavy Duty Hybrid Truck Incentives Improvement Act of 2009.
- (12) United States House of Representatives Bill 3435 (U.S. Representative Obey).
- (13) United States House of Representatives Bill 3450 (U.S. Representative Jackson-Lee) - Automobile Dealers Fair Competition Act of 2009.
- (14) United States Senate Bill 209 (U.S. Senator Boxer).
- (15) United States Senate Bill 247 (U.S. Senator Feinstein) - Accelerated Retirement of Inefficient Vehicles Act of 2009.
- (16) United States Senate Bill 271 (U.S. Senator Cantwell) - Fuel Reduction using Electrons to End Dependence on the Mid-East (FREEDOM) Act of 2009.
- (17) United States Senate Bill 333 (U.S. Senator Mikulski).
- (18) United States Senate Bill 1135 (U.S. Senator Stabenow) - Drive America Forward Act of 2009.
- (19) United States Senate Bill 1200 (U.S. Senator Feinstein) - Short Term Accelerated Retirement of Inefficient Vehicles Act of 2009.
- (20) United States Senate Bill 1304 (U.S. Senator Grassley) - Automobile Dealer Economic Rights Restoration Act of 2009.

18. Executive Director's Report.

- A. Administrative Matters.
- B. Case Management.
 - (1) Status of Protests.
 - (2) Status of Petitions.
 - (3) Status of Appeals.
 - (4) Matters Resolved.
- C. Judicial Review.
- D. Notices Filed Pursuant to Vehicle Code sections 3060/3070 and 3062/3072.
- E. Other.

19. **Closed Executive Session.**

Pursuant to Government Code section 11126(a)(1), all members of the Board shall convene in a closed Executive Session.

Consideration of annual performance review for Executive Director - Executive Committee.

20. **Open Session.**

21. **Closed Executive Session.**

Pursuant to Government Code section 11126(e)(1), the Board shall convene in a closed Executive Session.

Discussion and advice from legal counsel concerning pending litigation.

CALABASAS EURO AUTO GROUP LLC v. NEW MOTOR VEHICLE BOARD OF CALIFORNIA

Los Angeles County Superior Court – Stanley Mosk Courthouse

Discussion and advice from the Board's General Counsel concerning pending litigation, by the Public members of the Board.

22. **Open Session.**

23. **Public Comment. (Gov. Code § 11125.7).**

24. **Adjournment.**

To request special accommodations for persons with disabilities at this or any future Board meeting or to request any accommodation for persons with disabilities necessary to receive agendas or materials prepared for Board meetings, please contact Kathy Tomono at (916) 445-1888 or ktomono@nmvb.ca.gov.