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STATE OF CALIFORNIA
NEW MOTOR VEHICLE BOARD
NOTICE OF GENERAL BOARD MEETING

Tuesday, December 7, 2021 at 9:30 a.m.
Via Zoom and Teleconference

Through January 31, 2022, Government Code section 11133 authorizes the New Motor Vehicle Board ("Board") to hold meetings through teleconference and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the Board. The requirements that each teleconference location be accessible to the public and that members of the public be able to address the Board at each teleconference location have temporarily been suspended.

The Board Meeting will be conducted via Zoom and teleconference. Board members will participate in the meeting from individual remote locations. Members of the public can attend the meeting remotely via one of several options listed below. Written comments, if any, can be submitted at nmvb@nmvb.ca.gov or during the meeting. Items of business scheduled for the meeting are listed on the attached agenda. Recesses may be taken at the discretion of the Chairperson and items may be taken out of order.

To request a reasonable modification or accommodation for individuals with disabilities at this or any future Board meeting or to request any modification or accommodation for individuals with disabilities necessary to receive agendas or materials prepared for Board meetings, please contact Robin Parker at Robin.Parker@nmvb.ca.gov or (916) 445-1888.

Join Zoom Meeting

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Meeting ID: 879 1347 9248

Passcode: 061495

One tap mobile

+16699009128,,87913479248#,,,,*061495# US (San Jose)

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Meeting ID: 879 1347 9248

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Find your local number: <https://us02web.zoom.us/j/kcAY8cqRHI>

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A G E N D A

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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) However, comments by the parties or by their counsel that are made regarding any proposed decision, order, or ruling must be limited to matters contained within the administrative record of the proceedings. No other information or argument will be considered by the Board. Members of the public may not comment on such matters.

1. **9:30 a.m. -- Meeting called to order.**
2. **Roll Call.**
3. **Approval of the Minutes from the following meetings:**
 - a. February 16, 2021, General Meeting;
 - b. February 16, 2021, April 7, 2021, August 27, 2021, and September 15, 2021, Special Meetings;
 - c. March 17, 2021, May 20, 2021, June 23, 2021, and August 24, 2021, meetings of the Government and Industry Affairs Committee; and
 - d. July 21, 2021, meeting of the Ad Hoc Committee on Equity, Justice and Inclusion.
4. **Consideration of presentation of Resolution to Daniel P. Kuhnert, former Public Board Member.**
5. **Annual review of New Motor Vehicle Board mission and vision statements - Executive Committee.**

6. **Report on non-substantive changes to proposed regulatory amendments in Title 13 of the California Code of Regulations - Executive Committee.**
 - a. Definitions. (13 CCR § 550)
 - b. Dismissals of Petitions and Protests. (13 CCR § 551.8)
 - c. Notice of Assignment of Administrative Law Judges; Peremptory Challenges. (13 CCR § 551.12)
 - d. Filing Fees. (13 CCR § 553.40)
 - e. Form and Filing of Petition. (13 CCR § 556)
 - f. Answer-Time of Filing; Form and Content. (13 CCR § 558)
 - g. 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)
 - h. Filing of Protest Pursuant to Vehicle Code Section 3065.3 (13 § 586.5)
 - i. Hearings by Board or by Administrative Law Judge. (13 CCR § 590)
7. **Annual update on training programs attended by staff - Administration Committee.**
8. **Discussion and consideration of options to move the Board's offices - Administration Committee.**
9. **Annual update on Board Consumer Mediation Services Program - Administration Committee.**
10. **Consideration of nominee for the Solon C. Soteras Employee Recognition Award recipient as recommended by the Board Development Committee.**
11. **Annual report on Board Development Program - Board Development Committee.**
12. **Report on the Board's financial condition and related fiscal matters - Fiscal Committee.**
 - a. Quarterly Fiscal Report for the 4th quarter of fiscal year 2020-2021.
 - b. Status report concerning the Board's collection of the Arbitration Certification Programs' annual fee.
 - c. Discussion and consideration of the Board's proposed budget for the next fiscal year, and whether any dealer/manufacturer fee adjustments are necessary.
13. **Report on the New Motor Vehicle Board's recent Industry Roundtable - Government and Industry Affairs Committee.**

14. **Discussion regarding the upcoming Workshops on Equity, Justice and Inclusion in the Motor Vehicle Industry - Ad Hoc Committee on Equity, Justice and Inclusion.**
15. **Consideration of proposed regulatory amendments to eliminate references to Registered Mail by repealing Section 550.20 (Use of Certified Mail in Lieu of Registered Mail) and amending Section 564 (Decision) of Title 13 of the California Code of Regulations - Policy and Procedure Committee.**
16. **Discussion concerning enacted and pending legislation - Legislative Committee.**
 - a. Enacted Legislation of Special Interest:
 - (1) Assembly Bill 361 (Assembly Member Rivas) - Open meetings: state and local agencies: teleconferences
 - (2) Assembly Bill 1291 (Assembly Member Frazier) - State bodies: open meetings
 - b. Pending Legislation of Special Interest:
 - (1) Assembly Bill 29 (Assembly Member Cooper) - State bodies: meetings
 - (2) Assembly Bill 885 (Assembly Member Quirk) - Bagley-Keene Open Meeting Act: teleconferencing
 - c. Pending Legislation of General Interest:
 - (1) Assembly Bill 1211 (Assembly Member Muratsuchi) - Electric mobility manufacturers
 - (2) Senate Bill 361 (Senator Umberg) - Electronic transactions: motor vehicle finance
 - d. Enacted Legislation of General Interest:
 - (1) Assembly Bill 473 (Assembly Member Chau) - California Public Records Act
 - (2) Senate Bill 339 (Senator Wiener) - Vehicles: road usage charge pilot program
 - (3) Senate Bill 500 (Senator Min) - Autonomous Vehicles: zero emissions
 - e. Pending Federal Legislation of General Interest:
 - (1) United States Senate Bill 2118 (Senator Wyden) - Clean Energy for America Act

17. **Executive Director's Report.**

- A. Administrative Matters.
- B. Case Management.
- C. Judicial Review.
- D. Notices Filed Pursuant to Vehicle Code sections 3060/3070 and 3062/3072.
- E. Other.

18. **Selection of Board meeting dates for 2022.**

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

20. **Oral Presentation before the Public Members of the Board.**

PUTNAM AUTOMOTIVE, INC., dba PUTNAM SUBARU v. SUBARU OF AMERICA, INC.

Protest No. PR-2542-17

21. **Closed Executive Session deliberations.**

Pursuant to Government Code section 11126(c)(3), Vehicle Code section 3008(a), and Title 13, California Code of Regulations, sections 581 and 588, the Board convenes in closed Executive Session to deliberate the decisions reached upon the evidence introduced in proceedings that were conducted in accordance with Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Consideration of Proposed Order.

PUTNAM AUTOMOTIVE, INC., dba PUTNAM SUBARU v. SUBARU OF AMERICA, INC.

Protest No. PR-2542-17

Consideration of the Administrative Law Judge's Proposed Order Granting Respondent's Motion to Dismiss Protest, by the Public Members of the Board.

22. **Open Session.**

23. **Adjournment.**

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