

Attorney(s) name(s) and state bar number  
Law Firm  
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Attorney(s) for Protestant

## **SAMPLE PROTEST**

### **3060 Modification**

STATE OF CALIFORNIA

NEW MOTOR VEHICLE BOARD

In the Matter of the Protest of

**Protest No. (leave blank)**

**NAME OF DEALERSHIP/FRANCHISEE,**

**PROTEST**

Protestant,

**[Vehicle Code section 3060]**

v.

**NAME OF MANUFACTURER  
/DISTRIBUTOR/FRANCHISOR,**

Respondent.

Protestant, [enter Protestant's name], files this protest under the provisions of California Vehicle Code section 3060(b) and alleges as follows:

1. Protestant is a new motor vehicle dealer selling [enter line-make] and is located at [address of dealership]. Protestant's telephone number is [enter telephone number].

2. Respondent distributes/manufactures [enter line-make] products and is the franchisor of Protestant.

3. Protestant is represented in this matter by [Name of Attorney or Protestant's Dealer Principal or authorized representative], whose address is [enter address] and telephone number is [enter telephone number].

1           4.       On or about [enter a date], Protestant received from Respondent a notice that  
2 Respondent intends to modify or replace its existing franchise with a succeeding franchise.

3           **[Note: the protest needs to be filed with the Board within 30 calendar days of receipt of the notice]**

4           5.       Respondent's actions will result in the modification (or replacement) of  
5 Protestant's franchise without Protestant's consent, and such modification (or replacement) will  
6 substantially affect Protestant's sales and service obligations and investments.

7           6.       Respondent does not have good cause to modify (or replace) the franchise  
8 considering the existing circumstances as stated in Vehicle Code section 3061. These  
9 circumstances include but are not limited to all of the following:

10           (a)      Amount of business transacted by the franchisee, as compared to the business  
11 available to the franchise.

12           (b)      Investment necessarily made and obligations incurred by the franchisee to  
13 perform its part of the franchise.

14           (c)      Permanency of the investment.

15           (d)      Whether it is injurious to the public welfare for the franchise to be modified.

16           (e)      Whether the franchisee has adequate motor vehicle sales and service facilities,  
17 equipment, vehicle parts, and qualified service personnel to reasonably provide for the needs of  
18 the consumers for the motor vehicles handled by the franchisee and has been and is rendering  
19 adequate services to the public.

20           (f)      Whether the franchisee fails to fulfill the warranty obligations of the franchisor to  
21 be performed by the franchisee.

22           (g)      Extent of franchisee's failure to comply with the terms of the franchise.

23           (h)      Other circumstances that would support the claim that there is not good cause to  
24 modify Protestant's franchise.

25           7.       Protestant and its attorney(s) desire to appear before the Board and estimate that  
26 the hearing in this matter will take [enter number of days] days to complete.

27           8.       A Pre-Hearing Conference is requested.

28           WHEREFORE, Protestant prays as follows:

1. That the Board (or its authorized representative) immediately advise Respondent that a protest has been filed;

2. That a hearing of the Protest is required pursuant to Vehicle Code section 3066;

and,

3. That, pursuant to Vehicle Code section 3060 and 3061, Respondent may not modify or replace the franchise unless and until the Board finds that Respondent has established good cause for such action.

Date: [enter date]

By [signature]  
Attorney(s) name(s)

**THE PROTEST MAY NOT BE PROCESSED WITHOUT AN  
ATTACHED PROOF OF SERVICE AND  
THE \$200.00 FILING FEE PAID BY CHECK**

**DISCLAIMER:** This sample provides a basic means for drafting a document for filing with the Board, but the sample should not be mistaken as a substitute for personalized advice from a qualified attorney or other person sufficiently knowledgeable to represent parties before the Board. The Board strives to provide relevant, accurate and complete information. However, the Board cannot and does not warrant the relevancy, accuracy, completeness or propriety of the information provided in this sample.