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**IDAPA 39
TITLE 02
CHAPTER 04**

39.02.04 – RULES GOVERNING MANUFACTURER AND NEW VEHICLE DEALER HEARING FEES

000. LEGAL AUTHORITY.

This rule is adopted under the authority of Sections 49-201 and 49-1617(4), Idaho Code, and the Vehicle Dealer Act, Chapter 16, Title 49, Idaho Code. (12-26-90)

001. TITLE AND SCOPE.

This rule clarifies the process of collecting filing fees for hearings conducted by the Department for settling disputes between manufacturers and new vehicle dealers. (12-26-90)

002. -- 099. (RESERVED)

100. GENERAL PROVISIONS.

01. Hearing Officer Appointment. The Director shall appoint a hearing officer to hear the dispute. The hearing officer shall not be a current employee of either a manufacturer or dealer. (12-26-90)

02. Location of Hearings. All hearings shall be held in Ada County, Boise, Idaho. (12-26-90)

03. Hearing Filing Fee. The dealer requesting a hearing shall deposit a filing fee of two-thousand dollars (\$2,000) with the Department. The Department shall apply the filing fee toward the hearing costs which shall include: (12-26-90)

- a. The hearing officer fee and expenses; (12-26-90)
- b. Department legal expenses; (12-26-90)
- c. Department investigative expenses pertaining to the dispute; (12-26-90)
- d. A court recorder, hearing transcript, any witness fees; and (12-26-90)
- e. Other Department verifiable expenses. (12-26-90)

04. Hearing Fee Refunds and Additional Charges. If the total verifiable costs of the hearing are less than two-thousand dollars (\$2,000), the Department shall refund the balance. If the costs exceed the two-thousand dollars (\$2,000) filing fee, the Department shall bill the responsible party for the remainder which shall be payable after the Department renders a decision. (12-26-90)

101. -- 999. (RESERVED)

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