

## IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

### Division of Motor Vehicles

#### 39.02.04 – Rules Governing Manufacturer and New Vehicle Dealer Hearing Fees

##### **Who does this rule apply to?**

*This rule applies to Manufacturers and New Vehicle Dealers and clarifies the process of hearings conducted by the Department for settling disputes.*

- Manufacturers; and
- New vehicle and vessel dealers.

##### **What is the purpose of this rule?**

*This rule clarifies the collection of filing fees for hearings conducted by the Department for settling disputes between manufacturers and new vehicle dealers. It allows the Department to collect a \$2,000 filing fee, which shall apply toward the administrative costs associated with the hearing. This includes costs for a hearing officer (which is appointed by the Director), Department legal expenses, Department investigative expenses pertaining to the dispute, a court recorder and any transcript or witness fees. If total costs are less than the filing fee, the remainder is refunded. If it is more, then the remainder is billed to the responsible party after the decision is rendered.*

##### **What is the legal authority for the agency to promulgate this rule?**

*This rule implements the following statutes passed by the Idaho Legislature:*

Motor Vehicles -

General:

[49-201, Idaho Code](#) – Duties of Board

Dealers and Salesman Licensing:

- [49-1617, Idaho Code](#) – Protests- Hearings – Costs

##### **Who do I contact for more information on this rule?**

Idaho Transportation Department

Monday – Friday 8:00 am to 5:00 pm

P.O. Box 7129

Boise, ID 83707-1129

3311 West State Street

Phone: (208) 334-8000

[itd.idaho.gov](http://itd.idaho.gov)

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**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. (3-20-20)T

**001. TITLE AND SCOPE.**

This rule is titled IDAPA 39.02.04, “Rules Governing Manufacturer and New Vehicle Dealer Hearing Fees,” and clarifies the process of collecting filing fees for hearings conducted by the Department for settling disputes between manufacturers and new vehicle dealers. (3-20-20)T

**002. -- 099. (RESERVED)**

**100. GENERAL PROVISIONS.**

**01. Hearing Officer Appointment.** The Director will appoint a hearing officer to hear the dispute who is not a current employee of either a manufacturer or dealer. (3-20-20)T

**02. Location of Hearings.** All hearings will be held in Ada County, Boise, Idaho. (3-20-20)T

**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: (3-20-20)T

- a. The hearing officer fee and expenses; (3-20-20)T
- b. Department legal expenses; (3-20-20)T
- c. Department investigative expenses pertaining to the dispute; (3-20-20)T
- d. A court recorder, hearing transcript, any witness fees; and (3-20-20)T
- e. Other Department verifiable expenses. (3-20-20)T

**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 is payable after the Department renders a decision. (3-20-20)T

**101. -- 999. (RESERVED)**

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