

19A NCAC 03D .0231 HEARINGS PURSUANT TO ARTICLES 12 AND 15 OF CHAPTER 20

(a) The following shall be applicable to hearings requested under G.S. 20-296:

- (1) No license issued under this Article shall be suspended, revoked or renewal refused until a hearing has been held before the Commissioner or a person designated by him and licensee shall have been notified in writing ten days prior to such hearing by certified mail to his last known address as shown by records of the Division. Provided, however, if a licensee fails to maintain a bond as required by G.S. 20-288(e) or fails to purchase dealer license plates as required by G.S. 20-79, the Division shall cancel the dealer's license subject to the provision that the licensee shall be granted a hearing if requested in writing within ten days after the date of cancellation of such license.
- (2) Hearing shall be held at a place designated by the Commissioner.
- (3) The licensee shall be advised of the decision of the Commissioner in writing by certified mail within 30 days of the decision to his last known address as shown by records of the Division.
- (4) The decision of the Commissioner or his duly authorized representative, after hearing, shall be final and appeal therefrom shall be as provided in Chapter 150B of the North Carolina General Statutes (G.S. 20-300).

(b) Except as otherwise provided, the North Carolina Rules of Civil Procedure will be applicable to hearings requested under N.C.G.S. 20-304 through 20-305.4.

- (1) Action shall be initiated by the filing of a petition with the Commissioner of Motor Vehicles, North Carolina Division of Motor Vehicles, Raleigh, N. C. 27697, who shall serve a copy thereof on the affected manufacturer by certified mail (return receipt requested) with notice that such manufacturer shall reply to the subject petition of the dealer within 30 days.
- (2) Petitioner and replies:
 - (A) The form of the petition shall be the same as that required for filing of petitions in the superior court and there shall be attached thereto a copy of the franchise agreement between the dealer and manufacturer.
 - (B) The form of the reply to the petition shall be the same as required for the filing of a reply to a petition in the superior court and there shall be attached thereto a copy of the franchise agreement between the manufacturer and dealer.
 - (C) Exhibits and supporting documents shall be attached to the petition or reply at the time of filing.
- (3) The hearing shall be held at a place designated by the Commissioner upon 20 days written notice to both the petitioner and respondent.
 - (A) It shall be the obligation of the parties involved to have present at any hearing all witnesses which the parties desire to be heard.
 - (B) The parties shall be advised of the decision of the Commissioner in writing by certified mail to the addresses as shown in the pleadings filed in the action.
- (4) The decision of the Commissioner or his duly authorized representative after hearing shall be final and appeal therefrom shall be as provided in Chapter 150B of the North Carolina General Statutes (G.S. 20-300).

*History Note: Authority G.S. 20-1; 20-294 through 20-296; 20-301 through 20-305; 20-305.1 through 20-305.3; Eff. June 1, 1988;
Amended Eff. January 1, 1994; October 1, 1991; October 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*