



MOTOR VEHICLE ARBITRATION BOARD HEARING PROTOCOL

State of Vermont
MOTOR VEHICLE ARBITRATION BOARD
Department of Motor Vehicles
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Agency of Transportation

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I. Introduction

“This is the New Motor Vehicle Arbitration Board case of _____ v.
_____.

- Today is DATE w/year and it is TIME.
- My name is _____. I am the chairperson for the hearing and the technician / new car dealer / citizen representative.
- Each Board Member will introduce themselves and member status.
- Proceedings are being recorded, so please speak one at a time.”

II. Hearing

- “This hearing is being conducted under the authority of the New Motor Vehicle Arbitration, 9 V.S.A. Sections 4170 through 4181 and the Board’s administrative rules.”
- “If you are going to testify, please stand, raise your right hand and identify yourself.”

“Do you solemnly swear (or affirm) the testimony you are about to give is the truth, the whole truth and nothing but the truth?”

- “The Board has copies of the documentation submitted by both parties and may examine and test drive the vehicle at the close of the hearing. Hearsay comments should be avoided.”
- “The consumer will present first and has the burden of proof to demonstrate how the claimed condition(s) substantially impairs the vehicle’s use, market value, safety or combination of these standards. {For a 30-days-out-of-service claim, the defect is the time period and warranty repair history within it.}

- “Each party will be provided an opportunity to ask questions after both have presented their testimony and evidence. Questions for the other party should be directed through the Board. Board members may ask questions at any time.”
- Please focus testimony on the claimed condition(s).

[] **ASK THE CONSUMER:**

- Is the vehicle here?
- Approximately how many miles are on the odometer today?
- Is the vehicle currently registered?
- Insured?
- Currently inspected?
- Are the payments, if any, current?
- Verify the claimed interest total or accept updated interest documentation.
- Is there any vehicle body damage vs. normal wear and tear?
- Was a final repair attempt performed?
- If yes: When?
- Is the claimed defect/condition(s) the same, better or worse?

READ: Demand for Arbitration content

READ: Manufacturer’s defense and mention any attachments as TSBs or the final repair technical report

- If the manufacturer’s response form was not submitted, any defense provided at the hearing may be waived per Board rule 5.
- Include whether reasonable repair (3X or 30 days) is disputed. If the number of repair attempts or days out of service is disputed, request input from the consumer for demonstration of reasonable repair opportunity. Advise parties the positions will be discussed during Board’s deliberative session.

CONSUMER PRESENTATION:

MANUFACTURER PRESENTATION:

QUESTIONS FROM CONSUMER:

QUESTIONS FROM MANUFACTURER:

BOARD MEMBER QUESTIONS:

FINAL STATEMENT FROM CONSUMER:

FINAL STATEMENT FROM MANUFACTURER:

III. Closing Remarks by Chairperson:

If the vehicle is test driven/inspected:

- “The Board will inspect and test drive the vehicle. Both parties shall not discuss the case with the Board members after the hearing is closed and neither will accompany the Board during the test drive.”
- “The Board will meet in deliberative session to rule on the Demand after any test drive, or vehicle inspection; or if none, at the close of this hearing after mileage is verified.”
- “A Board order will be issued within 30 days. An order transmittal letter includes directions and options.
- “The hearing for _____ vs. _____ is closed.” (TAP GAVEL)

IV. Test Drive/Inspection or None

- Verify the inspection sticker and registration tag on number plate are current.
- Inspect vehicle or test drive (if applicable).
- Verify and record the current mileage.