

NEW MOTOR VEHICLE ARBITRATION BOARD

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New Motor Vehicle Arbitration Board

How often does the Board meet: The New Motor Vehicle Arbitration Board, which hears cases related to the state's "Lemon Law," is a quasi-judicial body that meets as often as its case load requires. Statute demands that a hearing be held within 45 days of a Demand for Arbitration being deemed complete. The Board does not track how often it meets, but during Fiscal 2016 and Fiscal 2017 the Board received a combined total of 134 Demands for Arbitration. Not all demands require a hearing before the Board as cases sometimes settle prior to hearing or are dismissed for various reasons. Of the 134 cases filed during this two-year period, 55 required hearings before the Board.

Board meetings are warned through the Department of Libraries, and warnings include a listing of the cases to be heard that day. Given that meetings consist solely of evidentiary hearings, minutes are not kept. Hearings are recorded. Each hearing results in a written Board decision that includes findings of fact and conclusions of law. **Info about Board members:** The New Motor Vehicle Arbitration Board has five regular members plus three alternates, all of whom are appointed by the Governor. Members serve three-year terms and are statutorily limited to two, additional three-year terms. All terms expire during the month of September. Board members by statute are required to have certain qualifications. The Board must consist of one member who is employed as a new car dealer, as well as an alternate new car dealer; one member that is employed as a motor-vehicle technician, as well as a technician alternate; and three members who are public citizens, as well as one citizen alternate.

Board members qualify for a \$50 per-diem each time they meet. They also qualify for mileage at the current state rate, which is 54.5 cents per mile, and by statute can put in for meals and other expenses as necessary. Current regular Board members and their term's expiration dates are as follows: David Baker 2019, Peter Hood 2019, David Curtis 2019, Michael Loschiavo, 2020, John Manahan 2020. Current alternate Board members include Gina Germond 2020, and Jeffrey Handy, 2020. The Board has one vacant alternate position.

The Board's purpose: The New Motor Vehicle Arbitration Board is a quasi-judicial body that hears consumer claims regarding warranty problems associated with motor-vehicles. In other words, if a motor vehicle is having a problem with any element that is covered under the Manufacturer's warranty and the Manufacturer cannot fix the problem within a statutorily defined timeframe, that consumer can seek either a replacement vehicle or a monetary refund by filing an arbitration demand with the Board.

Is the Board's purpose still needed: Everything the Board does is required by law. As long as Vermont continues to have consumer protections against purchasing motor vehicles that are considered "lemons," some entity will need to conduct arbitration hearings.

What would happen if the Board no longer fulfilled this purpose: If the Board were to be dissolved, the things it does could not simply disappear. They would have to be transferred elsewhere.

How well is the Board performing in executing its purpose, and what evidence substantiates its performance: Statute demands that a hearing must be held within 45 days of a Demand for Arbitration being

deemed complete, and that Board decisions must be published within 30 days of holding a hearing. The Board, to my knowledge, has never missed either of these deadlines. During my tenure overseeing the Board (since 2013), only one Board decision has been appealed to District Court.

If the purpose is still needed, can state government be more effective and efficient if the purpose was executed in a different manner: While authority to hear arbitration demands could be transferred to a committee comprised of state employees (most likely within the Department of Motor Vehicles) doing so would require a statutory change. Any such change would have to wrestle with the current statutory requirement that both a new motor vehicle dealer and a motor-vehicle technician be members of the Board. Given that arbitration demands usually include technical elements associated with motor vehicles (including its engine, drive train and electronics) as well as issues surrounding the business of motor-vehicle manufacturers, mandating that someone both in the business of selling new cars as well as fixing automobiles is paramount to ensuring the arbitration panel contains the expertise it needs to understand and properly adjudicate cases. Reworking the arbitration panel so that it did not require such expertise, in my opinion, would severely degrade the panel's ability to fully comprehend the issues that come before it, and therefore to offer proper due process and consumer protection.

The other manner in which the Board's functions could be conducted is if they were transferred to the Courts. It is well known that the court system is already overburdened, so transferring the Board's caseload to the court system would 1) overburden it further and 2) lead to it taking longer than 45 days to hold hearings and longer than 30 days to issue decisions. Considering that those who make demands are often driving motor vehicles that may have legitimate safety and/or use problems, extending the timeframe of the arbitration process would not be wise. Also, motor-vehicle consumers who file arbitration demands very rarely attend hearings with a lawyer. Transferring the Board's authority to the court system very likely would alter this and force consumers to spend thousands of dollars to proceed through a process that the state now offers to them free of charge. Having said this, please keep in mind that Motor Vehicle Dealers do pay an annual fee that offsets the cost of the arbitration program.

If the Board is still needed, do any of the Board's functions overlap or duplicate those of another state **Board or Federal Agency:** In a word, no.

Does the Board's enabling law continue to correctly reflect the purpose and activities of the Board: Yes. The Board regularly assesses its process, and when it believes Statutory updates are needed it works with me to propose changes to the Legislature. During the six years I have overseen the Board, we have gone to the Legislature twice with proposed changes and both times statute has been changed.

Provide a list of the Board's last fiscal year expenditures, including staffing costs: Please see the attached budget sheets. When viewing, please keep in mind that the Board's finances are comingled with those of the Transportation Board, which I also administer. Money to fund both boards and their staff come from the state's Transportation Fund.

Is the Board required by law to prepare reports or studies for the Legislature, the Governor or any State Agency or officer? If so, have those reports been produced, and does the Board have ongoing reporting obligations: The Board is not required by law to prepare reports or studies.

Sincerely.

John B. Zicconi Executive Secretary

Vermont Transportation Board

Report ID: VTPB-11-BUDRLLUP

Run Date: 01/17/2018 **Run Time:** 01:23 PM

State of Vermont

FY2019 Governor's Recommended Budget: Rollup Report

Organization: 8100000800 - Transportation board

Budget Object Group: 1. PERSONAL SERVICES

Budget Object Rollup Name	FY2017 Actuals	FY2018 Original As Passed Budget	FY2018 Governor's BAA Recommended Budget	FY2019 Governor's Recommended Budget	Difference Between FY2019 Governor's Recommend and FY2018 As Passed	Percent Change FY2019 Governor's Recommend and FY2018 As Passed
Salaries and Wages	142,796	129,131	129,131	142,800	13,669	10.6%
Fringe Benefits	65,308	63,526	63,526	65,986	2,460	3.9%
Contracted and 3rd Party Service	11,972	5,000	5,000	21,833	16,833	336.7%
PerDiem and Other Personal Services	5,957	8,000	8,000	5,000	(3,000)	-37.5%
Budget Object Group Total: 1. PERSONAL SERVICES	226,033	205,657	205,657	235,619	29,962	14.6%

Budget Object Group: 2. OPERATING

Budget Object Rollup Name	FY2017 Actuals	FY2018 Original As Passed Budget	FY2018 Governor's BAA Recommended Budget	FY2019 Governor's Recommended Budget	FY2018 As	Percent Change FY2019 Governor's Recommend and FY2018 As Passed
IT/Telecom Services and Equipment	6,414	6,930	6,930	14,258	7,328	105.7%
Travel	5,656	6,200	6,200	5,800	(400)	-6.5%
Supplies	580	900	900	800	(100)	-11.1%
Other Purchased Services	2,674	3,617	3,617	3,766	149	4.1%
Rental Other	274	200	200	0	(200)	-100.0%
Rental Property	10,471	10,246	10,246	11,000	754	7.4%
Property and Maintenance	283	0	0	300	300	0.0%
Budget Object Group Total: 2. OPERATING	26,351	28,093	28,093	35,924	7,831	27.9%
Total Expenses	252,385	233,750	233,750	271,543	37,793	16.2%

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State of Vermont

FY2019 Governor's Recommended Budget: Rollup Report

Organization: 8100000800 - Transportation board

Fund Name	FY2017 Actuals	FY2018 Original As Passed Budget	FY2018 Governor's BAA Recommended Budget	FY2019 Governor's Recommended Budget	Difference Between FY2019 Governor's Recommend and FY2018 As Passed	Percent Change FY2019 Governor's Recommend and FY2018 As Passed
Transportation Fund	252,385	233,750	233,750	271,543	37,793	16.2%
IDT Funds	0	0	0	0	0	0.0%
Funds Total	252,385	233,750	233,750	271,543	37,793	16.2%
Position Count				2		
FTE Total				1.7		

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State of Vermont

FY2019 Governor's Recommended Budget: Detail Report

Organization: 8100000800 - Transportation board

Budget Object Group: 1. PERSONAL SERVICES

Salaries and Wages		FY2017 Actuals	FY2018 Original As Passed Budget	FY2018 Governor's BAA Recommended Budget	FY2019 Governor's Recommended Budget	Difference Between FY2019 Governor's Recommend and FY2018 As Passed	Percent Change FY2019 Governor's Recommend and FY2018 As Passed
Description	Code						
Classified Employees	500000	142,796	67,163	67,163	79,435	12,272	18.3%
Exempt	500010	0	61,968	61,968	63,365	1,397	2.3%
Total: Salaries and Wages		142,796	129,131	129,131	142,800	13,669	10.6%

Fringe Benefits		FY2017 Actuals	FY2018 Original As Passed Budget	FY2018 Governor's BAA Recommended Budget	FY2019 Governor's Recommended Budget	Difference Between FY2019 Governor's Recommend and FY2018 As Passed	Percent Change FY2019 Governor's Recommend and FY2018 As Passed
Description	Code						
FICA - Classified Employees	501000	10,493	5,138	5,138	6,077	939	18.3%
FICA - Exempt	501010	0	4,741	4,741	4,848	107	2.3%
Health Ins - Classified Empl	501500	24,198	8,346	8,346	8,445	99	1.2%
Health Ins - Exempt	501510	0	16,692	16,692	16,889	197	1.2%
Retirement - Classified Empl	502000	24,912	11,733	11,733	13,877	2,144	18.3%
Retirement - Exempt	502010	0	10,826	10,826	11,070	244	2.3%
Dental - Classified Employees	502500	945	794	794	812	18	2.3%
Dental - Exempt	502510	0	794	794	812	18	2.3%
Life Ins - Classified Empl	503000	613	283	283	335	52	18.4%
Life Ins - Exempt	503010	0	262	262	267	5	1.9%
LTD - Classified Employees	503500	142	0	0	0	0	0.0%

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State of Vermont

FY2019 Governor's Recommended Budget: Detail Report

Fringe Benefits		FY2017 Actuals	FY2018 Original As Passed Budget	FY2018 Governor's BAA Recommended Budget	FY2019 Governor's Recommended Budget	Difference Between FY2019 Governor's Recommend and FY2018 As Passed	Percent Change FY2019 Governor's Recommend and FY2018 As Passed
Description	Code						
LTD - Exempt	503510	0	143	143	146	3	2.1%
EAP - Classified Empl	504000	59	30	30	30	0	0.0%
EAP - Exempt	504010	0	30	30	30	0	0.0%
Misc Employee Benefits	504590	0	0	0	0	0	0.0%
Workers Comp - Ins Premium	505200	3,855	3,514	3,514	2,248	(1,266)	-36.0%
Unemployment Compensation	505500	0	100	100	0	(100)	-100.0%
Catamount Health Assessment	505700	91	100	100	100	0	0.0%
Aot Reimb P/R Chrg To Proj	505900	0	0	0	0	0	0.0%
Total: Fringe Benefits		65,308	63,526	63,526	65,986	2,460	3.9%

Contracted and 3rd Party Service		FY2017 Actuals	FY2018 Original As Passed Budget	FY2018 Governor's BAA Recommended Budget	FY2019 Governor's Recommended Budget	Difference Between FY2019 Governor's Recommend and FY2018 As Passed	Percent Change FY2019 Governor's Recommend and FY2018 As Passed
Description	Code						
Contr & 3Rd Party - Legal	507200	11,171	5,000	5,000	21,033	16,033	320.7%
Contr&3Rd Pty-Physical Health	507500	0	0	0	0	0	0.0%
Other Contr and 3Rd Pty Serv	507600	801	0	0	800	800	0.0%
Total: Contracted and 3rd Party Service		11,972	5,000	5,000	21,833	16,833	336.7%

State of Vermont Run Date: 01/17/2018

Run Time: 01:24 PM FY2019 Governor's Recommended Budget: Detail Report

Organization: 8100000800 - Transportation board

PerDiem and Other Personal Services FY2017 Actuals		FY2018 Original As Passed Budget	FY2018 Governor's BAA Recommended Budget	FY2019 Governor's Recommended Budget	Difference Between FY2019 Governor's Recommend and FY2018 As Passed	Percent Change FY2019 Governor's Recommend and FY2018 As Passed	
Description	Code						
Per Diem	506000	4,550	8,000	8,000	5,000	(3,000)	-37.5%
Transcripts	506220	1,407	0	0	0	0	0.0%
Total: PerDiem and Other Personal Ser	rvice	5,957	8,000	8,000	5,000	(3,000)	-37.5%
Total: 1. PERSONAL SERVICES		226,033	205,657	205,657	235,619	29,962	14.6%

Budget Object Group: 2. OPERATING

IT/Telecom Services and Equipment FY2		FY2017 Actuals	FY2018 Original As Passed Budget	FY2018 Governor's BAA Recommended Budget	FY2019 Governor's Recommended Budget	Difference Between FY2019 Governor's Recommend and FY2018 As Passed	Percent Change FY2019 Governor's Recommend and FY2018 As Passed
Description	Code						
Telecom-Conf Calling Services	516658	177	200	200	200	0	0.0%
Telecom-Wireless Phone Service	516659	0	0	0	0	0	0.0%
ADS Enterp App Supp SOV Emp Exp	516660	0	0	0	1,645	1,645	0.0%
ADS App Support SOV Emp Exp	516661	0	0	0	7,338	7,338	0.0%
It Intersvccost- Dii Other	516670	0	0	0	0	0	0.0%
It Intsvccost-Vision/Isdassess	516671	2,064	2,156	2,156	2,123	(33)	-1.5%
ADS Centrex Exp.	516672	1,043	1,237	1,237	1,200	(37)	-3.0%
It Inter Svc Cost Data Process	516677	0	0	0	0	0	0.0%
It Inter Svc Cost User Support	516678	1,086	1,095	1,095	0	(1,095)	-100.0%
ADS Allocation Exp.	516685	2,044	2,242	2,242	1,752	(490)	-21.9%
Total: IT/Telecom Services and Equipment		6,414	6,930	6,930	14,258	7,328	105.7%

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State of Vermont

FY2019 Governor's Recommended Budget: Detail Report

Other Purchased Services		FY2017 Actuals	FY2018 Original As Passed Budget	FY2018 Governor's BAA Recommended Budget	FY2019 Governor's Recommended Budget	Difference Between FY2019 Governor's Recommend and FY2018 As Passed	Percent Change FY2019 Governor's Recommend and FY2018 As Passed
Description	Code						
Insurance Other Than Empl Bene	516000	311	480	480	489	9	1.9%
Insurance - General Liability	516010	526	1,085	1,085	1,303	218	20.1%
Property Insurance	516099	0	0	0	0	0	0.0%
Dues	516500	110	100	100	100	0	0.0%
Telecom-Telephone Services	516652	0	0	0	0	0	0.0%
Advertising-Print	516813	148	400	400	150	(250)	-62.5%
Trade Shows & Events	516870	275	0	0	300	300	0.0%
Printing and Binding	517000	0	0	0	0	0	0.0%
Registration For Meetings&Conf	517100	0	250	250	0	(250)	-100.0%
Postage	517200	177	100	100	175	75	75.0%
Human Resources Services	519006	1,126	1,202	1,202	1,249	47	3.9%
Total: Other Purchased Services		2,674	3,617	3,617	3,766	149	4.1%

Property and Maintenance		FY2017 Actuals			FY2019 Governor's Recommended Budget	Difference Between FY2019 Governor's Recommend and As Passed	Percent Change FY2019 Governor's Recommend and As Passed
Description	Code						
Repair & Maint - Office Tech	513010	283	0	0	300	300	0.0%
Total: Property and Maintenance		283	0	0	300	300	0.0%

State of Vermont

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FY2019 Governor's Recommended Budget: Detail Report

Rental Other		FY2017 Actuals	FY2018 Original As Passed Budget	FY2018 Governor's BAA Recommended Budget	FY2019 Governor's Recommended Budget	Difference Between FY2019 Governor's Recommend and FY2018 As Passed	Percent Change FY2019 Governor's Recommend and FY2018 As Passed
Description	Code						
Rental - Office Equipment	514650	0	200	200	0	(200)	-100.0%
Rental - Other	515000	274	0	0	0	0	0.0%
Total: Rental Other		274	200	200	0	(200)	-100.0%

Rental Property		FY2017 Actuals	FY2018 Original As Passed Budget	FY2018 Governor's BAA Recommended Budget	FY2019 Governor's Recommended Budget	Difference Between FY2019 Governor's Recommend and FY2018 As Passed	Percent Change FY2019 Governor's Recommend and FY2018 As Passed
Description	Code						
Rent Land&Bldgs-Non-Office	514010	713	0	0	0	0	0.0%
Fee-For-Space Charge	515010	9,758	10,246	10,246	11,000	754	7.4%
Total: Rental Property		10,471	10,246	10,246	11,000	754	7.4%

Supplies		FY2017 Actuals	FY2018 Original As Passed Budget	FY2018 Governor's BAA Recommended Budget	FY2019 Governor's Recommended Budget	Difference Between FY2019 Governor's Recommend and FY2018 As Passed	Percent Change FY2019 Governor's Recommend and FY2018 As Passed
Description	Code						
Office Supplies	520000	56	200	200	100	(100)	-50.0%
It & Data Processing Supplies	520510	327	500	500	500	0	0.0%
Books&Periodicals-Library/Educ	521500	0	200	200	200	0	0.0%
Subscriptions	521510	196	0	0	0	0	0.0%
Total: Supplies		580	900	900	800	(100)	-11.1%

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State of Vermont

FY2019 Governor's Recommended Budget: Detail Report

Travel		FY2017 Actuals	FY2018 Original As Passed Budget	FY2018 Governor's BAA Recommended Budget	FY2019 Governor's Recommended Budget	Difference Between FY2019 Governor's Recommend and FY2018 As Passed	Percent Change FY2019 Governor's Recommend and FY2018 As Passed
Description	Code						
Travel In-State Employee	517999	0	3,000	3,000	5,800	2,800	93.3%
Travel-Inst-Auto Mileage-Emp	518000	808	0	0	0	0	0.0%
Travel-Inst-Lodging-Emp	518030	125	0	0	0	0	0.0%
Travl-Inst-Auto Mileage-Nonemp	518300	4,029	0	0	0	0	0.0%
Travel-Inst-Meals-Nonemp	518320	576	200	200	0	(200)	-100.0%
Travel-Inst-Lodging-Nonemp	518330	110	0	0	0	0	0.0%
Travel-Inst-Incidentals-Nonemp	518340	7	0	0	0	0	0.0%
Travel Out-State Employee	518499	0	3,000	3,000	0	(3,000)	-100.0%
Travel-Outst-Lodging-Emp	518530	0	0	0	0	0	0.0%
Total: Travel		5,656	6,200	6,200	5,800	(400)	-6.5%
Total: 2. OPERATING		26,351	28,093	28,093	35,924	7,831	27.9%
Total Expenses:		252,385	233,750	233,750	271,543	37,793	16.2%

Fund Name	Fund Code	FY2017 Actuals	FY2018 Original As Passed Budget	FY2018 Governor's BAA Recommended Budget	FY2019 Governor's Recommended Budget	Difference Between FY2019 Governor's Recommend and FY2018 As Passed	Percent Change FY2019 Governor's Recommend and FY2018 As Passed
Transp Fund - Nondedicated	20105	252,385	233,750	233,750	271,543	37,793	16.2%
Inter-Unit Transfers Fund	21500	0	0	0	0	0	0.0%
Funds Total:		252,385	233,750	233,750	271,543	37,793	16.2%
Position Count					2		
FTE Total					1.7		

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State of Vermont

FY2019 Governor's Recommended Budget Position Summary Report

8100000800-Transportation board

Position Number	Classification	FTE	Count	Gross Salary	Benefits Total	Statutory Total	Total
861691	630800 - Lemon Law Administrator	1	1	79,435	23,499	6,077	109,011
867002	95030E - Exec Sec Bd Of Trans	0.7	1	63,365	29,214	4,848	97,427
Total		1.7	2	142,800	52,713	10,925	206,438

Fund Code	Fund Name	FTE	Count	Gross Salary	Benefits Total	Statutory Total	Total
20105	Transp Fund - Nondedicated	1.7	2	142,800	52,713	10,925	206,438
Total		1.70	2	142,800	52,713	10,925	206,438

Note: Numbers may not sum to total due to rounding.