

Motor Vehicle Arbitration Board

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The manufacturer shall contact the consumer and provide a refund or replacement vehicle within thirty days after receipt of the decision by facsimile if the consumer prevailed. The consumer may be requested to sign a Power of Attorney form, if the vehicle was financed, to facilitate payment to the lien holder for release of the motor vehicle title. There are no provisions within the New Motor Vehicle Arbitration statute that require the consumer to sign a General Release of All Claims to receive payment or a replacement vehicle.

A motion for reconsideration may be filed with the Board by either party within thirty days of the consumer's receipt of the decision. The motion must be accompanied by new evidence, which is a fact(s) that existed as of the date of hearing that the requesting party was justifiably unaware of or was unable to obtain for presentation despite due diligence. **Re-argument of hearing proceedings is not new evidence.** The opposing party will have an opportunity to respond to the motion. The Board will either affirm or modify its decision in deliberative session or re-convene the hearing. A 30-day time period to file an appeal begins after the Board's decision on a reconsideration request.

An appeal may be filed by either party through the Board to a selected **Vermont Superior Court** within thirty days of the consumer's receipt of the Board's final decision. The applicable filing fee made payable to the selected Vermont Superior Court must accompany the appeal and be mailed to the above address.

A Board decision is final unless a motion for reconsideration or an appeal to a Vermont Superior Court is filed within the thirty days allowed. If an appeal to a Vermont Superior Court is made, the party must prove one or more of the following by clear and convincing evidence that:

- (1) The decision was procured by corruption, fraud or other undue means;
- (2) There was evident partiality by the board or corruption or misconduct prejudicing the rights of any party by the board;
- (3) The board exceeded its powers;
- (4) The board refused to postpone a hearing after being shown sufficient cause to do so or refused to hear evidence material to the controversy or otherwise conducted the hearing contrary to the rules promulgated by the board so as to prejudice substantially the rights of a party.

A Board order will be stayed (put on hold) when a motion for reconsideration or an appeal to a Vermont superior court is filed.