**Section 1001.785 Technical Issues**

a) If a notice of protest involves a violation of Section 4(e)(8) of the Act in which a mileage determination is relevant, that determination shall be made by the submission of a land survey performed and certified by a Illinois professional land surveyor. The survey shall measure from a point at the current location that is the closest point to the relocation site to a point at the relocation site that is the furthest from the current location. This measurement shall be a straight line as the crow flies, not the most direct route by vehicle. Each party may submit such a survey or may agree upon one surveyor whose determination shall govern. If the parties each submit a survey showing different results, the hearing officer shall have a survey completed by a surveyor approved by the Secretary which shall govern, the cost of which shall be paid by the parties.

b) In Section 4(e)(8)(C) of the Act, *further away from the nearest dealer of the same line make* shall mean that the new proposed dealer location is further from the nearest dealer of the same line make when measured from the new location to its nearest dealer of the same line make as compared to a measurement from the original dealer location to its nearest dealer of the same line make. The measurement shall be made as described in subsection (a) above.

(Source: Amended at 23 Ill. Reg. 692, effective January 15, 1999)