
LEGISLATION / REGULATIONS UPDATE

DEPARTMENT OF CONSUMER AFFAIRS



Bureau of Automotive Repair

BRIAN CLARK AND HOLLY O'CONNOR
EXECUTIVE OFFICE
BAR ADVISORY GROUP MEETING
JANUARY 17, 2019

LEGISLATION

- AB 1824 (Assembly Budget Committee) (Chaptered)
- AB 142 (Garcia, Carrillo & Santiago): Lead-Acid Batteries
- AB 210 (Voepel): Smog Check: Exemption
- SB 59 (Allen): Automated Vehicle Technology

* Disclaimer: Though every effort is made to ensure information provided on these slides is the most current, given the nature of the legislative process, hearing dates or bill summaries shown here may not reflect the latest updates. Please be sure to check www.leginfo.legislature.ca.gov for the most current bill information.

AB 1824 (ASSEMBLY BUDGET COMMITTEE): EXHAUST SYSTEM VIOLATIONS

- Status: Budget trailer bill signed by Governor and Chaptered by Secretary of State on June 27, 2018, effective January 1, 2019.
- Summary:
 - Amends Vehicle Code section 40610 to allow law enforcement to take other appropriate enforcement action in lieu of a notice to correct (i.e., “fix it” ticket) for:
 - Violations of Vehicle Code section 27150, subdivision (a), which requires vehicles to have “an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise” and prohibits vehicles from having a “muffler or exhaust system ... equipped with a cutout, bypass, or similar device.”

AB 1824 (ASSEMBLY BUDGET COMMITTEE): EXHAUST SYSTEM VIOLATIONS (CONTINUED)

- Violations of Vehicle Code section 27151, subdivision (a), which prohibits modification of a vehicle's exhaust system in a manner that amplifies or increases "the noise emitted by the motor of the vehicle so that the vehicle is not in compliance with the provisions of Vehicle Code Section 27150 or exceeds the noise limits established for the type of vehicle in Vehicle Code Article 2.5...."
- Violations of Vehicle Code section 27150, subdivision (a) and section 27151, subdivision (a) may result in fines.

AB 1824 (ASSEMBLY BUDGET COMMITTEE): EXHAUST SYSTEM VIOLATIONS (CONTINUED 2)

- BAR does not enforce AB 1824. However, BAR administers the Smog Check Referee Program that may be utilized to inspect a vehicle that has been cited by law enforcement authorities for modified emission controls or excessive exhaust noise. Exhaust noise testing at referee centers is performed in compliance with SAE Standard J1492.
- California Vehicle Code Division 12, Chapter 5, Article 2.5 details the criteria for citation, which is administered by the California Highway Patrol. Questions regarding enforcement of the law should be directed to CHP and/or local law enforcement agencies.

AB 142 (GARCIA, CARILLO & SANTIAGO): LEAD-ACID BATTERIES

- Status: Introduced in Assembly on December 13, 2018.
- Hearing: None currently scheduled.
- Summary:
 - Increases manufacturer fee on lead-acid batteries from \$1 to \$2 and makes the collection of the fee permanent.
 - Permits the payment of the required fees by a battery manufacturer on behalf of an importer where the manufacturer is not subject to the jurisdiction of the state.

AB 210 (VOEPEL): SMOG CHECK: EXEMPTION

- Status: Introduced in Assembly on January 14, 2019.
- Hearing: None currently scheduled.
- Summary:
 - This bill would exempt from the Smog Check Program all motor vehicles, including diesel-powered vehicles, manufactured prior to the 1983 model-year. (Current law exempts vehicles manufactured prior to the 1976 model-year.)

SB 59 (ALLEN): AUTOMATED VEHICLE TECHNOLOGY

- Status: Introduced in Senate on December 19, 2018.
- Hearing: None currently scheduled.
- Summary:
 - This bill would establish state policy relating to automated vehicles, to ensure these vehicles support the state's efforts to, among other things, reduce greenhouse gas emissions and encourage efficient land use.
 - Requires the Office of Planning and Research in the Governor's Office, in coordination with the State Air Resources Board, to convene an automated vehicle interagency working group of specified state agencies to guide policy development for automated vehicle technology.

BAR REGULATIONS

- STAR Program Clean-Up
- Training Provider Requirements
- Repair Assistance
- Brake/Lamp Stations and Adjusters
- ARD Oil Change Requirements
- Exempt Services

STAR PROGRAM CLEAN-UP

- Purpose: (1) Delete outdated Gold Shield Program provisions; (2) amend STAR eligibility criteria; and (3) revise STAR suspension process to be consistent with statute.
- History: Public workshop held on July 21, 2016. Rulemaking package submitted to DCA / BCSH for formal review on May 22, 2018.
- Status: BAR revising ISOR based on DCA Legal review.
- Next Steps: Complete of DCA / BCSH formal review; file with OAL to begin 45-day public comment period.

TRAINING PROVIDER REQUIREMENTS

- Purpose: (1) Make requirements for certification of Smog Check training providers consistent with current licensing requirements; (2) authorize training for compliance with laws and regulations; and (3) make conforming changes to Disciplinary Guidelines.
- History: Public workshops held on January 9, 2014 and October 21, 2015. Submitted for DCA formal review on December 1, 2017.
- Status: BAR revising ISOR based on DCA Legal review.
- Next Steps: Complete of DCA / BCSH formal review; file with OAL to begin 45-day public comment period.

REPAIR ASSISTANCE

- Purpose: Increase Smog Check repair assistance participation by: (1) providing higher repair contributions based on vehicle model year, (2) reducing high pre-repair diagnostic fees for low-income vehicle owners, and (3) removing unnecessary eligibility restrictions pertaining to vehicle registration.
- Status: Workshop scheduled for January 17, 2019.
- Next Steps: Review comments and input from workshop; prepare notice filing for submission to DCA Legal for informal review.

BRAKE/LAMP STATIONS AND ADJUSTERS

- Purpose:
 - Revise:
 - Identification numbers for station and adjuster licensing applications.
 - License renewal and equipment requirements.
 - Handbooks providing procedures related to the inspection of brake and lamp systems and issuance of brake and lamp certificates.
 - Brake and lamp certificate of adjustment/compliance.
 - Eliminate the Gross Vehicle Weight Rating (GVWR) restriction of vehicles to be inspected and certified by Class C stations

BRAKE/LAMP STATIONS AND ADJUSTERS (CONTINUED)

- History: Public workshop held on October 20, 2016. Submitted rulemaking package to DCA Legal for preliminary review on March 30, 2018.
- Status: BAR revising rulemaking package based on DCA Legal preliminary review.
- Next Steps: Complete DCA Legal preliminary review. Submit for DCA / BCSH formal review; file with OAL to begin 45-day public comment period.

ARD OIL CHANGE REQUIREMENTS

- Purpose:
 - Require ARDs to adhere to maintenance schedule published by vehicle manufacturer, industry accepted and nationally distributed automotive service specification provider, or CalRecycle, when making a recommendation to the customer.
 - Require ARDs, when completing an oil change, to include the following statement on the invoice:
“Your vehicle’s manufacturer publishes oil change intervals, and the conditions and factors that influence those intervals, in the owner’s manual.”

ARD OIL CHANGE REQUIREMENTS (CONTINUED)

- History: Public workshops held on April 20, 2017 and September 26, 2017. 45-day public comment period began on March 9, 2018. Public hearing held at BAR and public comment period ended on April 23, 2018.
- Status: AB 3141 (Chapter 503, Statutes of 2018) took effect on January 1, 2019.
- Next Steps: Monitor AB 3141 implementation.

EXEMPT SERVICES

- Purpose: Exempt roadside and other services from the definition of “repair of motor vehicles.”
- History: Public workshops held on April 22, 2015, July 20, 2017 and February 12, 2018. Rulemaking package submitted to DCA for formal review on May 8, 2018.
- Status: Withdrawn from DCA formal review on September 24, 2018 due to passage of AB 3141 (Chapter 503, Statutes of 2018).
- Next Steps: Review BAR regulations for consistency with AB 3141.

QUESTIONS AND COMMENTS

Submit questions and/or comments to:

Holly O'Connor

Bureau of Automotive Repair

10949 N. Mather Boulevard

Rancho Cordova, CA 95670

Phone: 916-403-8627

Email: Holly.O'Connor@dca.ca.gov