TITLE 16. BUREAU OF AUTOMOTIVE REPAIR

DEPARTMENT OF CONSUMER AFFAIRS

INITIAL STATEMENT OF REASONS

Hearing Date: No hearing scheduled.

Subject Matter of Proposed Regulations: Vehicle Safety Systems Inspection Program

Articles/Sections Affected: California Code of Regulations (CCR), Title 16, Division 33, Chapter 1:

Amend Article 1
Article 1, sections 3303, 3303.2

Amend Article 2
Article 2, sections 3305, 3306, 3307, 3308, 3309, 3310

Adopt Article 2.5
Article 2.5, sections 3311.1, 3311.2, 3311.3, 3312.1, 3312.1.1, 3312.2, 3313.1, 3313.2, 3314.1, 3314.1.1, 3314.2

Amend Article 3
Article 3, sections 3315, 3316

Amend Article 4
Article 4, sections 3320, 3321

Background and Statement of the Problem:

The Department of Consumer Affairs (DCA), Bureau of Automotive Repair (BAR or Bureau) is the state agency charged with licensing automotive repair dealers (ARDs), smog check stations, STAR stations, brake and lamp adjusting stations, and their respective inspectors, repair technicians, and adjusters. The mission of both DCA and the Bureau, and therefore the main purpose of any regulatory proposal, is consumer protection, which includes ensuring “all Californians are informed, empowered, and protected.” (DCA, About Us <https://www.dca.ca.gov/about_us/index.shtml> [as of Aug. 31, 2023])

Existing law provides for the regulation and licensing of lamp and brake adjusters and adjusting stations, including specific qualifications and inspection criteria. In 2021, the Legislature passed Assembly Bill 471 (“AB 471”; Low, Chapter 372, Statutes of 2021), which modified the Business and Professions Code (“BPC”; adding new sections, and amending or repealing existing sections), requiring the

Bureau to develop regulations implementing a new vehicle safety systems inspection program. This new program “promote[s] the safe and uniform installation, maintenance, and servicing of vehicle safety systems and components”, as stated in the authorizing statute. The program includes inspection criteria and standards for specific vehicle safety systems and components, and the issuance of vehicle safety systems inspection licenses to stations and technicians to conduct inspections of vehicle safety systems. Pursuant to AB 471 and BPC section 9888.5(c), regulations creating this new vehicle safety systems inspection program shall be adopted by January 1, 2024. Additionally, AB 471 modified BPC section 9888.5(d) to include that these vehicle safety systems inspection licenses replace licenses issued pursuant to existing provisions—governing the licensure of brake and lamp adjusting stations and adjusters—that the bill will repeal on the effective date of the new regulations. Modifications to the current regulations are necessary to comply with the requirements of AB 471 and the BPC.

The new program will also implement security measures to prevent fraud. Vehicle safety systems inspections will be performed on model year 2000 and newer on-board diagnostic (OBD) equipped vehicles using an OBD data acquisition device (DAD). The DAD is plugged directly into the data link connector (DLC) of the vehicle being inspected and downloads identifying information about the vehicle, including the vehicle identification number (VIN). The vehicle safety systems technician will enter vehicle safety systems inspection data in the BAR Safety Inspection System (BAR-SIS). The use of a DAD will help ensure the inspection results entered in the BAR-SIS belong to the vehicle the technician inspected.

For additional security, technicians will begin inspections by scanning their palm using a biometric scanner. This will help ensure the vehicle safety systems technician whose license is connected to the inspection is the technician who performed the inspection. Technicians will be required to have their biometric data collected by the Bureau via station visit or by visiting a Bureau field office. The biometric data will be encrypted upon collection, in accordance with typical industry best practices, to prevent unauthorized access to and misuse of the data.

Additionally, the BAR-SIS computer will be equipped with a web camera, which the Bureau can remotely access during an inspection with permission from the technician. Remote access allows the Bureau to intervene during an inspection if it suspects fraudulent activity. The Bureau can halt an inspection, and communicate with the inspecting technician via web camera to verify who is performing the inspection, and that they are adhering to proper inspection procedures.

Under this proposal, stations must not have electronic devices or data sources known as OBD simulators on premises, as they can be used as substitutes for, or in the manipulation of, vehicle identifying information contained in the vehicle’s computer.

In this rulemaking proposal, the Bureau proposes making the following changes to Chapter 1 of Division 33 of Title 16 of the CCR: (1) amend sections 3303 and 3303.2 of Article 1; (2) repeal sections 3305, 3306, 3307, 3308, 3309, and 3310 of Article 2; (3) adopt sections 3311.1, 3311.2, 3311.3, 3312.1, 3312.1.1, 3312.2, 3313.1, 3313.2, 3314.1, 3314.1.1, 3314.2 in a new Article 2.5; (4) repeal sections 3315 and 3316 of Article 3; and (5) repeal sections 3320 and 3321 in Article 4."

- Adopting section 3303(s) in Article 1, Chapter 1, Division 33, Title 16 will establish a new definition to clarify and make specific what constitutes a Vehicle Safety System.

- Amending section 3303.2(b) in Article 1, Chapter 1, Division 33, Title 16 will establish a change in terminology to reflect the change to the new program.

- Amending section 3303.2(d) will establish a change in terminology to reflect the change in license type, implement a new processing time for licensure applications, and establish that the Bureau will not schedule the initial licensee examination.

- Adopting section 3303.2(d)(1) will establish an initial licensing examination exemption, and make specific its duration, for existing brake and lamp adjusters.

- Amending section 3303.2(k) will implement a new accessible table that identifies the minimum, median, and maximum processing times for initial licensure, including the new vehicle safety systems station and technician licenses.

- Adopting section 3305(d) in Article 2, Chapter 1, Division 33, Title 16 will establish that section 3305 will become inoperative six months from the date of adoption of the proposed regulations.

- Adopting section 3306(d) will establish that section 3306 will become inoperative six months from the date of adoption of the proposed regulations.

- Adopting section 3307(g) will establish that section 3307 will become inoperative six months from the date of adoption of the proposed regulations.

- Adopting section 3308(d) will establish that section 3308 will become inoperative six months from the date of adoption of the proposed regulations.

- Adopting section 3309(c) will establish that section 3309 will become inoperative six months from the date of adoption of the proposed regulations.

- Adopting section 3310(f) will establish that section 3310 will become inoperative six months from the date of adoption of the proposed regulations.

- The Bureau will adopt a new Article 2.5 in Chapter 1, Division 33, Title 16 to establish sections to implement, make specific, and clarify vehicle safety system station inspection requirements.

- Adopting section 3311.1 will establish requirements for vehicle safety systems inspection station technicians and incorporate the Vehicle Safety Systems Inspection Manual by reference.

- Adopting section 3111.2 will establish vehicle safety systems inspection station standards and equipment and data transmission requirements.

- Adopting section 3311.3 will establish vehicle safety system inspection certificate of compliance requirements and the applicable fees.

- Adopting section 3312.1 will establish vehicle safety systems inspection station licensing application and renewal requirements, the license term, and the applicable fees.

- Adopting section 3312.1.1 will establish the requirements and deadline for operators of an existing lamp and brake and lamp adjusting station to transition their current licenses to the new vehicle safety systems inspection station license.

- Adopting section 3312.2 will establish requirements for vehicle safety systems inspection stations for displaying licenses and prices and maintaining inspection equipment and records.

- Adopting section 3313.1 will establish vehicle safety systems inspection station sign requirements.

- Adopting section 3313.2 will establish conditions under which a vehicle safety systems inspection station will not be permitted to perform inspections.

- Adopting section 3314.1 will establish vehicle safety systems technician licensing application and renewal requirements, the license term, and the applicable fees.

- Adopting section 3314.1.1 will establish the requirements and deadline for an existing brake and lamp adjuster to transition to a new vehicle safety systems technician license.

- Adopting section 3314.2 will establish the requirements and process for a vehicle safety systems technician to biometrically enroll.

- Adopting section 3315(c) in Article 3, Chapter 1, Division 33, Title 16 will establish that section 3315 will become inoperative six months from the date of adoption of the proposed regulations.

- Adopting section 3316(f) will establish that section 3316 will become inoperative six months from the date of adoption of the proposed regulations.

- Adopting section 3320(d) in Article 4, Chapter 1, Division 33, Title 16 will establish that section 3320 will become inoperative six months from the date of adoption of the proposed regulations.

- Adopting section 3321(e) will establish that section 3321 will become inoperative six months from the date of adoption of the proposed regulations.

Anticipated Benefits from this regulatory action:

By implementing these regulatory changes, the Bureau will implement, interpret, and make specific the requirements of AB 471 and the BPC. These regulatory changes will create the vehicle safety systems inspection program (and procedures) and the associated licenses. They will also create the timeframe and method by which the current brake and lamp adjuster license holders will transition to the new vehicle safety systems inspection program licenses.

This regulatory proposal implements a more comprehensive inspection program to replace the current brake and lamp adjusting programs. The new vehicle safety systems inspection program will expand on the existing programs, which only include inspections of vehicle brakes and lamps, to include inspections of more safety systems, including passenger compartment components, tires, and wheels, steering and suspension, and body structure. Furthermore, the new inspection includes a road test that will test the vehicle safety systems for functionality. Implementing this regulatory proposal is especially necessary because a vast majority of vehicles currently required to obtain brake and lamp certificates of compliance are vehicles revived to a salvaged title after being deemed a total loss and, more importantly, dangerous to drive. This regulatory proposal is intended to provide greater measures to ensure that those vehicles are safe before returning them to California roadways.

The new vehicle safety systems inspection program will also implement security measures to prevent fraud, such as requiring technicians to provide a biometric scan of their palm to log into the Bureau's Safety Inspection System (BAR-SIS) to perform an inspection and authorize the issuance of an electronic vehicle safety systems certificate of compliance to a vehicle found to meet the inspection requirements. This will help ensure licensed vehicle safety systems technicians

perform the inspections, thus making these vehicles safer and preventing unlicensed activity. Additionally, the new vehicle safety systems inspection program will utilize a Data Acquisition Device ("DAD"), which will plug directly into the vehicle's Diagnostic Link Connector ("DLC") to download vehicle identifying information, including the Vehicle Identification Number ("VIN"), on model year 2000 and newer On-Board Diagnostic ("OBD") equipped vehicles. This will help prevent and detect fraudulent vehicle safety systems inspections and certifications. The vehicle identifying information downloaded through the DAD will be stored in the California Vehicle Information Database ("VID"). When vehicle identifying information does not match the test record for an inspected vehicle, disciplinary action may be taken against the licensed station and technician. The new vehicle safety systems inspection program will also utilize an electronic certificate of compliance, which will be sent digitally to the DMV. This will streamline communication between the Bureau and the DMV during the registration process, and allow the DMV to independently verify the legitimacy of a vehicle safety systems certificate of compliance.

Specific purpose of, and rationale for, each adoption, amendment, or repeal:

I. Notice of Collection of Personal Biometric Information and Its Use (for Vehicle Safety Systems Technician Licenses) (January 2023) is incorporated by reference in California Code of Regulations, Title 16, section 3314.2(a). The purpose of this Notice is to inform prospective enrollees (vehicle safety systems technicians) that, as part of its licensing standards and enforcement and fraud prevention efforts, the Bureau will collect certain personal biometric data at the time of an inspection in order for the technician to use vehicle safety systems inspection equipment, including accessing the BAR-SIS. This Notice will be displayed to technicians when they first access the Bureau's biometric enrollment software to enroll in the program to use vehicle safety systems inspection equipment.

It is necessary to provide this notice to inform prospective licensees about the collection of their biometric information, and to protect their rights and ensure they are fully informed and empowered when deciding (whether) to participate in the program.

Additionally, this Notice is necessary because Civil Code section 1798.17 requires agencies to provide notice when collecting personally identifying information. It is necessary for the Bureau to collect personally identifying information in order to carry out one of the purposes of this regulatory proposal—preventing fraud by verifying that the licensed technician whose name appears on the certificate of compliance was the same technician who performed the vehicle safety systems inspection. Therefore, the Bureau must comply with the requirements of Civil Code

section 1798.17 as well. Civil Code section 1798.17 requires agencies to include the following information in each Notice.

Civil Code section 1798.17(a) requires the Notice include the name of the agency, and the division within the agency, requesting the information. This requirement is met by the Notice stating, “the Bureau of Automotive Repair of the Department of Consumer Affairs collects.”

Civil Code section 1798.17(b) requires the Notice include “[t]he title, business address, and telephone number of the agency official who is responsible for the system of records and who shall, upon request, inform an individual regarding the location of his or her records” and “the categories of any persons who use the information in those records.” The first part of this requirement is met in the final paragraph of the form, entitled “ACCESS TO INFORMATION AND CONTACT INFORMATION” by saying to contact the Subpoena/PRA Analyst at the Bureau’s PRA Unit for questions about the Notice on Collection and accessing records, and provides the PRA Unit’s contact information, including business address, phone number, and email address. This paragraph also says to contact the Department of Consumer Affairs for questions about the Department’s Privacy Policy, and the Office of the Attorney General, California Department of Justice, Public Inquiry Unit for questions about the Information Practices Act, and provides the contact information for both, including business addresses, phone numbers, and email addresses. The second part of this requirement is met in the first paragraph of the form, which states “The Bureau of Automotive Repair of the Department of Consumer Affairs collects the personal information identified . . . [and] uses this information as necessary to accomplish the principal purposes of identifying licensed vehicle safety systems inspection technicians and permitting their use of inspection equipment and enforcing licensing standards set by law and regulation.”

Civil Code section 1798.17(c) requires the Notice state “[t]he authority, whether granted by statute, regulation, or executive order which authorizes the maintenance of the information”. This requirement is met in the first sentence of the first paragraph of the Notice, which informs the technician that the Bureau is authorized (or required) to collect data under BPC sections 30, 9882, 9888.5, and 9889.2, Civil Code section 1798.17 (part of the Information Practices Act), and Title 16, CCR section 3314.1 (or 16 CCR section 3314.1).

Civil Code section 1798.17(d) requires the Notice state “[w]ith respect to each item of information, whether submission of such information is mandatory or voluntary.” The Notice on Collection satisfies this requirement in the portion with a heading reading “MANDATORY SUBMISSION”, below which is a statement that the information is

mandatory, and that use of inspection equipment will not be allowed unless the technician provides all requested information.

Civil Code section 1798.17(e) requires the Notice state "the consequences, if any, of not providing all or any part of the requested information." This requirement is met by the statement "The Bureau of Automotive Repair will not permit inspection equipment use unless you provide all requested information."

Civil Code section 1798.17(f) requires the Notice to include "the principal purpose or purposes within the agency for which the information is to be used." This requirement is met in the first paragraph by the inclusion of the statement "The Bureau of Automotive Repair uses this information as necessary to accomplish the principal purposes of identifying licensed vehicle safety systems inspection technicians and permitting their use of inspection equipment, and enforcing licensing standards set by law and regulation."

Civil Code section 1798.17(g) requires the Notice state "[a]ny known or foreseeable disclosures which may be made of the information pursuant to subdivision (e) or (f) of Section 1798.24."

This requirement is met in the Notice by inclusion of the following statement:

> "POSSIBLE DISCLOSURE OF PERSONAL INFORMATION
> The Bureau of Automotive Repair makes every effort to protect the personal information you provide us. The information you provide, however, may be disclosed in the following circumstances:
>
> - In response to a Public Records Act (PRA) request (Government Code sections 7920.000, *et seq*.,
> - As allowed by the Information Practices Act (Civil Code sections 1798, *et seq*.)
> - To another government agency as required by State or Federal law; or
> - In response to a court or administrative order, subpoena, or search warrant."

Finally, Civil Code section 1798.17(h) requires the Notice to state "[t]he individual's right of access to records containing personal information which are maintained by the agency." This requirement is met in the section titled "ACCESS TO PERSONAL INFORMATION." The Notice

states “You may review the records, maintained by the Bureau of Automotive Repair, that contain your personal information, as permitted by the Information Practices Act. See below for contact information.”

Each provision above directly responds to and fulfills a requirement of Civil Code section 1798.17. As stated above, it is necessary for the Bureau to provide this notice to inform technicians about the data collection, and to fulfill the requirements of Civil Code section 1798.17 in order to collect personally identifying information. Collecting personally identifying information will assist the Bureau in carrying out two of the purposes of this regulatory proposal: protecting prospective licensees (technicians) by ensuring they are informed and empowered by making them aware of their rights so they can make fully informed decisions, and preventing fraud by ensuring the vehicle safety systems technician whose license is connected to the inspection is the technician who performed the inspection. Each provision in the Notice is necessary for the Bureau to comply with the requirements of Civil Code section 1798.17 and is necessary to carrying out the purposes of this regulatory proposal.

II. **Biometric Data Collection Consent Statement (for Vehicle Safety Systems Technician Licenses) (January 2023)** is incorporated by reference in California Code of Regulations, Title 16, section 3314.2(a). The purpose of this Consent Statement is to inform prospective licensee technicians, before they submit their personal biometric data, what they consent to by submitting their personal biometric data. This Consent Statement indicates that, by their submission, they understand and agree that 1) submitting their personal biometric data constitutes their consent to the Bureau collecting, retaining, handling, and processing the technician’s personal information for technician inspection equipment access, verification, and authentication purposes, and 2) their authorization and consent do not guarantee licensure by the Department of Consumer Affairs. Another purpose of this Consent Statement is to inform the prospective enrollee (technician) that, if they do not consent (i.e., do not submit their personal biometric information), they will not be permitted to use the inspection equipment necessary to perform vehicle safety systems inspections.

The first sentence of the Consent Statement informs the prospective enrollee (technician) about the Bureau’s collection, retention, handling, and usage of the information. This and other statements in this Consent Statement reiterate the information provided in the Notice (which effectuates the Bureau’s compliance with the Information Practice Act’s data collection notice requirements, as stated above).

The second statement informs on the consequences of failure to consent and provide the requested information (reiterating the statement made in

the Notice in compliance with Civil Code section 1798.17(e)). This informs prospective enrollees (technicians) that failure to consent, demonstrated by failure to submit their personal biometric information, will prevent them having access to the equipment necessary to perform vehicle safety systems inspections. Eligibility to perform vehicle safety systems inspections is preconditioned on participation in the biometric data system.

The statement “I further understand that this authorization and consent does not guarantee my licensure by the Department of Consumer Affairs” clarifies that the biometric data system is separate from the application process and other licensing requirements. This informs the prospective enrollee (technician) that, even if they provide their consent and biometric data to the Bureau, there are other application and licensing requirements that must be met, or they will not be licensed by the Department.

The statement “I hereby provide my explicit consent for BAR to collect, retain, handle, and otherwise process my personal biometric information in order for me to have electronic access to enter vehicle safety systems data in the BAR-SIS system, as set forth in BAR’s Vehicle Safety Systems Inspection Manual, and for verification and authentication of my identity” informs the prospective enrollee (technician) of the significance of the Consent Statement and reminds them of the purpose of the program’s new security measures—their consent allows the Bureau to collect their personal biometric information, which will be used to verify that the vehicle safety systems technician whose license is connected to the inspection is the technician who performed the inspection.

Finally, the statement “My successful submission of my personal biometric data (data collected from a scan of my palm) through the BAR-SIS shall be considered consent to this agreement” is designed to inform the participant that 1) no formal signature is being collected as part of the enrollment process and 2) submission of the biometric data itself is evidence of consent to data collection by the Bureau. The Bureau will provide the Biometric Data Collection Consent Statement to prospective enrollees (technicians) electronically during the data collection process, and signatures will not be separately collected or stored. If the prospective enrollee does not consent, they will not submit their biometric information, and their data will not be collected.

Each statement in the Consent Statement is necessary to inform prospective enrollees (technicians) of either the consequences of consenting and enrolling or the consequences of failing to consent and not enrolling. This Consent Statement (and each sentence/provision in the statement) is necessary to effectuate the purpose of protecting the

rights of prospective enrollees (technicians) regarding their personally identifiable information by ensuring they are fully informed in advance of what they consent to by submitting their personal biometric data to and for use by the Bureau, so they can make empowered decisions. The Consent Statement is also necessary to protect the rights of prospective enrollees (technicians) by ensuring they are informed of the consequences of failure to consent, and that even with their consent, they are not guaranteed licensure. Each sentence is necessary to ensure that prospective enrollees (technicians) are fully informed of their rights and can make empowered decisions about whether to enroll in the program. Therefore, the Consent Statement effectuates a main purpose of this regulatory package.

III. **Vehicle Safety Systems Inspection Manual (September 2023):** is incorporate by reference in California Code of Regulations, Title 16, section 3311.1(c). The purpose of this manual is to provide inspection criteria, procedures, and standards for performing a vehicle safety systems inspection. The manual is necessary to introduce the program's requirements and ensure stations and technicians understand the requirements of the new inspection program. The manual is also necessary, not only to effectuate the purpose of the authorizing statute, but also to effectuate (several of) the purposes of this regulatory proposal: "promot[ing] the safe and uniform installation, maintenance, and servicing of vehicle safety systems and components"; protecting Californians by ensuring vehicle safety systems are properly inspected and repaired; and preventing fraud by ensuring the vehicle safety systems technician whose license is connected to the inspection is the technician who performed the inspection. (BPC section 9888.5(a)) Ensuring that each safety system and its components are properly functioning ensures the overall safety of the vehicle for its occupants and for every Californian who shares the road with that vehicle; therefore, each section of the manual, addressing requirements of the program, and for the inspection of each safety system and its components, is necessary to effectuate the purpose of protecting the safety of Californians.

a. Preface

The Bureau purposes adding a preface to the manual which states "This manual is incorporated by reference in the California Code of Regulations, Title 16, section 3311.1. It provides procedures for conducting vehicle safety systems inspections and issuing certificates of compliance.

Only a licensed vehicle safety systems technician (technician) working in a licensed vehicle safety systems inspection station (station) may perform a vehicle safety systems inspection and authorize the issuance of a

certificate of compliance. Licensed stations and technicians must follow the procedures contained in the Vehicle Safety Systems Inspection Manual. This manual details the minimum inspection criteria and standards for specific safety systems and system components. No attempt has been made to relate the information contained in this manual to the specific design of a particular vehicle manufacturer, nor is this publication intended to be all inclusive of every vehicle safety system or system design.

Technicians must possess the knowledge, skills, and abilities necessary to conduct thorough and accurate inspections on all vehicles accepted by the station for inspection. Each station must maintain access to current manufacturer repair specifications and technical information relative to the types and designs of vehicle safety systems inspected and repaired by the station.

When using the BAR Safety Inspection System to perform a vehicle safety systems inspection, technicians shall follow the software prompts and input vehicle and inspection information as requested and required by the system.

Moreover, technicians shall consult the California Vehicle Code, California Code of Regulations, and Code of Federal Regulations to ensure minimum inspection standards for each of the systems detailed in this manual are met."

The purpose of this preface is to establish that, pursuant to the authority granted to the Bureau in BPC sections 9888.5(b) and (c), only licensed vehicles safety systems technicians are to perform vehicle safety systems inspections, and authorize the issuance of certificates of compliance, at licensed vehicle safety systems inspection stations and in compliance with all requirements set forth in the manual. Additionally, the preface clarifies that the manual is not intended to be all inclusive of every vehicle safety system or system design, and that it is expected technicians possess the requisite knowledge and skills to perform a complete and thorough inspection on the vehicles they accept for inspection. The preface also establishes the Bureau's expectation that stations maintain access to any reference materials necessary for vehicle safety systems inspections and repairs.

This preface is necessary to introduce the manual and the Bureau's requirements and expectations for vehicle safety systems stations, technicians, and inspections. Providing this information is necessary to effectuate one of the purposes of this regulatory proposal—protecting consumers by ensuring licensees are fully informed of the expectations

they must meet when performing vehicle safety systems inspections, which will make vehicles safer for everyone on the road.

b. Table of Contents

The Bureau proposes including a table of contents in the manual. The purpose of the table of contents is to provide technicians a clear outline of the structure of the manual, including the nine chapters. The table of contents is necessary to inform technicians where to locate specific information within the manual.

c. CHAPTER 1 Overview, Access, Vehicle Identification, Reference Materials, Definitions

The purpose of this chapter is to provide vehicle safety systems technicians with an overview of the vehicle safety systems inspection program, provide information on how to access the online software system and identify vehicles for inspection purposes, and outline which reference materials technicians should utilize when performing vehicle safety systems inspections.

It is necessary to provide this information to inform stations and technicians about the program (including providing definitions for program terms used in the manual), some of the requirements of the program (including reference information and materials to be used by technicians), and what they must do to comply with these requirements. The first chapter provides an introductory overview and covers a different portion of these topics; each chapter is therefore necessary to effectuate this purpose.

i. 1.1 Overview

The Bureau proposes adding Chapter 1.1 stating “Only a licensed technician working in a licensed station may perform a vehicle safety systems inspection and authorize the issuance of a certificate of compliance. When performing a vehicle safety systems inspection, the technician shall inspect the condition of all required vehicle safety systems, in accordance with the applicable procedures in this manual. This will allow any/all condition(s) that result in the vehicle failing the safety systems inspection to be addressed at the conclusion of the completed inspection.

If a station lacks any of the equipment, tools included in Chapter 9 of this manual (Required Equipment), or reference materials included in Chapter 1.10 of this manual (Reference Materials) that are required to inspect a particular vehicle, the station shall not accept that vehicle for inspection.

If, as a matter of policy, a station does not inspect certain types of vehicles, the station or technician must reject the vehicle before starting

an inspection and inform the customer. Additionally, if a station does not repair a certain type of vehicle, the station must notify the customer of that fact prior to performing an inspection.

All customers shall be provided a written estimate for the vehicle safety systems inspection in accordance with the Automotive Repair Act, Business and Professions Code section 9884.9, and Title 16, California Code of Regulations (CCR) section 3353. Customers can then authorize the inspection and any repairs, if applicable."

The purpose of this chapter is to establish who can perform vehicle safety systems inspections, and where and how these inspections are to be performed. Only licensed technicians, at licensed stations, with all necessary knowledge, equipment, tools, and reference materials, can perform inspections and authorize the issuance of certificates of compliance, and these technicians must thoroughly inspect each vehicle safety system and adhere to all required applicable procedures set forth in the manual. This chapter establishes that a full and complete inspection must be performed. Prior to the inspection, the customer must be provided a written estimate so they can authorize the inspection and any repairs.

This chapter establishes that only a licensed technician working in a licensed station may perform vehicle safety systems inspections and can authorize the issuance of a certificate of compliance, and that they must keep customers fully apprised during the process to protect consumers. It is necessary to provide stations and technicians with this information to ensure technicians are fully informed of, and therefore perform inspections in compliance with, these program requirements and procedures; this will, in turn protect the public by ensuring the safety systems of the vehicles meet the inspection standards and criteria set forth in the new program. It is also necessary to provide this information to ensure consumers are protected, as technicians will know to ensure consumers are fully informed during the inspection and repair (if repairs are necessary) process.

This chapter specifies that the technician must fully inspect all vehicle safety systems and their components, in accordance with the procedures detailed in the manual. This chapter also specifies that the technician must provide the customer with a written estimate and obtain authorization prior to performing any necessary repairs.

This requirement allows consumers to have a complete picture of all necessary repairs after a single inspection (rather than piecemeal after multiple inspections and repair sessions), and allows them to have all failure items addressed at one time.

This chapter also specifies that if a station does not have the necessary equipment and tools (as detailed later in the manual) to perform a complete vehicle safety systems inspection on a particular vehicle, in accordance with the manual, they shall not accept that vehicle for inspection. Completing an inspection with anything less than the necessary tools, equipment, and expertise could result in an unsafe vehicle wrongly receiving a certification of compliance, which is antithetical to the main purpose of this proposal—ensuring the safety of everyone on the road.

If the station does not perform inspections on certain types of vehicles, the station shall not begin an inspection on a vehicle of that type, and shall instead reject that vehicle and notify the consumer of the rejection. This way, the consumer knows to take the vehicle to another vehicle safety systems inspection station that performs inspections on that vehicle type. Additionally, if a station performs inspections but not repairs on certain types of vehicles, the station must notify the customer of that fact prior to performing an inspection so the customer can decide whether to proceed with the inspection at that station or take the vehicle to another station that can and will perform the full inspection with repairs if repairs are needed to pass the vehicle safety systems inspection.

The requirements in this chapter protect consumers by preventing stations from accepting for inspection vehicles they are not fully equipped to inspect or repair.

Lastly, this chapter notifies stations and technicians they must always provide customers with a written estimate and obtain authorization prior to performing any vehicle safety systems inspection.

This chapter is necessary to provide vehicle safety systems stations and technicians with an overview of the vehicle safety systems inspection program. This information ensures stations and technicians are fully informed, and protects consumers by having well-informed stations and technicians performing full and safe inspections according to the procedures set forth in the manual.

ii. 1.2 Licensed Technician Access to BAR-Safety Inspection System (BAR-SIS)

The Bureau proposes adding Chapter 1.2 stating “Pursuant to Title 16, CCR section 3314.2, BAR or a BAR-authorized representative shall verify the identity of the applicant or licensed technician and use a biometric device (as referenced in Chapter 9.2 of this manual) to enroll the applicant or technician for purposes of authorizing access to perform inspections using the BAR-SIS. The BAR-SIS is computer software

owned and developed by BAR and housed within BAR's online inspection system (BAR-OIS), for use by licensees to report safety systems inspection findings. Once enrolled, the technician shall authenticate their identity, for the purposes of accessing the BAR-SIS, using a biometric device.

BAR may allow an alternate means to access the BAR-SIS if, at the time of enrollment, the biometric system is unable to collect sufficient data necessary to create a uniquely identifiable profile. Alternate means shall be a BAR-assigned access code. In such cases, each technician must maintain the security of their access code. Disclosure of one's access code or use of another licensed technician's access code or license information is prohibited, and such conduct may result in disciplinary action. If the security of the technician's access code has been compromised, or the technician suspects another person has used their access code, the technician must contact their local BAR field office immediately, BAR will delete the compromised access code and issue the technician a new access code."

The purpose of this chapter is to establish that vehicle safety systems technicians must biometrically enroll to access the Bureau's inspection system, perform inspections, and authorize the issuance of certificates of compliance. This chapter also advises vehicle safety systems technicians that biometric enrollment, as detailed in Title 16 of the CCR, section 3314.2, is necessary to obtain access to the BAR-SIS (defined in this chapter), where they enter inspection results and authorize issuance of certificates of compliance. The device prospective enrollees (technicians) use to enroll is the same device referenced in Chapter 9.2 of the Vehicle Safety Systems Inspection Manual. The biometric device, a palm vein reader, will allow BAR to positively identify that the licensed vehicle safety systems technician initiated the inspection and authorized the issuance of a certificate of compliance. It is necessary to provide this information to introduce, and inform prospective enrollees of, the program's requirements regarding collection and use of biometric data.

This chapter also specifies that if a palm vein reader is unable to successfully collect a technician's biometric information, the Bureau will verify that data collection was unsuccessful and issue the technician an access code to access the BAR-SIS. It is necessary to provide this information to introduce, and inform technicians that there is, an alternative method of access should biometric enrollment not work.

Additionally, the chapter notifies technicians who are issued an access code of their responsibilities with respect to their access code, and of the consequences of access code misuse. It informs them that if they believe their access code has been compromised, they must

immediately contact a Bureau field office. It also notifies them that the Bureau will delete the compromised access code and issue the technician a new access code. It is necessary to provide this information to inform licensees (technicians) to keep their access codes secure, and what precautions to take if they believe their access code has been compromised. Providing this information is also necessary to inform technicians of the ramifications of failure to keep their access code secure and misuse of an access code.

iii. 1.3 Vehicle Identification

The Bureau purposes adding Chapter 1.3 stating "As part of a vehicle safety systems inspection, the technician shall input the following vehicle identifying information into the BAR-SIS:"

The purpose of this statement at the beginning of the chapter is to introduce the following list of vehicle identifying information. It is necessary to provide this introduction to inform the vehicle safety systems technician that they must enter the below vehicle identifying information into the BAR-SIS.

1. **"Vehicle Identification Number (VIN)**. Enter the VIN number (If the vehicle is a motorhome, enter the chassis VIN). The VIN must be permanently affixed to the vehicle. If the vehicle is not equipped with a VIN or the VIN appears to have been damaged or altered, do not conduct the inspection, and refer the customer to the California Department of Motor Vehicles (DMV)."

The purpose of this chapter is to instruct the vehicle safety systems technician to enter VINs into the BAR-SIS as part of the inspection, and establish what information to enter for missing, damaged, or altered VINs. It instructs vehicle safety systems technicians how to enter the VIN into the BAR-SIS, what number to enter if they are inspecting a motorhome, and how to proceed when the VIN is missing or appears damaged or altered. Without a proper VIN, the consumer may have a difficult time registering the vehicle, as it will not match DMV records or indicates to the DMV that the vehicle might have been stolen. This part of the chapter is necessary to ensure technicians are informed of proper procedures regarding entry of VINs so that BAR is provided with the correct vehicle identifying information.

This chapter also establishes that a technician should refer the consumer to the DMV to correct a VIN issue, prior to proceeding with an inspection. It is necessary to provide this information to inform technicians how to proceed when there is an issue with the VIN.

2. **"Vehicle License Plate Number.** Enter the vehicle's license plate number or "NONE" if the vehicle does not have a license plate. For

government vehicles, do not enter “E” preceding the plate number; enter the last 7 digits. Disabled plates are entered by starting with the first character and no spaces are entered.”

The purpose of this chapter is to instruct the vehicle safety systems technician on the procedure for entering the vehicle’s license plate number into the BAR-SIS.

This chapter instructs a vehicle safety systems technician to enter a license plate number in the BAR-SIS, and instructs what to enter into the BAR-SIS when there is no license plate, what to enter for an “E” plated government vehicle, and what to enter for disabled plates. Additionally, since vehicle safety systems inspections will primarily be used to revive total loss vehicles to a salvage title, a vast majority of the vehicles inspected will not have a license plate, as DMV requires license plates be surrendered when a vehicle is deemed a total loss. This information is necessary to inform technicians what to enter for any type of license plate or when there is no license plate, so they provide BAR with the information needed to connect an inspection to the vehicle inspected, especially if the vehicle has a special license plate or does not have a license plate.

3. “**Vehicle Model, Year, and Make.** Enter the vehicle model, year, and make. (If the vehicle is a motorhome, enter the model and year of the coach. Do not enter the engine or chassis year.)”

The purpose of this chapter is to instruct the vehicle safety systems technician to enter the vehicle model, year, and make into the BAR-SIS.

This portion not only instructs the vehicle safety systems technician to enter the vehicle model, year, and make into the BAR-SIS, but also instructs the technician what information to enter when inspecting a motorhome.

This chapter is necessary to instruct technicians what information to enter into the BAR-SIS regarding model, year, and make of the vehicle so the information in BAR-SIS matches DMV records for the vehicle. If technicians do not enter the correct vehicle information into BAR-SIS, the information in BAR-SIS will not match DMV records, which would make it more difficult for a consumer to register the vehicle.

4 **“Vehicle Odometer Reading.** Enter the odometer reading as displayed. Do not attempt to estimate vehicle mileage or convert from kilometers to miles. If the odometer is missing or illegible, enter “NONE.”

The purpose of this chapter is to instruct the vehicle safety systems technician to enter the odometer reading into the BAR-SIS, and what to enter if the odometer reads in kilometers or is missing or illegible.

This chapter is necessary to inform technicians what information to enter into BAR-SIS, and what to do if they are unable to get an odometer reading, so that BAR receives accurate information about the vehicle being inspected.

The Bureau purposes adding additional language to Chapter 1.3 stating "The required bar code scanner (referenced in Chapter 9.2 of this manual) shall be used as the first method of data entry. Manual entry must be used in cases where the vehicle is not equipped with a bar code or the bar code is illegible, where there are no registration documents, or where registration documents do not contain a bar code.

If a technician is using vehicle registration documents to scan vehicle information, they shall first verify the VIN shown on the registration document matches the VIN on the vehicle. If the VIN does **not** match, the technician shall use the VIN affixed to the vehicle and inform the customer of the mismatch and that it may cause DMV not to accept the inspection results.

A technician shall not enter any vehicle identifying information other than that for the vehicle being inspected nor shall they enter any false information about the vehicle being inspected."

The purpose of this additional language is to introduce the requirement that technicians use the bar code scanner as the first method of data entry. This additional language in Chapter 1.3 instructs technicians the bar code scanner, as referenced in Chapter 9.2 of the vehicle safety systems inspection manual, is the first and primary method of data entry. The bar code reader is designed to scan and read bar codes on DMV registration documents, and on the driver's door jamb. Using the bar code scanner to scan vehicle identifying information reduces or eliminates the chances of vehicle safety systems technicians making incorrect entries into the BAR-SIS.

Another purpose of this additional language is to instruct the technician what to do if the information on the vehicle registration documents does not match the VIN on the vehicle, and to reiterate the importance of entering correct, and not false, information in BAR-SIS.

A vehicle safety systems technician may only manually enter vehicle identifying information when there is no bar code to scan, either on the DMV registration document or vehicle, or the bar code is illegible and cannot be scanned.

This chapter also establishes that the technician is responsible for verifying that the vehicle's VIN matches DMV records. If the VIN does not match DMV records, the consumer may have a difficult time registering the vehicle Additionally, this chapter establishes that a technician should refer the consumer to the DMV to correct a VIN issue, prior to proceeding with an inspection. It is necessary to provide this information to inform technicians how to proceed when there is an issue with the VIN.

This chapter also makes clear that vehicle safety systems technicians must not enter any inaccurate or false information about the vehicle being inspected into the BAR-SIS.

It is necessary to include this information to inform technicians to use the bar code scanner so that the correct vehicle identifying information is entered in BAR-SIS. Including this information prevents the entry of incorrect or false vehicle identifying information into the BAR-SIS. This, in turn, prevents vehicles being incorrectly labeled as passing vehicle safety systems inspections when they have yet to be inspected or have failed inspections, and prevents consumers and the DMV experiencing difficulties during vehicle registrations because inspection information does not match DMV records.

iv. 1.4 On-Board Diagnostic (OBD) Equipped Vehicles

The Bureau proposes adding Chapter 1.4 stating "Technicians shall inspect the OBD system for model year 2000 and newer vehicles, by plugging the BAR certified data acquisition device (DAD) (referenced in Chapter 9.2 of this manual) into the vehicle's data link connector, thereby allowing the BAR-SIS to communicate with the vehicle. The BAR-SIS shall access and obtain the VIN, communication protocol, and parameter identifications, as well as all information related to the vehicle safety systems as defined in Title 16, CCR section 3303(s). The technician shall only connect the DAD to the vehicle they identified in the BAR-SIS as receiving the vehicle safety systems inspection.

Stations must not have electronic devices or data sources known as OBD simulators on premises.

A vehicle's OBD system that does not communicate with the BAR-SIS shall fail the vehicle safety systems inspection."

The purpose of this chapter is to inform technicians that any 2000 model-year or newer OBD equipped vehicles shall be inspected using a DAD. This chapter establishes that when a vehicle safety systems technician performs a vehicle safety systems inspection on any 2000

model-year or newer OBD equipped vehicle, they will be required to use a DAD that will be plugged into the vehicle Diagnostic Link Connector ("DLC") to obtain accurate vehicle identifying information directly from the vehicle's control module. That information will include the vehicle's VIN, communication protocol (the vehicle's network protocol used to communicate between various components within the vehicle), and parameter identifications ("PIDs", which are the components the control module monitors and are used for communicating within the network), as well as vehicle safety systems that communicate with the control module. This vehicle identifying information will allow the Bureau to independently identify the vehicle by matching it to the information inputted into the BAR-SIS by the vehicle safety systems technician and verifying that the control module is communicating the information. Another purpose of this chapter is to inform stations they cannot have OBD simulators on premises, in order to prevent fraudulent activity.

The collection and analysis of this information is necessary for carrying out one of the purposes of this regulatory proposal—fraud detection, deterrence, and prevention. The portion of this chapter about OBD simulators is also included in the proposed regulation text (in greater detail), and the Bureau advises stations and technicians to read the applicable laws and regulations in addition to the manual. However, duplicating some of this information in the manual is necessary for clarity and to ensure stations see and comply with this requirement. Additionally, this chapter is necessary to implement, and inform the technician of, the requirement that, if a 2000 model-year or newer OBD equipped vehicle does not communicate the necessary vehicle identifying information, and the Bureau cannot collect that information, the vehicle will fail the inspection.

v. 1.5 Vehicle Safety Recalls

The Bureau proposes adding Chapter 1.5 stating "Based upon the vehicle identifying information entered by the technician, the BAR-SIS shall automatically check for any safety recalls identified by the National Highway Traffic Safety Administration (NHTSA) for the vehicle being inspected.

A vehicle with an unrepaired safety recall identified by the NHTSA shall fail the vehicle safety systems inspection."

The purpose of this chapter is to notify the technician that the BAR-SIS will automatically check for open safety recalls. This chapter informs the vehicle safety systems technician that the BAR-SIS will automatically, and without the technician's assistance, check for any open safety recalls for the vehicle being inspected based upon the identifying

information the technician entered in BAR-SIS. To ensure vehicles being returned to California roadways have no unperformed safety recalls, the Bureau requires that any vehicle receiving a vehicle safety systems inspection certificate of compliance does not have any “open” or unperformed safety recalls if there is a remedy available. A safety recall occurs when a vehicle manufacturer or NHTSA has determined that a vehicle or its component parts create an unreasonable safety risk or fail to meet minimum safety standards. If a remedy is available for a vehicle with an open safety recall but the problem remains uncorrected at the time of the safety systems inspection, the vehicle will fail the inspection. This is because a vehicle with an unrepaired open recall could have serious safety issues which could lead to, among other things, vehicle fires or collisions, thereby making the vehicles unsafe for occupants, and roadways unsafe for all Californians. However, a vehicle will pass the vehicle safety systems inspection with an unrepaired open safety recall if there is no remedy available at the time of the vehicle safety systems inspection. If no remedy is available, the Bureau could not require a repair be performed, as no repair exists.

This information is necessary to inform technicians how an open recall impacts whether a vehicle (and its components) passes or fails inspection. This information is also necessary for enhancing public protection, as it helps ensure that vehicles are safe for their occupants and anyone sharing the roadways with these vehicles.

vi. 1.6 Vehicle Safety Systems Inspection Entries and Results
The Bureau proposes adding Chapter 1.6 stating

“**A. Inspection Findings**

The BAR-SIS requires the technician to indicate if the individual safety systems, as identified in Chapters 2 - 8 of this manual, have passed or failed the inspection.

If a safety system passes inspection, the technician shall record the system as passing and follow the BAR-SIS prompts to enter additional system information specific to the vehicle.

If a safety system fails the inspection, the technician shall record the system as failing and follow the BAR-SIS prompts to enter information about the cause of the failure using drop down menus. To accommodate numerous component failure scenarios, the drop-down menus include the term ‘other’ as a cause of failure. The technician shall only select ‘other’ when the alternative drop-down options do not accurately describe the cause of failure. If the technician selects ‘other’, they shall record the

cause of the failure in the provided text box in such a manner that the customer can understand why the component failed.

B. Pass/Fail

To pass the inspection, the required vehicle safety systems and system components are found to be present and operational in accordance with the inspection criteria and standards detailed in this manual. If any one of the required safety systems or safety components is found to be defective, the vehicle shall fail the inspection.

C. Technician's Certification

The licensed technician who performed the inspection shall certify under penalty of perjury, under the laws of the State of California, that they performed the vehicle safety systems inspection in accordance with inspection criteria and standards detailed in this manual. That certification shall be made by biometric authentication, or BAR-assigned access code.

D. Vehicle Safety Systems Certificate of Compliance

When a vehicle passes the vehicle safety systems inspection, the BAR-SIS will issue a certificate of compliance.

E. Vehicle Fails Safety Inspection

A vehicle fails the vehicle safety systems inspection when any required safety system or system component is found to be missing or not operating in accordance with the inspection criteria and standards as detailed in the 'Do Not Certify' sections at the end of each chapter in this manual. No certificate shall be issued for a failed vehicle safety systems inspection."

This purpose of this chapter is to inform vehicle safety systems inspection technicians of the entries they must make in the BAR-SIS when performing a vehicle safety systems inspection, what those entries mean, and that they make these entries under penalty of perjury.

This chapter is necessary to provide technicians with instructions for entering inspection information and results into the BAR-SIS, specific terminology to enter for each result, and definitions for those terms, so that technicians understand what inspection results mean, and clearly and accurately enter that information into the BAR-SIS.

When a safety system passes inspection, meaning the required safety system and its components are found to be present and operational, the technician will enter “pass” in the BAR-SIS and enter additional vehicle specific information about that system into the BAR-SIS as prompted. The additional information the technician must provide will be dependent on the system in question, but BAR-SIS will require the technician to enter information demonstrating they have inspected that system.

When a safety system fails inspection, meaning the safety system or its components are found to be defective, the technician will enter “fail” and then must identify the part or component that failed, its location, and why it failed, through the use of drop-down menus. In some cases, the drop-down menus may not have an adequate description for why the component or part has failed. In those instances, the technician shall select “other” from the drop-down menu and provide a description for why the part or component failed, in the supplied text box, in a manner the customer can understand. When any of the required safety systems referenced in the manual fails inspection, no certificate of compliance will be issued.

Another purpose of this chapter is to remind technicians of their responsibility to perform all inspections in accordance with the standards and criteria set forth in the manual. This chapter reminds technicians that, when they issue certificates of compliance, they do so under penalty of perjury. Including this information is necessary to help ensure the accuracy and reliability of the certification (additionally, requiring a person to certify under penalty of perjury can have a deterrent effect on someone considering providing untrue, inaccurate, or incomplete information). Including this information also allows the Bureau to seek sanctions and refer the matter to law enforcement if a certification was issued fraudulently. Accurate and reliable inspections and certifications ensure the safety of inspected vehicles, and help protect the public.

vii. 1.7 Remote Access to BAR-SIS

The Bureau proposes adding Chapter 1.7 stating “When prompted by the BAR-SIS software, the station or technician shall permit BAR or a BAR designee remote access to view and record audio, video, pictures, and text relating to vehicle safety systems inspections.”

The purpose of the chapter is to introduce the requirement that a vehicle safety systems technician provide remote access to the Bureau when prompted by the BAR-SIS during an inspection.

The chapter establishes that vehicle safety systems technicians must permit the Bureau access to their camera, screen, and microphone (part of the camera) upon the Bureau’s request. It informs the technician that the Bureau may record video, still images, screen shots, audio, and text

conversation during the authorized remote access. This will allow the Bureau to identify fraudulent activity mid-inspection. Use of this feature has been narrowly tailored to when the inspection is occurring, the testing device is in use, and the technician is prompted to allow, and has allowed access to the Bureau. Additionally, because the Bureau or a designee requests remote access before any access begins, the technician will always be aware when this feature is in use.

A remote access solution, including audio, video, images, screen shots, and text communication, is necessary to carry out fraud detection and prevention, one of the purposes of this regulatory package. If the Bureau receives conflicting inspection results, the Bureau can remotely access the equipment mid-inspection and determine, in real time, if the technician is engaging in fraud, if a mistake occurred, or if the technician requires additional training. Remote access provides the Bureau the ability to interact with technicians to determine the cause of unexpected inspection results, and discourage and prevent fraud from occurring. If fraud is committed, recordings made during remote access can serve as evidence supporting both license revocation and criminal action. Additionally, these recordings can be used to show that no fraud occurred, or to clarify whether a party was involved in a suspected fraud.

Finally, use of remote access in the program will help protect consumers and innocent parties (licensees/technicians) that could otherwise be accused of fraud.

This chapter is necessary to inform technicians of the requirements and standards of the program, as it informs them that allowing remote access is a requirement of the program, and that recordings could be made during remote access. Including this statement in the manual informs technicians of this requirement and what it entails so they can make fully informed decisions (regarding their participation in the program), and know and adhere to all the requirements of the inspection program.

viii. 1.8 Vehicle Safety Report (VSR)

The Bureau proposes adding Chapter 1.8 stating “The BAR-SIS will generate a VSR at the completion of a vehicle safety systems inspection. The licensed station must provide a printed copy of the VSR to the customer at the completion of the inspection and keep a copy for the station’s records for no less than three years from the date of the inspection. The VSR shall be attached to the customer’s invoice.

DMV may request a copy of the VSR. The customer shall be advised to retain a copy of the VSR throughout the registration process.”

The purpose of the chapter is to instruct the vehicle safety systems station and technician on obtaining, providing copies of, and retaining VSRs.

This chapter is necessary to introduce the requirement that vehicle safety systems stations and technicians provide a copy of the VSR to the consumer so they have a record of the inspection and can provide it to the DMV, if requested. Additionally, this chapter is necessary to instruct a vehicle safety systems inspection station to maintain a copy of the VSR, pursuant to Title16 CCR section 3312.2(f), so these records are available for review if any concerns arise regarding a vehicle or its inspection results.

ix. 1.9 Purchasing Vehicle Safety Systems Certificates of Compliance

The Bureau proposes adding Chapter 1.9 stating "Vehicle Safety Systems Certificates of Compliance may be ordered through the BAR-SIS or purchased by mail. To order certificates though the BAR-SIS, the station shall sign up with the BAR authorized electronic transmission (ET) contractor to obtain an Automated Clearing House (ACH) electronic debit account. The ACH debit transaction is the banking process that allows the station to authorize a debit of the station's bank account to purchase certificates electronically through the BAR-SIS.

For more information, contact the ET contractor at (888) 229-9389, or find additional contact information on BAR's website at https://bar.ca.gov under the "Licensees" header.

For stations that do not elect to purchase certificates electronically using the ACH, certificates can be purchased by mail. An order form is available at https://bar.ca.gov/resources (under "Information", "Resources and Forms, "Industry Forms", "Licensure and Business Operations").

The purpose of this chapter is to instruct technicians how to purchase certificates of compliance.

This chapter establishes stations can purchase certificates of compliance directly from the Bureau by mail, or digitally through the BAR-SIS using the process described in Title 16 CCR section 3311.3(c). This chapter provides a description of the ACH debit transaction the station must use to digitally purchase certificates of compliance, and contact information for the ET contraction if they need more information about ACH accounts. The Bureau has created the digital purchasing process to make it easier and faster for stations to obtain certificates of compliance. It is necessary to provide this information so technicians are informed about and can use the different methods of purchasing certificates of compliance.

x. 1.10 Reference Materials

The Bureau proposes adding Chapter 1.10 stating “No attempt has been made to relate the information contained in this manual to the specific design of a particular vehicle manufacturer nor is this publication intended to be all inclusive of every vehicle safety system or system design; therefore, station owners and technicians must use reference manuals and electronic media to obtain the necessary vehicle information required to complete the vehicle safety systems inspection. Each station shall maintain access to current manufacturer repair specifications and technical information relative to the types and designs of vehicle safety systems inspected and repaired by the station.

All vehicle safety systems inspections must be performed in accordance with the following, as applicable:

1. Vehicle manufacturer current standards, specifications, bulletins, recalls, and recommended procedures, as published in the manufacturer vehicle service and repair manuals.

2. Current standards, specifications, procedures, directives, manuals, bulletins, and instructions issued by equipment or device manufacturers.

3. Standards, specifications, bulletins, recalls, and recommended procedures found in current industry-accepted standard reference manuals and periodicals published by nationally recognized repair information providers. As used in this manual, “nationally recognized and industry-accepted” means reference material supplied by a publisher of automotive repair specifications and procedures that is periodically updated and nationally distributed, e.g., Alldata, Chilton, Mitchell, and Motor Information Systems.

4. The Bureau’s Vehicle Safety Systems Inspection Manual (Safety Systems Inspection Manual), dated September 2023 (New).

It is the station owner and technician’s responsibility to know and follow these procedures and applicable laws when performing a vehicle safety systems inspection and ultimately issue certificates of compliance. Station owners and technicians shall consult the laws and regulations as referenced in the inspection overview of each chapter of this manual to ensure minimum inspection standards for each of the systems detailed in this manual are met.”

The purpose of this chapter is to establish the types of reference material a station is required to maintain access to for technicians, and that technicians are required to use when performing vehicle safety systems inspections.

This chapter is necessary to reiterate that this manual is not intended to be all inclusive of every vehicle safety system or system design, and that it is expected technicians possess the knowledge and skills to perform a thorough and complete inspection on the vehicles they inspect. This chapter establishes station owners and technicians are to consult applicable laws and regulations to ensure minimum inspection standards for each system inspected and included in this manual are met. This chapter also establishes the expectation that stations maintain access to all reference materials for the vehicles they accept for inspection.

This chapter identifies reference material from vehicle manufacturers as required reference sources, as that material is traditionally the most accurate and complete information available, given its source is the company that designed, engineered, and built the vehicles.

This chapter also identifies information from equipment or device manufacturers as required reference resources. It is imperative that technicians use information from equipment or device manufacturers to verify they are using the equipment correctly when performing inspections, and that they are getting accurate readings and results, as this will ensure the safety of the vehicles inspected and, when applicable, repaired.

The chapter identifies reference material from a national recognized repair information provider, which provides helpful information regarding repairs and is acceptable for a vehicle safety systems inspection station to use when they do not have vehicle manufacturer reference material.

This chapter identifies the Vehicle Safety Systems Inspection Manual as a required reference source. However, the manual does not provide vehicle-specific information since it is not intended to be inclusive of every vehicle safety system or system design.

Finally, the manual informs station owners and technicians of their responsibility to consult applicable laws and regulations to ensure compliance when performing inspections and repairs (when repairs are necessary).

This chapter is necessary to introduce, and inform stations and technicians of, the requirements for maintaining access to reference materials. Including this information ensures technicians have access to and can refer to reference materials that will assist them in inspecting (and repairing, when needed) vehicle safety systems. If technicians have access to useful reference materials, inspections will be properly performed and the inspection results will be reliable, which ensures the

accurate and complete inspection of a vehicle's safety systems and protects the public.

xi. 1.11 Electronic Transmission Blasts

The Bureau proposes adding Chapter 1.11 stating "Electronic Transmission Blasts (ET Blasts) are electronic communications sent by BAR to stations through the BAR-SIS regarding inspection procedures, equipment issues, and general program information and updates. Stations shall maintain digital or paper copies of ET Blasts specific to any inspection procedures for a period of not less than five years."

The purpose of this chapter is to introduce the requirement that vehicle safety systems stations must maintain ET Blasts for not less than five years if the ET Blasts are specific to inspection procedures.

ET Blast sent by the Bureau to vehicle safety system stations contain important information on any new or updated inspection procedures, potential equipment issues, and updates to the vehicle safety systems program. It is important for a station to maintain these records for a period of five years so technicians may reference them, when needed, to perform a new or updated inspection procedure, address equipment issues, or refresh their recollection regarding program changes.

This chapter is necessary to introduce, and inform vehicle safety systems stations of, the requirement to maintain ET Blasts as reference materials so technicians have all helpful information available to them when performing inspections (and repairs, when needed). Having all helpful information available to technicians during inspections will result in properly performed inspections and reliable inspection results, ensuring the accurate and complete inspection of a vehicle's safety systems, and protecting the public.

xii. 1.12 Definitions

The Bureau proposes adding Chapter 1.12 stating "As used in this manual, these terms shall mean the following:

"Securely fastened" means a part or component that is present, attached in the correct location as designed by the vehicle or component manufacturer, and is firmly affixed with the appropriate fasteners.

"Damaged" means a part or component that is not working as intended and is not in the condition produced by the part manufacturer, thereby impairing its usefulness.

"Worn" means a part or component that has reached the end of its service life and is no longer working as intended by the part manufacturer."

The purpose of this chapter is to provide a definition of three key terms used throughout this manual to describe the condition of parts or components found during the inspection process. It is necessary to provide these definitions so that vehicle safety systems technicians understand what these terms mean when they encounter these terms in the manual.

xiii. The Bureau proposes adding a note stating "For all inspections, technicians must verify that all vehicle information is complete and correct. If the information is not complete and correct, it is the responsibility of the technician to make the necessary corrections. Follow the BAR-SIS prompts regarding the inspection information for each of the required vehicle safety systems and enter the requested information accurately. **Each technician is responsible for the accuracy of the vehicle safety systems inspection. It is impossible to void a certificate of compliance once it is issued**."

The purpose of the note is to impress upon the vehicle safety systems technician the importance of verifying the vehicle identifying information they entered is complete and accurate, and correcting any incomplete or inaccurate information.

When incorrect vehicle identifying information is entered into the BAR-SIS, it creates an inaccurate test record. The note is necessary to help ensure technicians create accurate test records. Inaccurate test records can include information that does not match DMV records, making it more difficult for a consumer to register their vehicle or causing an unsafe vehicle that has not been inspected to wrongly receive vehicle safety systems inspection certification.

This note also makes clear that once a certificate of compliance is issued, even to a vehicle that was not inspected, it cannot be voided, so technicians should take all possible care to ensure accuracy. Vehicle safety systems inspection technicians will be held accountable when their license is used to improperly certify a vehicle that has not passed the vehicle safety systems inspection. This note is also necessary to inform technicians of their responsibilities in the program, and of every measure they must take to ensure accuracy in inspection results and certifications, so they can safeguard their licenses and protect the public.

d. CHAPTER 2 Lighting

The purpose of this chapter is to provide vehicle safety system technicians with an overview of the inspection criteria and standards for a vehicle's lighting system, including the pass/fail criteria in which the inspection determination shall be made.

It is necessary to provide this information to inform stations and technicians about the lighting inspection, the requirements, and standards for performing inspections on vehicle lighting systems, and what they must do to comply with these requirements and standards. Chapter 2.1 provides an introductory overview, and each subsequent chapter and covers a different portion of these topics, including a thorough list of the chapter's "fail criteria"; each chapter is therefore necessary to effectuate this purpose.

i. 2.1 Lighting System Inspection Overview

The Bureau proposes adding Chapter 2.1 stating "The inspection of the lighting system shall consist of checking the condition and operation of original equipment, any replacement and customer added lights, and reflectors. Licensed technicians shall consult Chapter 2 of Division 12 (commencing with section 24250) of the Vehicle Code (VC), and Chapter 2 of Division 2 of Title 13 of the CCR (commencing with section 620) to ensure minimum inspection standards for each lighting system are met.

As applicable to the vehicle, the technician shall inspect the following lights and reflectors to ensure they are present, properly installed, properly adjusted, and work as designed by the vehicle manufacturer and component manufacturer:"

The purpose of this chapter is to establish the lighting systems inspection criteria and standards, and provide the applicable Vehicle Code (VC) and CCR sections and a list of all individual lights that must be inspected. This chapter is necessary to introduce the requirements and inform technicians of additional material they should refer to when conducting inspections.

This chapter establishes the requirement that the vehicle safety systems technician inspect all lights and reflectors, whether originally equipped by the vehicle manufacturer or customer replaced or added, as part of the vehicle safety systems inspection. This chapter introduces the VC and CCR sections dedicated to vehicle lighting equipment for the technician's reference when performing a vehicle safety systems inspection. Additionally, this chapter contains the VC and CCR requirements for the most common individual lights, including location on the vehicle, height as measured from the center of the light to the ground, color when illuminated, and number, as summarized in table L.1 labeled "General Lighting Requirements."

"All Vehicles

Lights/Reflectors	Location	Height1	Color2	Number
Headlights Headlight assemblies must be labeled with “DOT”, indicating they meet Federal Motor Vehicle Safety Standards (FMVSS).	Front	22 - 54 inches	White (Some DOT lights emit slight blue light)	2 or 4 or Integral Beam System
Taillights	Rear	15 - 72 inches	Red	2 or More
Rear Brake Lights Brake lights may flash up to four times within four seconds of application	Rear	15 - 72 inches	Red (May be Amber pre-1979)	2 or More (at least 1 each side)
Turn Signals Turn Signals shall flash 60-120 times per minute	Front Rear	15 - 83 inches 15 - 83 inches	Front-Amber Rear-Red or Amber	2 or More 2 or More
Hazard/Four-way Flasher Applies only to 1966 and newer vehicles. Must operate without turning on the ignition switch or other equivalent.	Front Rear	15 - 83 inches 15 - 83 inches	Front-Amber Rear-Red or Amber	2 or More 2 or More
Parking Lights Vehicles less than 80 inches wide (not required on trailers).	Front	15- 72 inches	Amber or White	2 or More
Side Marker Lights	Side Near Front Side Near Rear	15 inches min. 15 inches min.	Front-Amber Rear-Red	1 Each Side 1 Each Side
Intermediate Marker Lights Required on vehicles 30 feet in length or more.	Side Near Center	15 inches min.	Amber	1 Each Side
Back-up (Reverse) Lights	Rear	N/A	White	1 or More

[1] The heights shall be measured in inches from the center of the light to the level surface on which the vehicle stands (California VC section 24254).

[2] Colors apply to the color of the light when illuminated.

Lights/Reflectors	Location	Height1	Color2	Number
Applies only to 1969 and newer vehicles. Not required on trailers.				
License Plate Light	Rear	N/A	White	1 or More
Rear Reflex Reflectors	Rear	15 - 60 inches	Red	2 or More
Side Reflex Reflectors	Side Near Front Side Near Rear	15 - 60 inches 15 - 60 inches	Front-Amber Rear-Red	1 Each Side 1 Each Side
Intermediate Side Reflectors Required on vehicles 30 feet in length or more.	Side Near Center	15 - 60 inches	Amber	1 Each Side

In addition to items above:

VEHICLES 80 INCHES OR MORE IN OVERALL WIDTH

Lights/Reflectors	Location	Height2	Color3	Number
Identification Lights Not required on trailers or on rear of truck tractor.	Front and Rear-High as Practical	N/A	Front-Amber Rear-Red	3 Front and Rear
Clearance Lights Not required on rear of truck tractor.	Front and Rear-Widest Point to Indicate Vehicle Width. May be Mounted in Other Areas	N/A	Front-Amber Rear-Red	2 Front and Rear

TRUCK TRACTORS

Lights/Reflectors	Location	Height2	Color3	Number
Conspicuity Systems Upper Rear (Retro reflective sheeting) Two white 12 inch long strips of retro reflective sheeting positioned horizontally and vertically on the right and left upper	Rear Upper Corners	See Description	White	2 Pair Each Side

Lights/Reflectors	Location	Height2	Color3	Number
corners of the rear of the body, as close to the top as practicable, and as far apart as practicable.				
Conspicuity Systems Lower Rear Any retro reflective sheeting or array of reflex reflectors positioned horizontally on the rear fenders, and any mud flaps, and any mud flap brackets, if no mud flaps, on brackets behind or above tires. Reflex reflectors are not required for vehicles equipped with conspicuity systems.	Rear Fenders, Mud Flaps	N/A	White and Red	2 Each Side

TRAILERS 80 INCHES OR MORE IN OVERALL WIDTH AND >10,000 lbs. GVWR 3

Lights/Reflectors	Location	Height2	Color3	Number
Conspicuity Systems Upper Rear Two pairs of white 12 inch long strips of retroreflective sheeting must be positioned horizontally and vertically on the right and left upper corners of the rear of the trailer body, as close as practicable to the top of the trailer and as far apart as practicable.	Rear Upper Corners	See Description	White	2 Pair Each Side
Conspicuity Systems Lower Sides and Rear Any retro reflective sheeting or array of reflex reflectors must be affixed horizontally on the side or rear of the trailer. The sheeting shall begin and end as close to the front, rear, and sides of the trailer as practical. The	Side Lower Edge Rear Lower Edge	15- 60 inches	Lower Sides and Rear- Red and White Upper Rear- White	Across Side, Rear, and Underride Protection Frame

Lights/Reflectors	Location	Height2	Color3	Number
rear must also have sheeting across the length of the underride guard. The edge of the red reflecting material may not be within 3 inches of the edge of any required amber light. The white reflecting material may not be within 3 inches of any required amber or white light.				

Notes on L.1 General Lighting Requirements:

- These requirements are not intended to be all inclusive. As stated in Chapter 1.10 of this manual, technicians shall possess the knowledge, skills, and abilities necessary to conduct a complete and accurate inspection for all vehicles accepted for inspection. Each station must maintain access to current manufacturer requirements, manufacturer specifications, and manufacturer publications relative to the vehicles inspected by the station.

- All heights are measured from a level road surface to the center of the light or reflector.

- Any unlighted color is acceptable, provided it meets requirements when illuminated.

- If further information is needed, the licensed station or technician shall refer to the Code of Federal Regulations (C.F.R.), specifically Title 49 C.F.R. 571.108 – Standard 108; Lamps, reflective devices, and associated equipment."

  The purpose of this list is to provide technicians with a list of all the types of individual lights they must inspect (as applicable to the vehicle). That list of 24 individual light types includes headlights, taillights, brake lights, turn signal lights, etc.

  This list is necessary to introduce, and inform technicians of, the lighting systems inspection criteria technicians must adhere to and standards they must meet when inspecting lighting systems, the laws and regulations they should consult during inspections, and the full listing of individual lights that can be on a vehicle, so they know what to look for and inspect. By informing technicians of every requirement and standard, as well as the laws and regulations they should consult when conducting inspections, technicians will be fully informed and conduct thorough and

accurate inspections, ensuring the accurate and complete inspection of a vehicle's lighting system and protecting the public.

ii. 2.2 Additional Lighting Systems and System Requirements
The Bureau proposes adding Chapter 2.2 stating "In addition to the inspection listed in Chapter 2.1 of this manual, the technician shall inspect the following additional lights and reflectors specified below to confirm that they meet the following minimum standards set forth below. Technicians are not required to inspect off-road lighting systems, such as aftermarket light bars, spotlights, and flood lights intended for use when the vehicle is being operated off-road in varied terrain. However, do not issue a certificate if a vehicle has off-road lighting that is installed to operate in conjunction with or as a substitute for required on-road lighting."

The purpose of this chapter is to establish additional inspection criteria for specific individual lights listed in section 2.1. Additionally, it notifies the technician that they are not required to inspect off-road lighting systems.

This chapter is necessary to introduce a list of additional inspection criteria to use to ensure the applicable safety system is fully functioning and safe. Technicians need to know these additional inspection criteria so they can perform a thorough inspection. This chapter is also necessary to inform vehicle safety systems technicians that off-road lighting, designed for off-road use, does not require inspection because the vehicle safety systems inspection program is only meant to require inspection of safety systems in use on California roadways, not for off-road usage.

This chapter also introduces the requirement that a technician not issue a certificate if the off-road lighting is not installed to operate separately and independently from the required on-road lighting system, or as a replacement for the vehicle's required lighting system.

This chapter is necessary to introduce the requirement that vehicles with non-conforming off-road lighting systems not pass inspection, as these vehicles' lighting safety systems are not properly functioning and render the vehicle unsafe.

The Bureau proposes adding the additional information regarding front facing lights to Chapter 2.2 stating

"A. Maximum Number of Lights: No more than four lights of the type listed below may project from the front of the vehicle in any combination at one time. For example, two headlights and two fog lights.

- Headlights
- Driving Lights
- Passing Lights
- Fog Lights

B. **Motorcycle Headlight(s):** Motorcycles shall be equipped with at least one and not more than two headlights. If a motorcycle is equipped with a headlight with a means of high/low beam modulation, that modulation shall occur at a rate of 200-280 flashes per minute during daytime use.

C. **Driving Lights:** Driving lights shall not exceed two and shall only operate to supplement the high-beam headlights; they shall not operate with the low-beams. Add-on driving lights shall be mounted no lower than 16 inches and no higher than 42 inches from the ground.

D. **Passing Lights:** Passing lights shall not exceed two and shall be designed to temporarily supplement the headlights for the purpose of passing another vehicle. Add-on passing lights shall be mounted no lower than 24 inches and no higher than 42 inches from the ground.

E. **Fog Lights:** Fog lights shall not exceed two and may be used together with the headlights but shall not be used as a substitute for the headlights. The headlights must remain on when the fog lights are illuminated. Add-on fog lights shall be mounted no lower than 12 inches and no higher than 30 inches from the ground with the top edge of the lenses no higher than the top edge of the low-beam headlight lenses.

F. **Diffused Lights:** Diffused or non-glaring lighting (colored lights mounted in the fender wells, under the vehicle, etc.) shall not resemble any original equipment manufacturer lighting. Diffused lights shall not project red light from the front of the vehicle, nor shall they be installed within 12 inches of any required lighting.

G. **Color of Lights and Reflectors:** Light projected and reflected from the front of the vehicle must be white or amber/yellow, with headlights projecting white. Any unlighted color is acceptable if it meets the requirements when illuminated.”

The purpose of this chapter is to introduce additional inspection criteria and standards for an individual light type listed in table L.1, and for individual light types not listed in table L.1.

This chapter establishes additional specifications (for front facing lights contained in the VC and CCR) for vehicle and motorcycle headlights that are not included in table L.1, and introduces the VC and CCR requirements for individual lights that are not contained in table L.1, such as driving lights, passing lights, fog lights, and diffused lights.

It is necessary to include this information to introduce, and inform technicians of, the additional inspection requirements these light types require so the technician ensures these light types' safety systems are fully functioning and safe.

The Bureau proposes adding the additional information regarding rear facing light to Chapter 2.2 stating

"**A. Additional Lights:** When more than one additional light is mounted on the rear of the vehicle, the lights shall be at the same height and equally spaced from the vertical centerline of the vehicle.

B. Continuous Illumination: Add-on lighting, except for stop lights and lights on emergency vehicles, must project a continuous light.

C. Flashing Brake Lights: Flashing brake lights shall not flash more than four times and shall only flash within the first four seconds of application.

D. Cargo Lights: Auxiliary lights used for cargo transfer must project downward and not illuminate more than 50 feet from the back of the vehicle.

E. Diffused Lights: Diffused or non-glaring lighting (colored lights mounted in the fender wells, under the vehicle, etc.) shall not resemble any original equipment manufacturer lighting. Diffused lights shall not be installed within 12 inches of any required lighting.

F. Color of Lights and Reflectors: Light projected and reflected from the rear of the vehicle must be white, amber/yellow, or red colored. Any unlighted color is acceptable, provided it meets requirements when illuminated."

The purpose of this chapter to establish additional inspection criteria and standards for an individual light type listed in table L.1, and for individual lights not listed in table L.1.

This chapter sets forth additional specifications (for rear facing lights contained in the VC and CCR) for brake lights that are not included in table L.1, and sets forth the VC and CCR requirements for individual lights not contained in table L.1, such as any additional lights, continuous illumination lights, cargo lights, and diffused lights.

This chapter is necessary to introduce, and inform technicians of, the additional inspection requirements for these light types.

iii. 2.3 Light Mounting Inspection
The Bureau proposes adding Chapter 2.3 stating "The technician shall inspect taillights, stop lights, turn signals, and reflex reflectors to ensure they are securely fastened so the axis of the light beam is parallel to the longitudinal axis of the vehicle. The mounting of lights and reflectors directly on curved or sloping surfaces is not acceptable, unless they have been designed by the manufacturer to be installed at the angle in which they are installed.

When two or more lights or reflectors are required on the front or back of the vehicle, they must be installed symmetrically (same on both sides)."

The purpose of this chapter is to establish the inspection criteria and standards for how lights are mounted on a vehicle.

This chapter introduces specifications for how taillight, stop lights, turn signals, and reflectors are to be mounted to a vehicle, as required in the VC and CCR.

This chapter is necessary to establish the requirements for, and inform technicians how to inspect, mounting of lights and reflectors. A light that is improperly mounted could be less visible to other drivers on the road, which is a safety hazard that endangers everyone on the road.

iv. 2.4 Headlight Aim Inspection
The Bureau proposes adding Chapter 2.4 stating "Licensed stations shall have the required lighting inspection tools, as recorded in this manual in Chapter 9.3 "Lighting Inspection Tools, Equipment" and Reference Materials.

Technicians shall inspect headlights and, as applicable, auxiliary driving lights, passing lights, and fog lights to verify correct headlight alignment/aim using one of the following methods:

- **Aiming screen type** headlight aiming equipment that may be used for all headlights and auxiliary lights. Provisions shall be made so that the screen is shaded from any background light that could affect aiming functions. (See Appendix A, figures 1 – 7 for additional screen set-up and aiming information.)

- **Optical type** headlight aiming equipment that may be used for all headlights and auxiliary lights. Technicians shall follow the equipment manufacturers' instructions to determine light applications and, as applicable, proper aim. This includes proper use, calibration, and floor

slope compensation.

- **Mechanical type** headlight aiming equipment that shall only be used for lights manufactured with corresponding aiming pads on the lens. Technicians shall follow the equipment manufacturers' instructions to establish proper aim. This includes proper use, calibration, and floor slope compensation. If the aiming pads are damaged or broken, use one of the other aiming methods listed above."

The purpose of this chapter is to establish a headlight aim inspection requirement as part of the vehicle safety systems inspection.

This chapter introduces the headlight aiming equipment, as recorded in Chapter 9 of the Vehicle Safety Systems Inspection Manual, and informs the vehicle safety systems technicians they are to inspect the headlight aim as part of the inspection.

The chapter provides information on the three types of headlight aiming equipment: aiming screen type, optical type, and mechanical type. This chapter also informs that aiming screen headlights can be constructed by the vehicle safety systems inspection station with directions for construction and aiming procedures detailed in Appendix A.

This chapter is necessary to establish the requirements for, and inform technicians how to inspect, headlights (and, where applicable, the other lights mentioned in the chapter) to ensure they are correctly aligned.

v. 2.5 Bulb Failure Warning System Inspection
The Bureau proposes adding Chapter 2.5 stating "If the vehicle is equipped with a bulb failure warning system, the technician shall verify that the dashboard warning system:

A. Illuminates when the key is turned to the ignition on - engine off position. This "system-check" allows for verification that the system is functional, but the indicator should turn off after the engine is started.

B. Does not stay illuminated after the system-check. If the light stays illuminated after the system-check, that is an indication of a system malfunction."

The purpose of this chapter is to establish the requirement that vehicle safety systems technicians inspect the bulb failure warning system, and instructs how to conduct the inspection.

This chapter is necessary to introduce the requirement that technicians perform this key-on engine-off test to verify that the dashboard indicator for bulb failure warning systems, on a vehicle equipped with a bulb failure

warning system, is functioning and indicates the system is operational. This system alerts the driver when a bulb within the lighting system is not illuminating, providing the driver with important information regarding the failure and the ability to fix the problem. If this system is not functioning as designed, the driver would not receive this information, and would not know the bulb is defective and in need of repair or replacement.

vi. Do Not Certify when:
The Bureau proposes to add a "Do Not Certify when" list to Chapter 2.

The purpose each item on the "Do Not Certify when" list is to provide specific criteria related to the lighting system that, when found by a vehicle safety systems technician (during the inspection conducted pursuant to the requirements, standards, and criteria in Chapter 2), shall cause the vehicle to fail the lighting system inspection portion of the vehicle safety systems inspection. Each listing is necessary to introduce the requirement that technicians fail a vehicle's lighting system inspection, and not certify the vehicle, if any of the conditions on the list are met.

The list includes the following items:

- "Any lights are adjusted outside of the vehicle manufacturer or component manufacturer specifications."

This is necessary to introduce the requirement that the technician fails a vehicle's lighting system inspection if this criterion is met because when headlights, or (as applicable) auxiliary driving lights, passing lights, and fog lights, are out of alignment, it could diminish the driver's view of the road at night, or project light at oncoming drivers, both of which are safety hazards that endanger everyone on the road.

- "Any required lighting is missing, malfunctioning, or inoperative."

This is necessary to introduce the requirement that the technician fails a vehicle's lighting system inspection if this criterion is met, as missing, malfunctioning, or inoperative lights can diminish the driver's view of the road or result in reduced visibility of a vehicle by other drivers on the road, both of which are safety hazards that endanger everyone on the road.

- "There are any missing, damaged, contaminated (including moisture), or discolored or deteriorated lights, reflectors, or lenses; or any colored tapes or other temporary materials covering or in place of any missing, damaged, discolored, or deteriorated lenses."

This is necessary to introduce the requirement that the technician fails a

vehicle's lighting system inspection if this criterion is met, as the conditions listed in this item can all result in the driver's view of the road being diminished, or reduced visibility of a vehicle by other drivers on the road, both of which are safety hazards that endanger everyone on the road.

- "Any auxiliary screens, tints, films, covers, substances, or alteration reducing the amount of projected or reflected light or reducing the original area of illumination."

This is necessary to introduce the requirement that the technician fails a vehicle's lighting system inspection if this criterion is met, as the application of any material on the surface of a light will diminish the driver's view of the road or be less visible to other drivers on the road, both of which are safety hazards that endanger everyone on the road.

- "Any headlight is without the Department of Transportation (DOT) symbol as required by 49 C.F.R. section 571.108 S6.5.1."

This is necessary to inform the technician of the requirement that they fail a vehicle's lighting system inspection if the federal headlight standard is not met. 49 C.F.R. section 571.108 S6.5.1 is a federal regulation that requires headlights from either an original equipment manufacturer or an aftermarket provider be marked with the DOT symbol to show that it meets the federal motor vehicle safety standards for headlights contained in Chapter 301, of Part A, of Subtitle VI, Title 49 of the U.S. Code. If there is no such symbol, the headlight does not meet the federal safety standards for headlights, and the vehicle should fail the lighting system portion of the vehicle safety systems inspection.

- "Any off-road lighting is not operated by a separate switch."

This is necessary to introduce the requirement that the technician fails a vehicle's lighting system inspection for any vehicle in which off-road lighting is not operated by a separate switch. As stated in Chapter 2.2, off-road lighting is not part of the lighting system inspection portion of the vehicle safety systems inspection. The only requirement regarding off-road light is that it is operated by a separate switch and that it is not used in place of or in conjunction with the vehicle's required lighting system. Off-road lighting systems, such as aftermarket light bars, spotlights, and flood lights, are extremely bright, as they are intended for use when the vehicle is being operated off-road in varied terrain. Off-road lighting operating in place of or in conjunction with the vehicle's required lighting system can be a safety hazard, as it can blind other drivers on the road, endangering everyone on the road.

- "Any lights or reflectors are not installed in accordance with

manufacturer or component manufacturer specifications."

This is necessary to introduce the requirement that the technician fails a vehicle's lighting system inspection if this criterion is met, as incorrectly installed lights and reflectors can diminish a driver's view of the road or make a vehicle less visible to other drivers on the road, both of which are safety hazards that endanger everyone on the road.

- "The wrong color light is projected or reflected in accordance with this manual Chapter. Any unlighted color is acceptable, provided it meets the requirements in this manual Chapter for the light when illuminated."

This is necessary to introduce the requirement that the technician fails a vehicle's lighting system inspection if this criterion is met, as any light that projects the wrong color when illuminated negatively impacts other drivers' perception of the vehicle's position and orientation on the roadway, which is a safety hazard that endangers everyone on the road. For example, if a vehicle's taillights projected white light at night, instead of red, drivers behind that vehicle might think the vehicle is traveling in the wrong direction.

- "The bulb failure warning system does not "bulb-check" or stays illuminated."

This is necessary to introduce the requirement that a vehicle equipped with a bulb warning system fails the lighting system inspection portion of the vehicle safety systems inspection if that system is not functioning properly. A driver is not aware whether the bulb failure system is functioning as designed, and would therefore not know the defective bulb needs repair or replacement.

- "The High Beam indicator light is inoperative."

This is necessary to introduce the requirement that vehicles with inoperative High Beam indicator lights do not pass this part of the inspection. It is important that drivers are aware of whether they have their vehicle's high beams illuminated. High Beams can be extremely bright and highly impair the vision of oncoming drivers. If the high beam indicator is not operative, a driver may not realize their high beams are on, and their vehicle will be a safety hazard to oncoming traffic, endangering everyone on the road.

e. CHAPTER 3 Passenger Compartment

The purpose of this chapter is to provide vehicle safety system technicians with an overview of the inspection criteria and standards for safety systems and components in and on the passenger compartment of

a vehicle they are inspecting, including the pass/fail criteria with which the inspection determination will be made.

It is necessary to provide this information to inform stations and technicians about the passenger compartment inspection, the requirements of the performing inspections on passenger compartments, and what they must do to comply with these requirements. Chapter 3.1 provides an introductory overview, and each subsequent chapter covers a different portion of these topics, including a thorough list of the chapter's "fail criteria"; each chapter is therefore necessary to effectuate this purpose.

i. 3.1 Passenger Compartment Inspection Overview

The Bureau proposes adding Chapter 3.1 stating "The inspection of the vehicle's passenger compartment shall consist of separate inspections of items located in or on the passenger compartment to ensure they are functioning as designed by the manufacturer. Those items, when equipped, include the windshield, windshield wiper(s), mirrors, seats, seatbelts, child seat lower anchors and tethers (LATCH) system, rear window, and a visual inspection of the Supplemental Restraint System (SRS). Licensed technicians shall consult Chapter 4 of Division 12 (Windshields and Mirrors, commencing at section 26700) and Article 3 of Chapter 5 of Division 12 (Safety Belts and Inflatable Restraint Systems, commencing at section 27302) of the VC, sections 571.205 and 571.212 of Title 49 of the CFR (Glazing Materials and Windshield Mounting, respectively, in the Federal Motor Vehicle Safety Standards), and specific vehicle manufacturer specifications to ensure minimum inspection standards for the windshield, mirrors, safety belts, and the inflatable restraint system are met."

The purpose of this chapter is to provide the technician with an overview of the passenger compartment inspection criteria and standards, and the applicable VC sections and Federal Motor Vehicle Safety Standards regulations (in the C.F.R.).

This chapter is necessary to introduce the passenger compartment inspection criteria and standards and the applicable VC and C.F.R. sections technicians should refer to during inspections.

This chapter provides technicians with a list of the safety systems contained in or on the passenger compartment and establishes the requirement to inspect them as part of the vehicle safety systems inspection. Those systems include, as applicable to the vehicle, the mirrors, seats, seatbelts, windshield, windshield wipers, as well as visual inspection of components of the vehicle's supplemental restraint system (inflatable restraint system; "SRS").

This chapter is necessary to introduce this list to inform technicians what to inspect to conduct a thorough vehicle safety systems inspection.

This chapter also introduces the VC chapters and sections dedicated to windshields, mirrors, safety belts, and SRS, and the C.F.R. sections specific to windshields.

This chapter is necessary to introduce these statutes and regulations, so technicians know to reference them when inspecting those systems and components as part of the vehicle safety systems inspection.

ii. 3.2 Mirror Inspection

The Bureau proposes adding Chapter 3.2 stating "Every motor vehicle, including motorcycles, shall have mirrors installed on the vehicle as originally equipped by the manufacturer. When inspecting the mirrors, the technician shall ensure:

A. The vehicle or motorcycle's mirrors are properly mounted in accordance with the manufacturer's specifications.

B. There are no objects, materials, damage, or deterioration of the mirror's surface obstructing the driver's view to the rear of the vehicle or motorcycle.

C. All vehicle or motorcycle mirrors maintain a fixed position when adjusted."

The purpose of this chapter is to establish the requirement that technicians i inspect a vehicle's mirrors, and set forth the inspection criteria.

This chapter is necessary to introduce the requirement that, during inspections, technicians must ensure the vehicle has, at a minimum, the correct number of mirrors as originally installed by the vehicle manufacturer, in the correct positions, and that those mirrors provide the driver with a clear view of the road to rear of the vehicle. The mirror must not shift position unexpectedly or shake, as this would inhibit the driver's ability to clearly view the road to the rear of the vehicle, which is a safety hazard that endangers everyone on the road.

iii. 3.3 Windshield and Rear Window Inspection

The Bureau proposes adding Chapter 3.3 stating "Windshields provide structural support to the passenger compartment of a motor vehicle in the event of a front-end collision or vehicle roll-over. Every passenger vehicle, other than a motorcycle, shall be equipped with a windshield that meets or may exceed Federal Motor Vehicle Safety Standards (49 C.F.R.

section 571.205 and 49 C.F.R. section 571.212). It is unlawful to operate any motor vehicle when the windshield or rear window is in such defective condition that it impairs the driver's vision either to the front or rear of the vehicle. When inspecting the windshield and rear window, the technician shall ensure:

A. There are no cracks in the windshield.

B. The driver's view of the road through the windshield and rear window is not impaired by:

- Delamination of the windshield
- Damage to or deterioration of the glass surface
- Any objects or materials placed, displayed, installed, applied, or affixed to the glass surface, unless permitted by VC section 26708.

C. If a motorcycle is equipped with a front windshield that extends into the rider's field of vision, the technician shall inspect it to ensure the rider's view of the road is not impaired by damage to or deterioration of the windshield surface."

The purpose of this chapter is to establish criteria for the inspection of a vehicle's windshield and rear window.

This chapter includes the requirement found in 49 C.F.R. 571.205 to ensure the technician verifies the windshield is marked with the "DOT" symbol, which certifies that the manufacturer of the windshield met the federal motor vehicle safety standards for degree of transparency, fracture test standards, and other Society of Automotive Engineers ("SAE") standards.

This chapter includes a requirement that the windshield be free of any cracks in order to pass the vehicle safety systems inspection. Cracked windshields can negatively impact the structural support of the windshield in the event of a front-end collision, and can impact the driver's clear view of the road to the front of the vehicle.

The driver's view of the road to the front or rear of the vehicle must not be inhibited by delamination or deterioration of the surface, or obstructed by other items installed on or attached to the windshield or rear window surface. The Bureau provides the vehicle safety systems technician with the statute (VC section 26708) that defines what and where items can be applied or affixed to a windshield or rear window and not be considered an obstruction. For example, under VC section 26708, a vehicle with a FastTrak transponder mounted in a five-inch square on the lower corner

of the driver's side of the windshield is not considered to have an obstructed windshield.

Lastly, this chapter implements a standard to apply when inspecting a motorcycle's windshield. Motorcycle windshields are typically made of a clear plastic material and do not have to meet the same standards as a vehicle windshield. However, if a motorcycle's windshield extends into the rider's field of vision, the motorcycle shall not pass the vehicle safety systems inspection if the windshield has a damaged or deteriorated surface that impairs the rider's view of the road.

This chapter is necessary to introduce requirements for inspecting windshields and rear windows. A vehicle's windshield and rear window must provide the driver with a clear view of the road in front of and behind the vehicle, respectively. If the condition of either causes the driver's view of the road to be impaired, this constitutes a safety hazard that endangers everyone on the road. Additionally, a vehicle's windshield is important to the structural integrity of the vehicle, beyond the function of providing the driver with a clear view of the road in front of the vehicle. Compromised structural integrity of the vehicle, especially during a collision, is a safety hazard that endangers the vehicle's occupants and everyone on the road.

iv. 3.4 Windshield Wiper System Inspection

The Bureau proposes adding Chapter 3.4 stating "Every motor vehicle, except motorcycles, equipped with a windshield shall also be equipped with a self-operating windshield wiper system. When inspecting the windshield wipers and rear window wipers (if equipped), the technician shall ensure:

A. Every wiper activates and operates as designed by the vehicle manufacturer.

B. Every wiper blade is properly installed and free of any visible defects."

The purpose of this chapter is to establish requirements and criteria for inspecting a vehicle's windshield wiper system.

This chapter is necessary to introduce these requirements and inform technicians to ensure wiper systems are installed on the vehicle and functioning as designed by the vehicle manufacturer. It is also necessary to inform technicians of these inspection requirements, so they ensure every wiper blade is in the condition necessary to wipe water off the windshield or rear window surface (whichever it is affixed to wipe). If a vehicle's windshield wipers do not work as intended, the driver's view of the road will be impaired, especially when it rains, which is a safety hazard that endangers everyone on the road.

v. 3.5 Seat Inspection

The Bureau proposes adding Chapter 3.5 stating "The technician shall verify that every seat is securely fastened to the vehicle, all necessary mounting hardware is present for each seat, and both the upper and lower portions of each seat maintain a fixed position when adjusted."

The purpose of this chapter is to establish criteria for inspecting a vehicle's seats.

This chapter is necessary to introduce the requirement that every seat (including motorcycle seats) will remain in place, in a fixed position in the event of a collision. If a seat is loosely mounted to the vehicle, slides forward unexpectedly, or folds in half when exposed to sudden deceleration, it could cause significant injury or harm to the vehicle's occupants.

vi. 3.6 Seatbelt Inspection

The Bureau proposes adding Chapter 3.6 stating "All passenger vehicles built after January 1, 1968, except motorcycles, shall have a seatbelt for each seating position, including seating positions for wheelchairs when equipped with a wheelchair tie-down and occupant restraint system. If a motorcycle is equipped with seatbelts, those seatbelts must meet the inspection criteria. When inspecting the seatbelts, the technician shall verify each seatbelt has the minimum number of attachment points stated in the manufacturer's specifications, and manually operate each seatbelt to ensure that:

A. Neither the seatbelt fabric webbing nor the stitching is cut, frayed, or torn.

B. The seatbelt buckle easily buckles to and unbuckles from the seatbelt latch, and stays buckled when the webbing is pulled outward from the buckle.

C. If applicable, 3-point (lap and shoulder) and 2-point (lap) seatbelts with automatic retracting mechanisms smoothly extend and fully retract to and from the spool.

D. Seatbelt spools with a locking mechanism lock when the seatbelt webbing is suddenly pulled outward from the spool.

If the vehicle is equipped with any seatbelt warning lights or seatbelt alarms, every seatbelt light or seatbelt alarm in the vehicle must be functioning as designed by the manufacturer."

The purpose of this chapter is to establish criteria for inspecting a vehicle's seatbelts.

This chapter informs the vehicle safety systems technician that every seated position inside the passenger compartment of a vehicle (and motorcycles equipped with seatbelts) must have its own designated seatbelt, including seating positions for wheelchair bound vehicle occupants.

When inspecting the seatbelts, the technician must verify:

- Each seatbelt has the minimum number of attachment points stated in the manufacturer's specifications, i.e., it has at least the same number of attachment points as it originally had when the seatbelt was installed by the vehicle manufacturer. This means that a 2-point (lap) belt replaced with a 3-point (lap and shoulder) belt is permissible, and the vehicle would not automatically fail this portion of the inspection, as the number of attachment points has increased from the number originally installed. Conversely, a 3-point (lap and shoulder) belt replaced with a 2-point (lap) belt is not permissible and the vehicle would automatically fail this portion of the inspection, as the number of attachment points has decreased from the number originally installed, and a 2-point belt will not hold a vehicle occupant as securely as a 3-point belt.

- For each seatbelt, neither the fabric webbing nor stitching is cut, frayed, or torn in order to ensure the seatbelt will not fail in the event of a sudden deceleration. When all the other seatbelt components are functioning correctly, the seatbelt fabric is responsible for holding the vehicle occupant in the seat. If the fabric webbing or stitching is cut, frayed, or torn, the fabric may not work as designed.

- Each seatbelt buckle easily buckles to and unbuckles from the seatbelt latch, demonstrating that it is working and will hold the vehicle occupant in the seat in the event of a collision, and allow the vehicle occupant to release the latch from the buckle when needed, so they can leave their seat (and the passenger compartment).

- Each seatbelt fully extends and fully retracts when manually operated. If a seatbelt is bound inside of the housing and will not fully extend, it may not extend enough to fit vehicle occupants. If a seatbelt does not fully retract it will not hold the vehicle occupant securely to the seat, which is a safety hazard.

- That if the seatbelt is equipped with a locking mechanism, the locking mechanism must be tested by the technician to ensure that it will hold a vehicle occupant in the seat during a sudden deceleration. If the locking mechanism does not hold, the occupant can unintentionally and uncontrollably move forward in the passenger compartment,

which is a safety hazard.

Lastly, seatbelt warning lights and seatbelt alarms, where present, inform the driver that vehicle occupants are wearing their seatbelts. If a seatbelt warning light or alarm is not working (or both if applicable), the driver and other vehicle occupants may not be aware that one or more of them is not wearing a seatbelt and should put on their seatbelt. This is a safety hazard.

This chapter is necessary to introduce the requirements for inspecting vehicle seatbelts, and seatbelt warning lights and alarms (where applicable). With these requirements, the technicians can conduct thorough and accurate inspections and ensure the seatbelts, and any seatbelt warning lights, or seatbelt alarms present in the vehicle, are in the condition necessary to protect vehicle occupants.

vii. 3.7 Child Seat LATCH System Inspection

The Bureau proposes adding Chapter 3.7 stating "When a vehicle is equipped with a LATCH system, the technician shall inspect each bracket and anchor to ensure that the system components are present, undamaged, and securely fastened."

The purpose of this chapter is to establish criteria for inspecting a vehicle's LATCH system when one is present in the vehicle.

A child seat's lower anchors and tethers system, or LATCH system, is designed to make the installation of a child's car seat easier and more secure by directly connecting the car seat to the vehicle's structure through anchoring points. This chapter is necessary to introduce the requirement that, when a vehicle is equipped with a LATCH system, the system is properly and thoroughly inspected to ensure that it is in the condition necessary to securely hold a child's car seat in a fixed position, especially in the event of a collision.

viii. 3.8 Supplemental Restraint System (SRS) Component Visual Inspection

The Bureau proposes adding Chapter 3.8 stating "In an SRS equipped vehicle, the technician shall visually inspect SRS components that can be seen from inside the passenger compartment, without any disassembly, to ensure the air bags and seat belt/retractor pre-tensioners are present and properly installed. The technician shall inspect:

A. The air bag covers for tears, unevenness, inconsistent appearance, and evidence of refinishing, which would indicate the air bag was previously deployed and repaired.

B. The housings of all seat belt/retractor pre-tensioner assemblies for melting, breaks, and chemical discharge stains, as these indicate the pre-tensioner was previously deployed and not replaced."

The purpose of this chapter is to establish criteria for inspecting a vehicle's SRS when one is present.

An SRS consists of multiple individual components that work together in the event of a collision to reduce the risk of serious injury and harm. When the SRS determines the vehicle is in a collision, it will engage the seat belt/retractor pre-tensioner assemblies (if equipped) through the use of an explosive charge in order to keep the vehicle occupant in their seated position, and deploy the vehicle's airbags to keep the occupants from coming into direct contact with the vehicle structure.

This chapter instructs the technician how to perform a visual inspection of the SRS components, which can be seen without disassembling the interior of the vehicle. Disassembly is not required for this part of the inspection so that no interior panels or components are broken or damaged. During the visual inspection of the air bags and seat belt/retractor pre-tensioner, the technician will be looking for indications that the component was previously deployed and not replaced.

When inspecting the air bags, the technician will look for evidence such as tears, unevenness, inconsistent appearance, or evidence of refinishing on the surface of the air bag cover, as these indicate the cover was repaired and the air bag was not replaced. When inspecting the seat belt/retractor pre-tensioner, the technician will look for evidence that the explosive charge was previously deployed, and the seat belt/retractor pre-tensioner was not replaced. The technician will look for melted, broken, or chemical discharge stains on the seatbelt housing.

If the air bags or the seat belt/retractor pre-tensioner were previously deployed and not replace, the SRS will not function as intended if the vehicle is involved in another collision, which is a safety hazard to the vehicle's occupants.

This chapter is necessary to introduce the requirements and criteria for inspecting SRS components (in SRS-equipped vehicles). With these requirements and criteria, the technicians can conduct thorough and accurate inspections and ensure the SRS components are in the condition necessary to protect vehicle occupants in the event of a collision.

ix. 3.9 SRS Warning Light Inspection

The Bureau proposes adding Chapter 3.9 stating “If the vehicle is equipped with SRS, the technician shall verify that the dashboard warning light:

A. Illuminates when the key is turned to the ignition on - engine off position. This “bulb-check” allows for verification that the bulb is functional, but the bulb should turn off after the engine is started.

B. Does not stay illuminated after the bulb-check. If the light stays illuminated after the bulb-check, that is an indication of a system malfunction.”

The purpose of this subchapter is to establish requirements and procedures for inspecting the SRS warning light.

When a vehicle is equipped with an SRS, the technician will perform this key on – engine off test to verify that the dashboard indicator for SRS is functioning, and that the indicator indicates the system is operational.

This chapter is necessary to introduce the required elements for inspecting the SRS warning light. The SRS warning light alerts the driver when there is a malfunction in the SRS, providing the driver the ability to fix the problem. If the light stays illuminated, there is a system malfunction that needs to be corrected. If the SRS warning light is not functioning as designed, the driver will be unaware that the SRS is not operational, and, more importantly, the airbags will not deploy if the vehicle is involved in a collision.

vi. Do Not Certify when:
The Bureau proposes adding a “Do Not Certify when” list to Chapter 3.

The purpose of the “Do Not Certify when” list is to provide specific criteria related to the safety systems in the passenger compartment that, when found by a vehicle safety systems technician (during the inspection conducted pursuant to the requirements, standards, and criteria in Chapter 3), shall cause the vehicle to fail the passenger compartment portion of the vehicle safety systems inspection.

It is necessary to provide this list to establish that, if any of the conditions listed are met, the technician must fail the vehicle’s passenger compartment inspection, and not certify the vehicle.

The list includes the following items:

- “Any of the vehicle mirrors, as originally equipped by the vehicle manufacturer, are missing, damaged, are not mounted in accordance with the manufacturer’s specifications, or have a damaged or

deteriorated surface that obstructs the driver's view to the rear of the vehicle."

This listing is necessary to introduce the requirement that the technician fails the vehicle's passenger compartment portion of the inspection if any of these criteria are met. If a vehicle's mirrors meet any of these criteria, the driver's ability to clearly view the road to the rear of the vehicle could be inhibited, creating a safety hazard that endangers everyone on the road.

- "Any vehicle mirrors will not maintain a fixed position when adjusted."

  This listing is necessary to introduce the requirement that the technician fails the vehicle's passenger compartment portion of the inspection if this criterion is met. If any of a vehicle's mirrors shifts position unexpectedly or shakes, the driver's ability to clearly view the road to the rear of the vehicle could be inhibited, creating a safety hazard that endangers everyone on the road.

- "There are any chips in, obstructions of, or surface deteriorations of the windshield or rear window glass that obstructs the driver's field of vision or view of the road."

  This listing is necessary to introduce the requirement that the technician fails the vehicle's passenger compartment portion of the inspection if this criterion is met. If a vehicle's windshield or rear window glass meets any of these criteria, the driver's ability to clearly view the road to the front or rear of the vehicle could be inhibited, creating a safety hazard that endangers everyone on the road.

- "The windshield on a motor vehicle is cracked."

  This listing is necessary to introduce the requirement that the technician fails the vehicle's passenger compartment portion of the inspection if this criterion is met. If a vehicle's windshield is cracked, it can negatively affect the structural integrity of and support provided by the windshield in a front-end collision, creating a safety hazard that endangers the vehicle's occupants. Additionally, a cracked windshield can impair the driver's view of the road to the front of the vehicle, creating a safety hazard that endangers everyone on the road.

- "The windshield does not meet the Federal Motor Vehicle Safety Standards in 49 C.F.R. section 571.205 and 49 C.F.R. section 571.212."

  This listing is necessary to inform the technician to fail the vehicle's passenger compartment portion of the inspection if the federal

standard is not met. If a vehicle's windshield does not have the "DOT" mark, it does not meet federal motor vehicle safety standards for degree of transparency, fracture test standards, and other SAE standards. Federal standards set minimum safety requirements, and a vehicle that fails to meet these threshold requirements has defects that render it unsafe to operate or be on the road. A vehicle with a windshield that fails to meet the federal standards is therefore unsafe for its occupants, and anyone sharing the road with that vehicle.

- "Any windshield or rear window wipers are inoperative or do not operate as designed by the manufacturer, or any of the wiper blades are found to have visible defects."

  This listing is necessary to introduce the requirement that the technician fails the vehicle's passenger compartment portion of the inspection if this criterion is met. If a vehicle's windshield wipers do not function properly, the driver's view of the road will be impaired, at a minimum, when it rains, when unable to remove applied wiper fluid, and when small or easily removable debris on the windshield obscures the driver's view. Windshield wipers not functioning properly is a safety hazard that endangers everyone on the road.

- "Any seatbelt:

  - Does not have the minimum number of attachment points stated in the manufacturer's specifications."

    This listing is necessary to introduce the requirement that the technician fails the vehicle's passenger compartment portion of the inspection if the seatbelts do not have the minimum number of attachment points necessary to protect vehicle occupants. With a reduced number of attachment points, the seatbelt will not hold the seat's occupant as securely as it would with the number of attachment points originally installed by the vehicle manufacturer. In the event of an accident, this is a safety hazard that endangers the vehicle's occupants.

  - "Required for a seating position is missing."

    This listing is necessary to introduce the requirement that the technician fails the vehicle's passenger compartment portion of the inspection if not every seating position has a seatbelt. If a seated position does not have a seatbelt, the vehicle occupant in that seat would not have a seatbelt, creating a safety hazard that endangers that vehicle occupant.

  - "Does not fully extend, fully retract, or lock as designed by the

manufacturer."

This listing is necessary to introduce the requirement that the technician fails the vehicle's passenger compartment portion of the inspection if the seatbelts do not function as designed. If a seatbelt does not fully extend, it may not extend enough to fit the seat's occupant. If a seatbelt does not fully retract or the lock does not lock as designed, the seatbelt will not hold the seat's occupant securely to the seat. Both are safety hazards that endanger the vehicle's occupants.

- "Fabric webbing or stitching is damaged."

  This listing is necessary to introduce the requirement that the technician fails the vehicle's passenger compartment portion of the inspection if the seatbelt fabric is not in the condition necessary to protect vehicle occupants. If the seatbelt fabric webbing or stitching is frayed, cut, or torn, the seatbelt may not work as designed, and will not properly secure the occupant to the seat, a safety hazard that endangers that vehicle occupant.

- "Cannot be buckled or unbuckled."

  This listing is necessary to introduce the requirement that the technician fails the vehicle's passenger compartment portion of the inspection if seatbelt buckles do not function properly. If the seatbelt cannot be buckled, it will not securely hold the vehicle occupant in the seat, especially in the event of a collision. If the seatbelt cannot be unbuckled, it will not release the occupant from the seat when needed. Both are safety hazards that endanger the vehicle occupant.

- "Warning lights or alarms are not functioning properly."

  This listing is necessary to introduce the requirement that the technician fails the vehicle's passenger compartment portion of the inspection if any seatbelt warning lights or alarms the vehicle is equipped with do not function properly. If the vehicle's seatbelt warning light or alarm is not working, the vehicle occupants may not be aware that at least one of them is not wearing (and should put on) their seatbelt, creating a safety hazard that endangers anyone not wearing a seatbelt in the vehicle.

- "Any seat installed in the vehicle is not securely fastened to the vehicle, or the upper or lower portions of the seat do not maintain a fixed position."

This listing is necessary to introduce the requirement that the technician fails the vehicle's passenger compartment portion of the inspection if any seat is not securely attached, or if the upper or lower portions of the seat do not maintain a fixed position. If a seat is loosely mounted to the vehicle, slides forward unexpectedly, or folds in half when exposed to sudden deceleration it poses a safety hazard that could significant injury or harm to that seat's occupant.

- "Any LATCH system bracket or anchors are missing, damaged, or not securely fastened."

  This listing is necessary to introduce the requirement that the technician fails the vehicle's passenger compartment portion of the inspection if the LATCH system bracket or anchors meet one of these criteria. If a LATCH system is not functioning properly, it will not hold a child's car seat in a fixed position, especially in the event of a collision, and poses a safety hazard that endangers the child.

- "Any air bag, inspected visually (as detailed in Chapter 3.8 of this manual) and without disassembly, appears to have been previously deployed."

  This listing is necessary to introduce the requirement that the technician fails the vehicle's passenger compartment portion of the inspection if the airbag appears (through visual inspection, without disassembly) to have been previously deployed. If an air bag was previously deployed and not replaced, the SRS system will not be able to function as intended if the vehicle is involved in a collision, and poses a safety hazard.

- "Any seat belt/retractor pre-tensioner, inspected visually (as detailed in Chapter 3.8 of this manual) and without disassembly, appears to have been previously deployed."

  This listing is necessary to introduce the requirement that the technician fails the vehicle's passenger compartment portion of the inspection if any seat belt/retractor pre-tensioner appears (through visual inspection, without disassembly) to have been previously deployed. If a seat belt/retractor pre-tensioner was previously deployed and not replaced, the SRS system will not be able to function as intended if the vehicle is involved in a collision, and poses a safety hazard.

- "The SRS warning light does not "bulb-check" or stays illuminated."

  This listing is necessary to introduce the requirement that the technician fails the vehicle's passenger compartment portion of the

inspection if the SRS warning light does not properly function (does not 'bulb-check' or stays illuminated). If the SRS warning light is illuminated, it means there is a system malfunction. If the SRS warning light is not functioning as designed, the driver will be unaware that the SRS is not operational, and more importantly, the airbags will not deploy if the vehicle is involved in a serious collision, creating a safety hazard that endangers the vehicle's occupants.

f. CHAPTER 4 Tires and Wheels

The purpose of this chapter is to provide vehicle safety system technicians with an overview of the inspection criteria and standards for the tires and wheels on a vehicle they are inspecting, including the pass/fail criteria with which the inspection determination will be made.

It is necessary to provide this information to inform stations and technicians about the tires and wheels inspection, the requirements of the performing inspections on tires and wheels, and what they must do to comply with these requirements. Chapter 4.1 provides an introductory overview, and each subsequent chapter covers a different portion of these topics, including a thorough list of the chapter's "fail criteria"; each chapter is therefore necessary to effectuate this purpose.

i. 4.1 Tire and Wheel Inspection Overview

The Bureau proposes adding Chapter 4.1 stating "The inspection of the vehicle's tires and wheels is intended to ensure the tires are safe, the wheels are free of cracks and bends that would cause them to be unsafe, and the Tire Pressure Monitoring System (TPMS), if equipped, is functioning. Licensed technicians shall consult Article 4 of Chapter 5 of Division 12 (commencing with section 27450) of the VC to ensure minimum inspection standards for the tires and wheels are met."

The purpose of this chapter is to provide the technician with an overview of the tire and wheel inspection criteria and standards, and the applicable VC sections.

This chapter is necessary to introduce the tire and wheel inspection criteria and standards, and the applicable VC chapter and sections dedicated to tires, as technicians should reference these statutes during inspections.

ii. 4.2 Tire Inspection

The Bureau proposes adding Chapter 4.2 stating "When inspecting the tires, the technician shall:"

The purpose of this chapter is to establish the requirement that technicians conduct a three-part tire inspection—a visual inspection, a tire tread measurement, and a tire pressure check.

This chapter is necessary to establish and describe the requirements of the three-part tire inspection requirement.

The Bureau proposes adding chapter 4.2(A) stating “Visually inspect the tires for all of the following:”

The purpose of this chapter is to establish a visual tire inspection as part of the vehicle safety systems inspection. This chapter is necessary to introduce the list of what technicians must look for during the visual tire inspection.

The list includes the following items:

1. “Damage exposing the reinforcing plies of the tire through cuts, cracks, punctures, scrapes, or wear.”

   This is necessary to introduce the requirement that technicians inspect for this kind of damage during a vehicle’s tire inspection. The tire reinforcing plies are the internal layers of the tire, made up of rubber and steel cables (or nylon), that give the tire support and pliability. Damage, such as cuts, cracks, punctures, scrapes, or wear, that exposes the reinforcing plies will cause the tire to not hold air and become an unroadworthy safety hazard.

2. “Repair in the tread shoulder or belt edge area.”

   This is necessary to introduce the requirement that technicians inspect for repair in the tread shoulder or belt edge area during a vehicle’s tire inspection. The tread shoulder or belt edge is the part of the tire between the flat part of the tread, where the tire contacts the road, and the sidewall, where the tire meets the rim. This area is considered irreparable, as repairs are likely to fail due to the increased stress placed on the repair from the sidewall, which supports the weight of the vehicle.

3. “Repair or damage to the sidewall or bead area.”

   This is necessary to introduce the requirement that technicians inspect for repair or damage to the sidewall or bead area during a vehicle’s tire inspection. The tire sidewall is the area between the tread shoulder and the tire bead, and it supports the weight of the vehicle. The tire bead is a reenforced part of the tire that sits on the rim. These areas are considered irreparable, as repairs are

likely to fail due to the increased stress placed on the repair from the sidewall, which supports the weight of the vehicle.

4. “A puncture repair or damage larger than one-fourth of one inch.”

   This is necessary to introduce the requirement that technicians inspect for a puncture repair or damage larger than one-fourth of one inch during a vehicle’s tire inspection. A tire puncture that is greater than one-fourth inch slices through the tire’s steel belts, reducing the strength and durability of the tire, and making it unsafe to have on the vehicle.

5. “Any unrepaired road hazard damage to the tire (e.g., nail, screw).”

   This is necessary to introduce the requirement that technicians inspect for any unrepaired road hazard damage to the tire during a vehicle’s tire inspection. A tire with tread that has been punctured by a foreign object must be repaired, as the object is likely to shift or fall out, causing the tire to lose air, which is a safety hazard.

6. “Indication of internal separation, such as bulges or local areas of irregular treadwear, indicating a distortion in the tread area, when compared to other areas of the tread, or belt separation.”

   This is necessary to introduce the requirement that technicians inspect for any of these indications of internal separating during a vehicle’s tire inspection. Internal tire separation occurs when the tire tread begins to separate from the rest of the tire. This can lead to the tire tread coming apart from the rest of tire while driving, creating a safety hazard.

7. “Sidewall cracks or “dry-rot” due to age.”

   This is necessary to introduce the requirement that technicians inspect for sidewall cracks or “dry-rot” due to age during a vehicle’s tire inspection. Most tires will wear out prior to developing weather cracks or “dry-rot.” Weather cracks and “dry-rot” on a tire sidewall indicate the tire is going to fail and are a safety hazard.

8. “Cracks or leaks in the valve stems.”

   This is necessary to introduce the requirement that technicians inspect for cracks or leaks in valve stems during a vehicle’s tire inspection. The valve stem is usually a rubber component, located on the rim of the tire, that allows you to inflate the tire. If the valve stem develops cracks or is leaking, the tire will lose air, which is a safety hazard.

9. “Defaced or removed United States Department of Transportation (DOT) tire identification number.”

   This is necessary to introduce the requirement that technicians inspect for defaced or removed DOT tire identification numbers during a vehicle’s tire inspection. The “DOT” identification number is located on the sidewall of a tire and identifies where the tire was manufactured, the tire size, the manufacturer code (assigned by DOT), and the week and year the tire was manufactured. This number is important for warranty and recall purposes. If this number is defaced or missing, the tire cannot be identified as subject to a recall and needing a repair or replacement. Additionally, tire stores performing warranty or recall replacements remove the DOT number with a punch to keep the tire from being resold. So, if the DOT number has been removed, it is likely the tire was subject to a warranty or recall and should not be in service.

10. “That tires on the same axle are the same size, and directional tires are located on the correct side of the vehicle.”

    This is necessary to introduce the requirement that technicians ensure tires on the same axle are the same size, and directional tires are located on the correct side of the vehicle, during the vehicle’s tire inspection.

    When the outside diameter of tires on the same axle are different due to the tires being different sizes, it will cause the vehicle to pull to the side of the smaller diameter wheel when driving, which is a safety hazard.

    Directional tires have a tread pattern that is designed to rotate in only one direction. When a directional tire is on the wrong side of the vehicle, the tire will not move water through the treads as designed, increasing the likelihood of a vehicle hydroplaning.

11. “Retread or regrooved tires installed on the front axle of heavy-duty vehicles listed in section 34500 of the VC.”

    This is necessary to introduce the requirement that technicians inspect for retread or regrooved tires installed on the front axle of heavy-duty vehicles (listed in the VC section) during those vehicles’ tire inspections. Retread tire are tires that have undergone a manufacturing process to replace the worn tread to extend the life of the tire. Regrooved tires are tires that have had additional rubber removed from the tire tread to restore the tread

pattern depth. Retread and regrooved tires have significantly higher failure rates than regular replacement tires.

The vehicles specified in this VC section are heavy-duty vehicles (such as trucks with three or more axles, trailers, commercial vehicles with a gross vehicle weight rating over 26,0001 lbs, and buses (including school buses)) that must not have retread or regrooved tires installed on the front axle. If a tire on the front or steering axle of one of the vehicles listed in this VC section fails, the vehicle will be more difficult to steer or control, which is a safety hazard.

The Bureau proposes adding chapter 4.2(B) stating “Measure the tire tread

The thickness of the tire tread on each tire shall be measured in multiple locations on the wheel circumference to ensure that no part of the tread is worn to less than:

- 2/32 inch in tread depth in adjacent tire grooves for passenger cars and light-duty trucks.
- 5/32 inch in tread depth in all major grooves of tires installed on the steering axle, and 3/32 inch in tread depth in all major grooves for all other tires, for heavy-duty vehicles.”

The purpose of this chapter is to introduce the requirement that technicians measure tire tread, including the measurement process and criteria. This chapter is necessary to ensure technicians know to inspect/measure the tire tread and how to conduct this inspection.

The inspection of the tire tread depth must be done in multiple locations on the tire tread. This helps to ensure the accuracy of the measurement, as tires can have uneven wear due to an alignment or suspension issue. The tread depth must also be greater than the minimum tread depths required in VC section 27465 by 1/32 inch in order to ensure the tire has some life left before needing to be replaced, for the safety of the vehicle’s occupants and anyone who shares the road with the vehicle. A vehicle with one or more tires that has an insufficient tread depth will not move water through the treads as designed, increasing the likelihood of the vehicle hydroplaning, a safety hazard.

The Bureau proposes adding chapter 4.2(C) stating “Check the tire pressures

The vehicle tires shall be inspected to verify they are properly inflated. The

vehicle manufacturer tire inflation specification is normally recorded on a label located inside the driver's door jamb. If that label is missing, some other reference source, such as a service manual or vehicle's owner manual, that contains information on the tire inflation specifications shall be used. If a tire has low pressure, and no leak has been found, inflate the tire to specification."

The purpose of this chapter is to establish the requirement that technicians check and inflate the vehicle's tires.

This chapter is necessary to introduce the requirement that technicians check and inflate the vehicle's tires. Having underinflated tires is a safety hazard that can result in reduced fuel efficiency due to increasing flex in the tire sidewall, uneven treadwear and traction due to the tire contact surface moving from the center of the tread to the tread shoulder, and overheating of the tire, leading to a potential blow-out. The technician must check tire pressure and inflate the tires to the manufacturer specifications if the tire pressure is low. This chapter is also necessary to inform technicians where to look to find the inflation specifications if the tire inflation label, normally located in the driver's door jamb, is missing.

iii. 4.3 Wheel Inspection

The Bureau proposes adding Chapter 4.3 stating "The purpose for visual inspection of the vehicle's wheels is to identify any stress cracks, fractures, damage, or bends in the wheels severe enough to make the wheel unsafe for driving."

The purpose of this chapter is to establish the requirement that technicians conduct a two-part wheel inspection—a visual inspection and an inspection for stress cracks, fractures, damage, or severe bends.

This chapter is necessary to establish and describe the requirements of the two-part wheel inspection requirement.

The Bureau proposes adding chapter 4.3(A) stating "When performing the visual inspection of the wheels, the technician shall ensure:

1. The wheel's surface is clean enough to allow for visual inspection of the surface, and shall wipe down the surface if necessary.

2. There is sufficient light to inspect the surface; a flashlight shall be used to perform the inspection if there is insufficient light."

The purpose of this chapter is to establish the requirement and procedures for conducting visual inspections of wheels.

This chapter is necessary to introduce the requirement and provide guidance regarding best conditions for performing wheel inspections (ensuring each wheel's surface is clean and that technicians have sufficient light to perform visual inspections).

The Bureau proposes adding Chapter 4.3(B) stating "The inspection of the wheels shall include an inspection of the following areas for any stress cracks, fractures, damage, and severe bends:

1. The periphery, which includes the wheel's rim, outer lip, and inboard and outboard flanges.

2. The mounting area and center disc, including the center bore and lug holes.

3. The barrel.

4. Inside and outside of the spokes, or center section.

Additionally, the technician shall confirm that wheels on the same axle are the same size."

The purpose of this chapter is to establish the requirement that technicians inspect certain wheel areas for any stress cracks, fractures, damage, or severe bends, and provides the list of wheel areas to inspect for these issues. Another purpose of this chapter is to establish the requirement that technicians ensure wheels on the same axle are the same size.

This chapter is necessary to introduce the requirement to inspect for stress cracks, fractures, damage, or severe bends, and to list the wheel areas to inspect for these issues.

This chapter specifies the areas of the wheel the technician will inspect for these types of damage when performing the wheel inspection. These areas are specifically referenced due to their high propensity to become damaged. An example would be the inboard and outboard flanges becoming severally bent due to an impact, or fractures at the lug holes due to overtightening of the lug nuts. A wheel that has any stress cracks, fractures, damage, or severe bends can fail unexpectedly, which is a safety hazard.

Additionally, having different size wheels on the same axle can result in a driver having difficulty controlling the vehicle. When the outside diameters of the wheels are different, the vehicle will veer towards the side with the smaller outside diameter, making the vehicle more difficult to control,

which is a safety hazard endangering the vehicle's occupants and everyone sharing the road with the vehicle.

vi. 4.4 Tire Pressure Monitoring System (TPMS) Inspection
The Bureau proposes adding Chapter 4.4 to state, "If the vehicle is equipped with TPMS, the technician shall verify the dashboard warning light:

A. Illuminates when the key is turned to the ignition on - engine off position. This "bulb-check" allows for verification that the bulb is functional, but the bulb should turn off after the engine is started.

B. Does not stay illuminated after the bulb-check. If the light stays illuminated after the bulb-check, that is an indication of a system malfunction."

The purpose of this subchapter is to establish the requirement that a vehicle safety systems technician inspect the TPMS warning light and provides the procedure for this inspection.

This subdivision is necessary to introduce the requirement that technicians perform this key-on engine-off test to verify that the dashboard indicator for TPMS, on a vehicle equipped with TPMS, is functioning and indicates the system is operational. The TPMS warning light alerts the driver when there is a tire with low air pressure and provides the driver the ability to fix the problem. Driving on a tire with low air pressure can cause wheel and tire damage, as well as problems controlling the vehicle. If the light stays illuminated, there is a system malfunction that needs to be repaired. If the TPMS warning light is not functioning as designed, the driver would not know that one of the tires has low air pressure, and would continue to drive until they have difficulty controlling (or cannot control) the vehicle, which is a safety hazard.

v. 4.5 Temporary Spare Tire Inspection
The Bureau proposes adding Chapter 4.5 stating "If the vehicle arrives at the station equipped with a spare tire, the technician shall ensure the tire is properly inflated, the tire is free of damage, punctures, and leaks, and the rim is free of stress cracks, fractures, damage, and bends.

A vehicle shall not pass a vehicle safety systems inspection if a temporary spare is installed on a vehicle axle and in use at the time of inspection."

The purpose of this subchapter is to establish the requirement that a technician inspect spare tires and provide the inspection criteria.

This chapter is necessary to introduce the requirement and inspection criteria for inspecting spare tires, as well as the requirement that technicians fail a vehicle and not issue a vehicle safety systems

certification if a temporary spare is installed on any of the vehicle's axles and in use at the time of inspection.

This chapter directs a technician to inspect a spare tire when the vehicle that arrives at the station for the vehicle safety systems inspection has a spare tire. If a vehicle arrives without a spare tire, there is nothing for the technician to inspect. Technicians should not fail a vehicle that lacks a spare tire.

When a vehicle is equipped with a spare tire, the technician must ensure the tire is inflated, and that the rim is in compliance with the inspection criteria in Chapter 4.3. The technician is not required to check the tread depth, as tire tread on spare tires is usually minimal, which is acceptable since the tire is only meant for temporary emergency use.

Given that spare tires are meant for temporary emergency use, any vehicle that has a spare tire installed and in use during the inspection will fail the tire and wheel inspection portion of the vehicle safety systems inspection.

vi. Do Not Certify when:
The Bureau proposes adding a "Do Not Certify when" list to Chapter 4.

The purpose of each item on the "Do Not Certify when" list is to provide specific criteria related to the tires and wheels that, when found by a vehicle safety systems technician (during the inspection conducted pursuant to the requirements, standards, and criteria in Chapter 4), shall cause the vehicle to fail the tire and wheel inspection portion of the vehicle safety systems inspection. Each listing is necessary to introduce the requirement that technicians fail a vehicle's tire and wheel inspection, and not certify the vehicle, if any of the conditions on the list are met.

The list includes the following items:

- "Any damage, puncture, leak, cracks or "dry-rot", defaced or missing DOT identification number, or improper repair of any of the tires was found during the visual inspection."

  This is necessary to introduce the requirement that the technician fails a vehicle's tire and wheel inspection if the vehicle meets this criterion because a tire that has any of the issues listed here is more likely to fail, and is a safety hazard that endangers everyone on the road.

- "The tread depth of any tire, other than a temporary spare, is found to be less than:

  - 2/32 inch in depth on a passenger car or light truck.

- 5/32 inch in depth on the steering axle, or 3/32 inch in depth for all other tires, on a heavy-duty vehicle."

  This is necessary to introduce the requirement that the technician fails a vehicle's tire and wheel inspection if the vehicle meets this criterion. These minimum tire tread depth readings are 1/32 inch greater than the minimum tread depth required by VC section 27465 for passenger vehicles and heavy-duty vehicles in order to ensure the tire has some life left before needing to be replaced. This helps protect the vehicle's occupants and anyone who shares the road with the vehicle.

- "Any retread or regrooved tires are mounted on the front axle of any heavy-duty vehicle listed in section 34500 of the VC."

  This is necessary to introduce the requirement that the technician fails a vehicle's tire and wheel inspection if the vehicle meets this criterion. Retread and regrooved tires have significantly higher failure rates than regular replacement tires, so having retread or regrooved tires on the front or steering axle of a heavy-duty vehicle is a safety hazard that endangers everyone on the road.

- "Any wheel has any stress cracks, fractures, damage, or is bent in a manner indicating damage to the structure of the wheel or causing difficultly in steering or controlling the vehicle."

  This is necessary to introduce the requirement that the technician fails a vehicle's tire and wheel inspection if the vehicle meets this criterion. A wheel that has any of the conditions listed in this item can fail unexpectedly, creating a safety hazard that endangers everyone on the road.

- "For any axle, there are different size wheels or tires on the same axle."

  This is necessary to introduce the requirement that the technician fails a vehicle's tire and wheel inspection if the vehicle meets this criterion. When the outside diameters of the tire and wheel assemblies on the same axle are different sizes, the vehicle will veer towards the side with the smaller outside diameter, making the vehicle more difficult to control, creating a safety hazard that endangers everyone on the road.

- "The TPMS light does not "bulb-check" or stays illuminated."

  This is necessary to introduce the requirement that the technician fails a vehicle's tire and wheel inspection if the vehicle meets this criterion. If the TPMS warning light is on, the system has a malfunction that needs to be corrected. If the TPMS warning light is not functioning as

designed, the driver would not know that one of the tires has low air pressure, and would continue to drive until they have difficulty controlling (or cannot control) the vehicle, which is a safety hazard.

- "The temporary spare tire is installed and in use at the time of the inspection."

  This is necessary to introduce the requirement that the technician fails a vehicle's tire and wheel inspection if the vehicle meets this criterion. A spare tire is meant for temporary emergency use, so any vehicle that has a spare tire installed and in use during the inspection will fail the tire and wheel inspection portion of the vehicle safety systems inspection.

g. CHAPTER 5 Brakes

The purpose of this chapter is to provide vehicle safety system technicians with an overview of the inspection criteria and standards for the brake system on a vehicle they are inspecting, including the pass/fail criteria with which the inspection determination shall be made.

It is necessary to provide this information to inform stations and technicians about the brake system inspection, the requirements, and standards for performing inspections on vehicle brake systems, and what they must do to comply with these requirements and standards. Chapter 5.1 provides an introductory overview, and each subsequent chapter covers a different portion of these topics, including a thorough list of the chapter's "fail criteria"; each chapter is therefore necessary to effectuate this purpose.

i. 5.1 Brake System Inspection Overview

The Bureau proposes adding Chapter 5.1 stating "The inspection of the brake system shall consist of checking the condition of the vehicle's brakes to ensure that the component parts and systems are functioning properly and comply with manufacturer and component manufacturer specifications. Licensed technicians shall consult Division 12, Chapter 3 (commencing with section 26301) of the VC, and 49 C.F.R. section 571.121 to ensure minimum inspection standards for performance and equipment requirements of the brake system are met."

The purpose of this chapter is to provide the technician with an overview of the brake system inspection criteria and standards, and provide the applicable VC sections and C.F.R. section to reference during inspections.

This chapter introduces the VC chapter and sections and the federal regulation section dedicated to brakes. These statutes and regulations

are included for the technician's reference when inspecting the brake system.

The Bureau proposes adding Chapter 5.1(A) "Safety Precautions" stating "Some of the components of a vehicle's brake system may constitute a safety hazard if proper procedures are not followed when disassembling them for inspection. Technicians must follow manufacturer recommended procedures when working on any component in a brake system to avoid personal injury and damage to the system."

The purpose of this chapter is to advise vehicle safety systems technicians to take proper safety precautions while inspecting a vehicle's brake system.

This chapter is necessary to provide general information about the brake systems inspection, the VC chapter and sections and the federal regulation section technicians should refer to when inspecting the brake system, and a warning to technicians to bring to their attention the fact that brake systems, especially air brake systems on heavy-duty vehicles, can pose a safety hazard, especially if the technician is unfamiliar with the system.

ii. 5.2 Brake Pedal Inspection

The Bureau proposes adding Chapter 5.2 stating "When checking the brake pedal, the technician shall repeatedly depress the brake pedal, alternating between firm and soft applications, to ensure the pedal:"

The purpose of this chapter is to establish the requirement that technicians inspect the vehicle's brake pedal, provide instructions for the inspection, and introduce a list of inspection criteria.

This chapter is necessary to introduce the brake pedal inspection criteria and standards that must be met, and to provide technicians with instructions for performing the inspection.

The list includes the following items:

A. "Is securely fastened in the pedal assembly and to the vehicle."

   This is necessary to introduce the requirement that, during the brake pedal inspection, technicians ensure the brake pedal meets this criterion. The brake pedal assembly includes the brake pedal which is attached to an arm that is mounted to a pivot point. Those components are then connected to a linkage rod that actuates the brake system. By applying the brake pedal as directed, the technician

will be able to determine whether the assembly is securely fastened. If the pedal assembly is loose when the driver presses down on it, the brakes might not engage adequately, a safety hazard that endangers everyone on the road.

B. “Linkage to the brake actuating device (i.e., master cylinder, brake/treadle valve) is not binding.”

This is necessary to introduce the requirement that, during the brake pedal inspection, technicians ensure the brake pedal meets this criterion. The linkage from the brake pedal assemble to the brake system is either connected to a brake master cylinder on a hydraulic brake system or to a brake treadle valve on an air brake system. By applying the brake pedal as directed, the technician will be able to determine if the linkage is binding, as the pedal will fail to depress or return in an expected fashion. A linkage that is binding could cause the brakes to not adequately or properly engage (for example, the brakes could remain on, they could fail), a safety hazard that endangers everyone on the road.

C. “Reaches a stopping point with a reserve.”

This is necessary to introduce the requirement that, during the brake pedal inspection, technicians ensure the brake pedal meets this criterion. When the brake pedal is fully depressed, it will reach a stopping point when the brakes are fully applied, which happens at approximately one-half to three-quarters of the total brake pedal assembly travel. The distance between where the pedal stops and the floorboard is considered the “reserve.” This reserve is created by the adjustment of the linkage to the brake actuating device and the brake system application. This reserve is necessary to allow the driver to press the brake pedal farther if there is a leak in the brake application system. By applying the brake pedal as directed the, technician will be able to determine whether there is a sufficient reserve.

D. “Does not continue to sink to the floorboard after reaching the stopping point, which would indicate a hydraulic or air system malfunction.”

This is necessary to introduce the requirement that, during the brake pedal inspection, technicians ensure the brake pedal meets this criterion. When the brake pedal reaches a stopping point (the brakes are fully applied), the pedal should not continue to drop toward the floorboard when further pressure is applied. If the pedal does drop, the brake application system is faulty. A faulty brake application system can result in either the brakes not fully engaging or unexpectedly releasing while the pedal is depressed. By applying the

brake pedal as directed, the technician will be able to determine whether the brake pedal is sinking to the floorboard.

E. “Returns to its original position after being depressed.”

This is necessary to introduce the requirement that, during the brake pedal inspection, technicians ensure the brake pedal meets this criterion. When the brake pedal is disengaged (after application), it should return to the original position. If it does not, that can indicate a binding in either the linkage to the brake application device or in the brake pedal assembly. If the brake pedal does not return to its original position, it could result in the brake pedal remaining engaged, which result in brake failure. By applying the brake pedal as directed, the technician will be able to determine whether the brake pedal is returning to its original position.

iii. 5.3 Power Braking Assistance Systems Inspection

The Bureau proposes adding Chapter 5.3 Power Braking Assistance Systems Inspection stating “A. When checking **vacuum-assist** braking, the technician shall:”

The purpose of this chapter is to establish the requirement that technicians inspect the vehicle’s power braking assistance system, particularly for vacuum-assist braking. A power braking assistance system, whether it be by a vacuum booster, hydraulic-asset (hydro-boost), or electric-assist, is meant to make it easier for the driver to brake by increasing the force applied to the brake application devise without the need to apply additional pressure on the brake pedal.

This chapter is necessary to introduce the braking assistance system inspection criteria and standards that must be met for vacuum-assist braking.

The list for Chapter 5.3(A) includes the following items:

1. “Perform a functional test of the vacuum booster by stopping the engine, depressing the brake pedal several times to eliminate the vacuum reserve, then while depressing the pedal and holding pressure, restart the engine. If the vacuum booster is working, the pedal should drop under foot pressure.”

   The purpose of this item is to establish and provide instructions for the first part of the standard testing procedure for vacuum-assist braking.

   This item is necessary to introduce the first part of the procedure for testing vacuum-assist braking. In performing this test, the technician will be able to determine whether the vacuum booster is

in fact boosting the brake pedal application pressure to the application device. Without the power braking assistance provided by the vacuum booster, the brake pedal would feel hard, and the brakes would be difficult to apply.

2. “Visually inspect the vacuum booster to ensure there is no external damage, and all required tubing and hose connections are present, intact, and not collapsing, and that electrical connectors, sensors, and switches are present and intact.”

   The purpose of this item is to establish and provide instructions for the second part of the standard testing procedure for vacuum-assist braking.

   This item is necessary to introduce the second part of the procedure for testing vacuum-assist braking. Conducting a visual inspection of the vacuum booster and its connections ensures its continued operation. If the hose from the engine to the brake booster collapses, the vacuum supply that makes the booster function will fail, and the booster will stop working.

The Bureau proposes adding Chapter 5.3(B) stating “B. When checking **hydraulic-assist (hydro-boost)** braking, the technician shall:”

The purpose of this chapter is to establish the inspection requirement for hydraulic-assist (hydro-boost) braking.

This chapter is necessary to introduce the braking assistance system inspection criteria and standards that must be met for hydraulic-assist (hydro-boost) braking.

The list for Chapter 5.3(B) includes the following items:

1. “Perform a functional test of the hydraulic booster by stopping the engine, depressing the brake pedal several times to eliminate the hydraulic assist, then while depressing the pedal and holding pressure, restart the engine. If the hydraulic booster is working, the pedal should initially drop under foot pressure but rise as the system builds pressure.”

   The purpose of this item is to establish and provide instructions for the first part of the standard testing procedure for hydraulic-assist (hydro-boost) braking. This item is necessary to introduce the first part of the procedure for testing hydraulic-assist (hydro-boost) braking. Performing this test will allow the technician to determine whether the hydraulic-assist booster is boosting the brake pedal application pressure to the application device. Without the power

braking assistance provided by the hydraulic-assist booster, the brake pedal will feel hard, and the brakes would be difficult to apply.

2. “Visually inspect the hydraulic booster to ensure there is no external damage, that there are no power steering fluid leaks, and that all required tubing, hose connections, electrical connectors, sensors, and switches are present and intact.”

   The purpose of this item is to establish and provide instructions for the second part of the standard testing procedure for hydraulic-assist (hydro-boost) braking. This item is necessary to introduce the second part of the procedure for testing hydraulic-assist (hydro-boost) braking. Conducting this visual inspection of the hydraulic-assist booster and its connections ensures its continued operation. If the hose from the power steering system to the hydraulic-assist booster is leaking, the hydraulic fluid supply that makes the booster function will fail, and the booster will stop working.

The Bureau proposes adding Chapter 5.3(C) stating “C. When checking **electric-assist** braking**,** the technician shall visually inspect to ensure the electric-assist motor’s connectors, sensors, and switches are present, connected, and intact.”

The purpose of this item is to establish and provide instruction for the standard testing procedure for electric-assist braking. This item is necessary to introduce the procedure for testing electric-assist braking. Conducting this visual inspection of the electric-assist braking system and its connections ensures its continued operation. If the wires that supply power to the electric motors that supply the brake assist are damaged or frayed, the power supply that makes the electric-assist function will fail, and there will be no electric-assist braking.

iv. 5.4 Friction System Inspection

The Bureau proposes adding Chapter 5.4 stating “**All wheels must be removed from the vehicle to perform a thorough and complete brake inspection**, except in the case of a motorcycle when the disc brake(s) can be inspected without removing the wheel. While removing the wheel, the technician shall inspect for any and all missing, broken, or damaged wheel studs and any and all missing, cross-threaded, or incorrect lug nuts.”

The purpose of this chapter is to establish the requirement that a technician inspect the brake’s friction system, and to introduce a list of inspection criteria. This portion also informs the technician they must

remove the wheels to perform the inspection of the brake friction system. Failure to remove the wheel, except in the case of a motorcycle with disc brakes, will prevent the technician from accessing all the components that make up the friction system, so they will not be able to perform a thorough and complete inspection.

Additionally, the chapter instructs the technician to inspect the wheel studs, with the wheels removed, for any damage. The wheel studs keep the wheels securely attached to the wheel hubs and axles with the lug nuts. If the wheel studs or lug nuts are missing, damaged, or broken, that attachment is less secure and is a safety hazard.

This chapter is necessary to introduce the requirement that a technician inspect the brake's friction system, and that they remove the wheels to perform the inspection and inspect the wheel studs while the wheels are removed.

The Bureau proposes adding Chapter 5.4(A) stating "A**. Disc Brake Inspection:** When inspecting disc brakes, the technician shall inspect the following items:"

The purpose of this subchapter is to introduce the criteria for inspecting disc brakes.

This chapter is necessary to introduce the disc brake inspection criteria and standards that must be met for each item inspected.

The list for Chapter 5.4(A) includes the following items:

1. "**Toothed ring, sensor, and wiring** for broken, bent, or missing teeth on any externally accessible toothed ring, and inspect the sensors, electrical connectors, wire routing, and general condition."

   This is necessary to introduce the requirement that technicians inspect the toothed ring, sensor, and wiring for damage, and inspect the sensors, electrical connectors, wire routing, and general condition during a vehicle's disc brake inspection. Wheel speed sensors are used by the vehicle's antilock brake system, as well as other vehicle management functions. The wheel speed sensor is made up of a tooth ring that has "teeth" at a preset distance, a sensor that senses the "teeth" as they rotate, and wiring and connectors to supply power to the sensor and relay the sensor reading to a control module. If any of those individual part is broken, damaged, or missing, the control module will not receive the information necessary to properly apply various vehicle management functions, which is a safety hazard.

2. "**Mounting bolts** for looseness or damage."

This is necessary to introduce the requirement that technicians inspect the mounting bolts during a vehicle's disc brake inspection. Mounting bolts or mounting pins on disc brakes attach the brake caliper to the spindle and secure it over the brake rotor. In some applications, the mounting bolts or pins provide the surface with a floating caliper slide on during brake application, allowing the caliper to tighten and loosen on the brake rotor. If the mounting bolts are loose or damaged, then the caliper will not securely attach the brake caliper to the spindle. Additionally, if the mounting bolt or pin the caliper uses as a riding surface is damaged, the caliper may fail to properly apply or release, which is a safety hazard.

3. "**Splash shield** for damage or looseness."

   This is necessary to introduce the requirement that technicians inspect the splash shield during a vehicle's disc brake inspection. The splash shield is designed to keep road contaminants from getting onto the brake rotor or caliper, thereby reducing their effectiveness. If the splash shield is damaged or loose, it will be less effective at keeping road contaminants from getting onto the brake rotor or caliper, which could damage the brake and suspension components around it.

4. "**Brake pad linings** for proper thickness. The thickness of the brake lining (friction material) must be greater than or equal to that specified by the manufacturer's service limits, or if not available, the lining must be greater than or equal to 1/32 inch thick for bonded linings or 1/64 inch above rivet heads on riveted linings."

   This is necessary to introduce the requirement that technicians inspect the brake pad linings for proper thickness during a vehicle's disc brake inspection. The brake pad linings are the friction material for disc brakes. The brake pads sit inside of a brake caliper, and when the caliper is activated, the pads are forced into the surface of the brake rotor. This slows the rotors, which slows the vehicle. Manufacturers set service limits, or discard specifications, for the brake pads. A brake pad that wears past these limits will damage the rotor and ultimately lead to brake failure.

   This chapter item requires that brake pads be greater than or equal to those limits, or if the manufacturer limits cannot be established, it establishes a service limit.

   Two service limits are provided for two types of brake pads. Most brake pads are "bonded", meaning the friction material is adhered to a metal backing plate, in those cases the minimum service limit is 1/32 inch. Some brake pads are "riveted", meaning the friction material is attached to a metal backing plate with rivets, and in those cases, the

minimum service limit is 1/64 inch above the rivet head.

5. "**Check condition of linings** for contamination with grease, oil, brake fluid, or other material, as well as for cracking, evidence of overheating, and secure mounting of the friction material to the metal backing."

   This is necessary to introduce the requirement that technicians inspect the condition of linings during a vehicle's disc brake inspection. A brake pad's friction material that has become contaminated will be less effective when it is forced into the brake rotor to slow the vehicle by decreasing the effects of friction and causing a deterioration in the friction material.

   When a brake pad's friction material becomes cracked, or has evidence of overheating, the friction material has been compromised, making it less effective at creating the friction necessary when it is forced into the brake rotor to slow the vehicle.

   If the brake pad's friction material is separating from the metal backing plate, the friction material will be lost and the metal backing plate will be forced into the rotor to slow the vehicle, damaging the rotor.

   In all these cases, the damage to the brake pad's friction material is a safety hazard.

6. "**Each rotor** for each of the following: thickness, parallelism (thickness variation), lateral run-out, excessive ridges, grooves, corrosion, or cracks. Each brake rotor's measured thickness must not be less than the minimum thickness specification."

   This is necessary to introduce the requirement that technicians inspect the above qualities of each rotor during a vehicle's disc brake inspection, and that each rotor's measured thickness not be less than the minimum thickness specification. A brake rotor turns at the speed of a vehicle's wheels and provides the surface for the application of brake pads to slow the vehicle. A rotor that has an untrue surface (lateral run-out), thickness variations, grooves, corrosion, cracks, or ridges will either cause incomplete application of the brake pads, negatively impacting the braking effectiveness, or cause vibrations that can be felt by the driver when the brakes are applied.

   Manufacturers set the minimum discard specification for the brake rotors. The technician must measure the rotor thickness to ensure it is not below the discard specification. When a rotor becomes too thin, it is incapable of dispersing the heat created from braking, which can cause a safety hazard.

The Bureau proposes adding a note stating “**NOTE:** The rotor inspection must be performed last since any defects in the foregoing checks could limit free rotation of the rotor.”

If any components of the disc brakes are damaged or binding, such as mounting bolt or pins, it could inhibit the free rotation of the rotor, which is necessary to inspect for lateral run-out. The purpose of this subchapter “note” is to advise the technician to inspect the rotor after ensuring nothing is preventing its free rotation.

This note is necessary to introduce the requirement that the rotor inspection be performed last.

The Bureau proposes adding subchapter 5.4(B) stating “B**. Drum Brake Inspection:** When inspecting drum brakes, the technician shall inspect the following items:”

The purpose of this chapter is to establish a drum brake inspection as part of the vehicle safety systems inspection and list the different items that must be inspected and what the technician is to check for/what the technician should find for each item listed. This chapter is necessary to introduce the list of items technicians must inspect during the drum brake inspection.

The list for Chapter 5.4(B) includes the following items:

1. “**Brake shoe linings** for proper thickness and correct installation. The thickness of the brake lining (friction material) must be greater than or equal to that specified by the manufacturer's service limits, or if that information is not available, the lining must be greater than or equal to 1/32 inch thick for bonded linings or 1/64 inch above rivet heads on riveted linings.”

   This is necessary to introduce the requirement that, during the drum brake inspection, technicians ensure the brake show linings meet these criteria. The brake shoe linings are the friction material for drum brakes. Unlike brake pads that sit inside a brake caliper, brake shoes are mounted to the drum brake backing plate with mounting springs, are actuated by a wheel cylinder, and are controlled by return springs. When the wheel cylinder is activated, it forces the brake shoes outward into the brake drum. This slows the drum, which slows the vehicle. In some applications, brake shoes are divided into a primary and secondary shoe, which can be installed incorrectly, negatively impact the braking effectiveness. This subchapter item requires the technician to inspect the brake shoes for incorrect installation.

Manufacturers set service limits, or discard specifications, for the brake shoes. A brake shoe that wears past these limits will damage the drum and ultimately lead to brake failure.

This chapter item requires that brake shoes be greater than or equal to those limits, or if the manufacturer limits cannot be established, it establishes a service limit.

Two service limits are provided for two types of brake shoes. Some brake shoes are “bonded”, meaning the friction material is adhered to a metal backing plate, and in those cases, the minimum service limit is 1/32 inch. Other brake shoes are “riveted”, meaning the friction material is attached to a metal backing plate with rivets, and in those cases, the minimum service limit is 1/64 inch above the rivet head.

2. “**Check condition of linings** for contamination with grease, oil, brake fluid, or other material, as well as for cracking, evidence of overheating, and secure mounting of the friction material to the metal backing.”

   This is necessary to introduce the requirement that, during the drum brake inspection, technicians inspect the condition of linings to ensure they are in the necessary condition. A brake shoe’s friction material that has become contaminated will be less effective when it is forced into the brake drum to slow the vehicle by decreasing the effects of friction and causing a deterioration in the friction material.

   When a brake drum’s friction material becomes cracked, or has evidence of overheating, the friction material has been compromised, making it less effective at creating the friction necessary when it is forced into the brake drum to slow the vehicle.

   If the brake shoe’s friction material is separating from the metal backing plate, then the friction material will be lost, and the metal backing plate will be forced into the drum to slow the vehicle, damaging the drum.

   In all these cases, the damage to the brake shoe’s friction material is a safety hazard.

3. “**Each drum for any** grooves, corrosion, or cracks, including on the drum’s mating surface. Each brake drum’s measured inner diameter must not be greater than the maximum diameter specification.”

   This is necessary to introduce the requirement that, during the drum brake inspection, technicians inspect each drum for these kinds of

damage, and that each brake drum's measured inner diameter not be greater than the maximum diameter specification. A brake drum turns at the speed of a vehicle's wheels and provides the surface for the application of brake shoes to slow the vehicle. A drum that has grooves, corrosion, or cracks will cause incomplete application of the brake pads, negatively impacting the braking effectiveness.

Manufacturers set the maximum discard specification for the brake drums. The technician must measure the drum diameter to ensure it is not above the discard specification. When a drum becomes too thin on the outer edge, it is incapable of dispersing the heat created by braking, which is a safety hazard.

4. "**Check S-type cam** on air brake equipped vehicles, including checking that the slack-adjuster, push rod, cam, and shoe rollers are present, undamaged, and securely fastened."

   This is necessary to introduce the requirement that, during the drum brake inspection, technicians inspect the S-type cam on air brake equipped vehicles and ensure they are present, undamaged, and securely fastened. The S-type cam is the primary mechanical component of the brake actuating device for air brake equipped vehicles. When air brakes are activated, air is directed to a brake chamber that forces a push rod outward, which moves a slack adjuster, which turns the S-type cam. The S-type cam then moves shoe rollers to force brake shoes into the drums, which slows the vehicle. If the S-type cam or any of the associated parts such as the slack adjuster, push rod, or shoe rollers are loose or damaged, full application of the brakes will be inhibited.

5. "**Actuating arm** on a trailer equipped with an electrical brake system to ensure the arm is securely fastened, moves without binding, and activates the brake shoes."

   This is necessary to introduce the requirement that, during the drum brake inspection, technicians inspect the actuating arm on a trailer equipped with an electrical brake system to ensure it meets these criteria. The actuating-arm is the mechanical brake shoe activation device for electric trailer brakes. The arm is attached at one end to the magnet, and at the other end to a brake shoe. Once the magnet is energized, it attaches to the drum, and the actuating-arm forces the brake shoes outward into the drum. If the actuating-arm is loose or binds when the magnet is energized, full application of the brakes will be inhibited.

6. "**Check springs and hold-downs (brake hardware).** Inspect for missing or damaged return springs, hold-downs, and automatic

adjusters."

This is necessary to introduce the requirement that, during the drum brake inspection, technicians inspect the springs and hold-downs (brake hardware) for missing or damaged parts. Brake shoes are mounted to a drum backing plate by the use of hold-down pins and hold-down springs or retainers. If any of the hold-down components fail, the brake shoe will no longer be secure against the drum backing plate, allowing the shoe to shift out of position inside the drum, leading to diminished braking ability and possibly brake failure.

The brake shoes are forced into the drum by the wheel cylinder but return to their original position due to shoe return springs. If a return spring is missing or damaged, the shoes would not return to their original location after wheel cylinder activation. This could lead to the brake shoes dragging on the inside of the drum, causing the brakes to overheat.

The brake shoes maintain their adjustment in proximity to the drum with the assistance of an automatic adjuster. If the automatic adjuster fails, the shoes will not automatically adjust, and the distance between the shoe and drum would continually increase with usage. When drum brakes are out of adjustment, the vehicle does not brake as effectively.

7. "**Check backing plates and anchors** for any loose, bent, or distorted backing plates and galled anchors."

   This is necessary to introduce the requirement that, during the drum brake inspection, technicians inspect the backing plates and anchors for the described damage or issues. The drum backing plate holds the wheel cylinder, brake shoes, and brake shoe hardware in place inside of the drum. If a backing plate is loose, bent or distorted, it will not hold the brake components in their correct location in relation to the brake, which will inhibit the full application of the brakes.

   The anchor, which prevents the brake shoes from rotating inside the drum, is also mounted to the backplate. An anchor that becomes loose, bent, or galled will allow the brake shoes and hardware to shift within the drum, which will reduce the ability to fully apply the brakes.

8. "**Condition of wheel/axle/hub bearings and grease seals** by checking for any and all evidence of looseness or leakage."

   This is necessary to introduce the requirement that, during the drum brake inspection, technicians inspect the condition of the wheel/axle/hub bearings and grease seals to ensure they are not loose or leaking. With the brakes disassembled, the technician will be

able to inspect the wheel bearings, axle bearings, and hub bearing. These bearings allow the wheels to turn and are housed in, or close to, the brakes. If any of these bearings are loose, this can cause a looseness in the steering and serious damage to the axle. When these bearings leak, they can become damaged due to a lack of lubrication, and can contaminate the brake friction material.

"When reinstalling the wheels on the vehicle, the lug nuts must be torqued to the manufacturer's specifications."

The purpose of this statement is to establish the requirement that technicians use the manufacturer's specifications when tightening the lug nuts during wheel reinstallation after the brake system inspection.

This statement is necessary to introduce the requirement so technicians avoid damaging the wheel or brake system.

v. 5.5 Hydraulic System Inspection

The Bureau proposes adding Chapter 5.5 stating "When inspecting the brake's hydraulic system, the technician shall inspect the following:"

The purpose of this chapter is to establish the requirement that technicians perform an inspection of the brake's hydraulic system, when so equipped, and a list of the inspection criteria.

This chapter is necessary to introduce the requirement, the list of what must be inspected, and the inspection criteria and standards the vehicle must meet.

The list includes the following items:

A. "**Brake Fluid Level** to ensure it is within the range specified by the manufacturer."

   This is necessary to introduce the requirement that, during the hydraulic system inspection, technicians inspect the brake fluid level to ensure it meets this criterion. Brake fluid is the hydraulic fluid in the hydraulic system that transfers the force applied by the driver at the brake pedal to the individual hydraulic brake application devices at the wheels. Without brake fluid, the hydraulic system would not function, and the brakes would fail.

B. "**Master Cylinder** to ensure there are no external leaks at the hydraulic line connections, sensors, or push rod seal; that any electrical connectors, sensors, and switches are present, connected, and intact; the reservoir cover vent is unrestricted, and the reservoir

diaphragm/seal is not damaged, torn, or swollen due to brake fluid contamination."

This is necessary to introduce the requirement that, during the hydraulic system inspection, technicians inspect the master cylinder to ensure it meets these criteria. The brake master cylinder is the component in the hydraulic system that stores brake fluid, and when the brakes are applied, transfers that force to the hydraulic brake application devices at the wheels. As the component that stores brake fluid, it is imperative that the master cylinder does not leak. A leak can lead to a failure of the hydraulic system, and brake failure.

Sensors in the brake master cylinder are also used, in most cases, by the vehicle to verify that there is adequate brake fluid in the reservoir to operate the hydraulic system. When the brake fluid level drops to an unsafe level, the brake light on the dashboard will illuminate, making the driver aware of a problem with the brake system, and allowing the driver to correct that problem prior to brake system failure. Therefore, it is important that any electrical connectors, sensors, and switches are present, connected, and intact.

The brake master cylinder reservoir has a rubber diaphragm/seal on the brake master cylinder lid that stays in contact with the brake fluid surface to prevent evaporation and to keep dirt and dust out. To maintain contact with the brake fluid, the diaphragm has a vent that allows ambient air pressure to push down on the diaphragm when the brake fluid level drops during brake application. The vent must not restrict, and the diaphragm cannot be damaged or torn.

On occasion, someone will put a fluid other than brake fluid into the brake master cylinder, causing brake fluid contamination. When the brake fluid contaminate is petroleum based, it causes the hydraulic system's rubber seals to swell and the brake system to react in unexpected ways, such as brake lock-up or uncontrolled application. If the brake fluid is contaminated, the first rubber seal that it contacts is the reservoir diaphragm. Therefore, it is important to check the diaphragm to see if it is swollen due to contamination.

C. "**Electrical Pumps, Motors, and Hydraulic Modulators** to ensure the hydraulic lines are properly connected and free of leaks, and the electrical connectors, sensors, and switches are present, connected, and intact."

This is necessary to introduce the requirement that, during the hydraulic system inspection, technicians inspect the electrical pumps, motors, and hydraulic modulators to ensure they meet these criteria. The best example of electrical pumps, motors, and hydraulic

modulators are those used by a vehicle's antilock brake system. The antilock brake system uses these pumps and motors to modulate the application of brake fluid to the hydraulic brake application devices at the wheels to prevent the brakes from locking-up.

It is imperative that components of the hydraulic system do not leak. A leak can lead to a failure of the hydraulic system, and brake failure.

Since electrical pumps, motors, and modulators are powered and controlled through electrical wires, it is important that the electrical connectors, sensors, and switches are present, connected, and intact. If there is a problem with the wiring going to or from the electrical pumps, motors, and modulators, the system they are used for, such as the antilock brake system, will not function.

D. "**Calipers** to ensure there are no external leaks, damage, elongated or worn guide pins or mounting holes, cracks in the casting, worn mounting surfaces, or missing hardware, and that floating type calipers slide freely."

This is necessary to introduce the requirement that, during the hydraulic system inspection, technicians inspect the calipers to ensure they meet these criteria. The brake caliper is the hydraulic brake application device for disc brakes. The brake caliper is mounted to the spindle and is suspended over the brake rotor. Brake pads sit inside of a brake caliper and are forced in the rotor surface when the caliper is activated by the hydraulic pressure applied by the brake master cylinder slowing the rotors, which then slows the vehicle. Floating type calipers ride on mounting bolts or pin and, during brake application, the caliper slides to tighten and loosen on the brake rotor. If there is any missing, damaged, or worn hardware, the brake caliper will not operate as designed, negatively impacting the braking effectiveness.

It is imperative that components of the hydraulic system do not leak. A leak can lead to a failure of the hydraulic system, and brake failure.

E. "**Wheel Cylinders** to ensure they are securely fastened and there are no external leaks."

This is necessary to introduce the requirement that, during the hydraulic system inspection, technicians inspect the wheel cylinders to ensure they meet these criteria. The wheel cylinder is the hydraulic brake application device for drum brakes in a hydraulic system. The wheel cylinder is mounted to the backing plate and is activated by the hydraulic pressure applied by the brake master cylinder. When the wheel cylinder is activated, it forces the brake shoes into the surface of the drum, slowing the rotors, which then slows the vehicle.

It is imperative that components of the hydraulic system do not leak. A leak can lead to a failure of the hydraulic system, and brake failure. Additionally, if a wheel cylinder is not securely fastened, it will not apply the hydraulic force as designed, negatively impacting the braking effectiveness.

F. "**Hydraulic System Lines, Valves, and Components** by visually inspecting the brake lines from the master cylinder to the calipers or wheel cylinders, including any valves (e.g., proportioning, metering, combination), tubes, and hoses for any indication of leaks, stains, dampness, dents, kinks, splices other than a threaded flare-type fitting, or damaged fittings or hold-down clips."

This is necessary to introduce the requirement that, during the hydraulic system inspection, technicians inspect the hydraulic system lines, valves, and components to ensure they meet these criteria. The hydraulic pressure, applied by the brake master cylinder to the brake application devices, travels through metal hydraulic lines, hoses, and valves. Those lines, which stretch from the master cylinder to each of the wheels, runs through flare-type fittings, and valves that control the flow of the hydraulic pressure, and are held in place by hold down clips. When the lines reach the wheel wells, they connect to brake hoses, which are flexible and supply brake fluid to the brake application device while allowing the suspension to travel up and down. Any dents or kinks in those lines could inhibit proper hydraulic pressure being applied to the brake application device, negatively impacting braking effectiveness.

To handle the high hydraulic pressures, the flare-type fittings are double flared to ensure the line at the connection is strong and the flares mate to provide a strong sealing surface. A splice to a brake line that is not a threaded flare-type fitting is likely to leak.

As the lines and valve route the brake fluid, it is imperative that they do not leak. A leak can lead to a failure of the hydraulic system and brake failure. That is why the technician must inspect the lines, valves, and hoses for signs of leakage or seepage, such as stains and dampness.

G. "**Trailer Surge Brakes** to ensure that, in addition to the other items in this section, the trailer tongue and hydraulic actuating device housing is free of all cracks, damage, and deformation that will impact the device during activation, a lock-out system (whether mechanical or electrical) is present allowing the trailer to reverse without brake engagement, and that a break-away mechanism is present, intact, and functioning as designed."

This is necessary to introduce the requirement that, during the hydraulic system inspection, technicians inspect the trailer surge brakes to ensure they meet these criteria. Trailer surge brakes are a hydraulic system, contained to a trailer, that uses a hydraulic actuating device, attached to the trailer tongue instead of a master cylinder, to store brake fluid, and when the brakes are applied, transfers hydraulic force through the use of the brake fluid to the brake application devices at the wheels. Instead of being applied to a brake pedal, force is applied to the actuating device by the tow vehicle slowing or stopping, thereby decreasing the distance between the tow vehicle and the trailer.

Trailer surge brakes are subject to all the same inspection requirements in this subchapter, as they share the same components.

But instead of inspecting the brake master cylinder, the technician must inspect the brake application device, including the trailer tongue, for any cracks, damage, or deformation that will negatively impact the application device's ability to transmit braking force. If the trailer surge brakes do not operate properly, the trailer will not be able to stop, and the momentum of the trailer will have to be absorbed by the towing vehicle's brake system.

Trailer surge brakes must also allow the trailer to travel in reverse. The act of reversing decreases the distance between the tow vehicle and the trailer, causing the brakes to apply, which is what you wouldn't want when reversing a trailer. This requires the use of a mechanical or electrical lock-out system that will prevent the trailer brakes from applying when the tow vehicle is reversing the trailer. The technician must inspect the lock-out device to make sure it will allow the trailer to be reversed without applying the brakes.

Additionally, a trailer must have a way to stop itself if it breaks away from the tow vehicle. The technician must inspect the tailer to ensure that there is a break-away mechanism, and that it is intact and functioning. If the break-away mechanism is missing or not functioning, the trailer will not stop if it breaks away from the tow vehicle, which is a safety hazard.

vi. 5.6 Electric Trailer Brake System Inspection

The Bureau proposes adding Chapter 5.6 stating "When inspecting an electric trailer brake system, the technician shall inspect the following:"

The purpose of this chapter is to establish the requirement that a technician inspect a trailer with an electric brake system, and introduce a list of inspection criteria.

This chapter is necessary to establish the requirement, and list and describe what technicians must inspect and the standards these inspected components must meet.

The list includes the following items:

A. "**Wheel Magnets** are present, attached, and under sufficient coil spring pressure to cause the magnet to contact the inside surface of the drum, and that the wear indicators (dots) are still present."

This is necessary to introduce the requirement that, during the electric trailer brake system inspection, technicians visually inspect the wheel magnets to ensure they meet these criteria. Wheel magnets are the brake application device on an electric trailer brake system. These systems operate a drum brake system with brake shoes. A Wheel magnet is an electromagnet that is mounted to the drum backing plate with a coil spring that keeps the magnet from contacting the brake drum surface. When a wheel magnet is energized, it becomes magnetic, overcomes the coil spring pressure, and tries to attach itself to the inside surface of the drum. This causes the actuating arm that is attached to the wheel magnet to force the brake shoes out in the brake drum, which slows the drum and then the vehicle.

Wheel magnets develop wear over time from contacting the inside surface of the drum. To monitor the wear of a wheel magnet, manufacturers put wearing indicating "dots" on the magnets that wear away with use. If the dots are no longer present, the wheel magnet must be placed. Additionally, if there is not sufficient coil spring pressure, the magnet will drag on the inside of the drum, causing brake application when it is not expected or wanted.

B. "**Wiring, Switches, and Connectors** by visually inspecting the wires, electrical connections, and switches to ensure they are securely fastened, and that there is no damage to the wiring."

This is necessary to introduce the requirement that, during the electric trailer brake system inspection, technicians visually inspect the wiring, switches, and connectors to ensure they meet these criteria. Since electric trailer brakes are powered and controlled through electrical wires, it is important that the electrical connectors and switches are present, connected, undamaged, and intact. If there is a problem with the wiring going to or from the brake application devices, the system will not function as designed, which will either negatively impact brake efficiency or lead to brake system failure. If the electric trailer brakes do not operate properly, the trailer will not be able to stop, and the momentum of the trailer will have to be absorbed by the towing vehicle's brake system.

C. “**Break-Away System** to ensure the break-away cable is present and attached to the break-away switch, that the battery is wired to the system and is securely fastened, and that the system is functioning as designed by the manufacturer.”

This is necessary to introduce the requirement that, during the electric trailer brake system inspection, technicians inspect the break-away system to ensure it meet these criteria. A trailer must have a way stop itself if it breaks away from the tow vehicle. The technician must inspect the tailer to ensure that there is a break-away switch, that there is a battery wired to power the brakes in a “break-away” situation, and that the switch and battery are securely fastened and functioning. If the break-away switch is missing or not functioning, the trailer will not stop if it breaks away from the tow vehicle, which is a safety hazard.

vii. 5.7 Air System Inspection

The Bureau proposes adding Chapter 5.7 stating “When inspecting an air brake system, the technician shall perform a functional inspection of the system to ensure that it builds air pressure, manages air pressure through governor function, and maintains air pressure with the brakes released and applied in accordance with manufacturer and component manufacturer specifications. This inspection will also include a functional inspection of the vehicle’s air pressure gauge(s) and low-pressure warning device.

Additionally, the technician shall inspect the following:”

The purpose of this subchapter is to establish the requirement that a technician conduct an inspection of the air brake system, when equipped, introduce a list of inspection criteria, and provide direction on performing a functional test of the air brake system.

This subchapter is necessary to introduce the air brake system inspection criteria and standards that must be met.

The technician conducts this functional inspection by running the vehicle and allowing the air compressor to build enough air pressure that the governor determines the air pressure in the system is sufficient and disengages the compressor. This demonstrates that the compressor is capable of building sufficient pressure, and that the governor can manage the air systems pressure.

The technician will ensure that, after the compressor has disengaged, and without the brakes applied, the air system holds air pressure in

accordance with the manufacturer's specifications. This demonstrates the system is holding air pressure and not leaking.

After the technician verifies the system holds air pressure, they shall turn the engine off, while leaving the ignition on, and repeatedly pump the brake pedal, thereby depleting the air pressure in the air system, until there is an audible alarm from the low-pressure warning device in accordance with the manufacturer's specification. This demonstrates that the low-pressure warning device is working as intended. This entire process also allows the technician to verify the function of the air pressure gauge(s).

This functional test is necessary to ensure the air system is functioning as designed. If the air brake system cannot perform any of the required functions during this functional test, the air system will fail the air brake systems inspection portion of the vehicle safety systems inspection.

That list includes the following items:

A. "**Air compressor** when belt driven, check the belt for tightness and observe the belt condition."

   This is necessary to introduce the requirement that, if the air compressor is belt driven, the technician must inspect the belt (as part of the air brake system inspection) to ensure it meets these criteria. In addition to the functional test, the drive belt on a belt driven air compressor must be inspected to ensure that it is properly adjusted and not worn or cracked. If the drive belt fails or goes out of adjustment, the air compressor will not build air pressure.

B. "**Air reservoir tank(s)** to ensure it is securely fastened, and to check the safety valve is not stuck."

   This is necessary to introduce the requirement that, during the air brake system inspection, technicians must inspect all air reservoir tanks to ensure they meet these criteria. The air reservoir tanks must be securely fastened, not loosely mounted. The air reservoir tanks hold the air pressure for the air system. If the tanks are loose, they could be damaged by shifting around and start to leak. Air reservoir tanks also contain a safety valve that releases air pressure when the air system pressure becomes too great. The technician shall verify that the safety valve is not stuck. If the safety valve is stuck, excessive pressure would not be released, and air brake system components would explode.

C. "**Brake chambers** to ensure they are securely fastened, that there are no air leaks, and that the spring is not broken."

This is necessary to introduce the requirement that, during the air brake system inspection, technicians must inspect brake chambers to ensure they meet these criteria. The brake chambers are the brake application device on an air brake system and are mounted to the vehicle axle. When air brakes are activated, air is directed to the brake chamber that, in turn, forces a push rod outward, and ultimately applies the brakes. An internal spring forces the pushrod back when the air brakes are disengaged. Some brake chambers contain a separate spring chamber that acts like a parking or emergency brake when air pressure is lost. The technician must verify that the springs in the brake chambers are not broken. If either spring is broken, the brake chamber will either not cause the pushrod to return when disengaged, leaving the brakes applied, or the parking or emergency brake will not work.

D. "**Air System Lines, Valves, and Components** by visually inspecting the air lines for air leaks and each of the following: restricted, abraded, collapsed, or broken hoses or tubes."

This is necessary to introduce the requirement that, during the air brake system inspection, technicians must visually inspect air system lines, valves, and components to ensure they meet these criteria. The air pressure applied by the driver through the treadle valve to the brake chambers travels through air lines, hoses, and valves. Any restricted, leaking, collapsed, or broken airline could inhibit proper air pressure being applied to the brake chamber, negatively impacting braking effectiveness. Additionally, an abraded airline is likely to fail and create an air leak.

E. "**Trailer Air Brakes** to ensure that, in addition to the other items in this section, the trailer parking/emergency brake system applies and sets when air pressure falls below 20 to 45 psi."

This is necessary to introduce the requirement that, during the air brake system inspection, technicians must inspect tailer air brakes to ensure they meet these criteria. Trailer air brakes are subject to all the other inspection requirements in this subchapter, as they have most of the same components as other vehicles. In addition to those other inspections, the technician shall perform a functional inspection of the trailer's parking/emergency brakes by causing the air pressure to fall to the manufacturer's specification for the application of the parking/emergency brakes. If the parking/emergency brakes are not functioning, the trailer will not stop if it breaks away from the tow vehicle, which is a safety hazard.

viii. 5.8 Parking (Emergency) Brake Inspection

The Bureau proposes adding Chapter 5.8 stating “The Parking (Emergency) Brake Inspection is a functional inspection of the parking brake system. When inspecting the parking brake, the technician shall engage the parking brake to verify the following:

1. The parking brake holds the vehicle or combination of vehicles stationary under all conditions of loading on a surface free from snow, ice, and loose material.

2. The dashboard parking brake light is illuminating when the parking brake is applied and turns off when the parking brake is disengaged.”

The purpose of this chapter is to establish the requirement that technicians perform a functional inspection of the vehicle’s parking brake, and introduces the inspection criteria.

This chapter is necessary to introduce the parking brake inspection criteria and standards that must be met.

This chapter provides the technician with the surface conditions for the parking/emergency brake inspection. When conducting the inspection, the surface on which the vehicle is parked must be free of snow, ice, or loose material that can make the surface slippery or unsteady. With the parking brake applied, the technician shall place the vehicle in a drive gear, release the brakes and verify that the parking brake holds the vehicle in position. A parking/emergency brake that fails to hold a vehicle in place when called upon to do so is a safety hazard.

Additionally, the parking brake light notifies the driver when the parking brake is engaged. If the parking brake light is not functioning, the driver may try to drive the vehicle with the parking brake engaged, which can lead to the brakes overheating and failing.

ix. 5.9 Brake Systems Warning Lights/Messages Inspection

The Bureau proposes adding Chapter 5.9 stating “There can be several different warning lights or messages related to operation of the brake system, including lights or messages related to brake fluid level, friction material (lining) wear, or anti-lock brake system (ABS) operation. It is the technician’s responsibility to know what warning lights or messages the vehicle is equipped with according to the vehicle manufacturer’s specifications.”

The purpose of the chapter is to establish the requirement that a technician inspect any brake system warning light or warning message the vehicle is equipped with, and introduce inspection criteria. Additionally, this subchapter provides an explanation of the different types of warning lights and messages, and requires the technician to know the types of warning lights and messages the vehicle they are inspecting has.

This chapter is necessary to introduce the brake system warning lights/messages inspection procedure, criteria, and standards that must be met.

The Bureau proposes adding Chapter 5.9(A) stating “A. **Check operation.** The technician shall follow manufacturer procedures to verify the operation of every brake system related warning light and warning message(s) with which the vehicle is equipped.”

This chapter item is necessary to introduce the requirement that technicians follow manufacturer procedures when inspecting warning lights and messages, including the ABS light. If the technician does not know what warning lights and messages the vehicle is equipped with or how to inspect them, he might fail to inspect a malfunctioning or nonfunctioning light that, when functioning as intended, provides critical information about the brake system to the driver.

The Bureau proposes adding Chapter 5.9(B) stating “B. **Dashboard warning lights.** When inspecting the brake system warning light(s), the technician shall verify the light(s):

1. Illuminate(s) when the key is turned to the ignition on - engine off position. This “bulb-check” allows the technician to verify the bulb is functional, but the bulb should turn off after the engine is started.
2. Does not stay illuminated after the bulb-check. If the light stays illuminated after the “bulb-check”, that indicates a system malfunction.”

This chapter is necessary to introduce the requirement that technicians perform this key-on engine-off test to verify that all brake warning lights or

messages, including the ABS light, are functioning and the systems are operational. If the lights stay illuminated, there is a system malfunction that needs to be corrected. If the lights are not functioning as designed, the driver will not know there is a brake system malfunction in need of repair, and will continue to operate the vehicle, which is a safety hazard.

x. Do Not Certify when:
The Bureau proposes adding a "Do Not Certify when" list to Chapter 5.

The purpose of each item on the "Do Not Certify when" list is to provide specific criteria related to the brakes that, when found by a vehicle safety systems technician (during the inspection conducted pursuant to the requirements, standards, and criteria in Chapter 5), shall cause the vehicle to fail the brake system inspection portion of the vehicle safety systems inspection.

The list includes the following items:

- "The brake pedal is not securely fastened, is binding, or fails to return to its original position."

  This is necessary to introduce the requirement that the technician fails a vehicle's brake system inspection if any of these criteria are met. A brake pedal that is loose, binding, or fails to return to its original position can either cause inadequate application of the brake system when the pedal is applied, or a constant and continuous application of the brake system, which could result in brake failure—both of which are safety hazards that endanger everyone on the road.

- "The power brake assistance system fails to provide braking assistance, is damaged, or is leaking."

  This is necessary to introduce the requirement that the technician fails a vehicle's brake system inspection if any of these criteria are met. A power braking assistance system that fails, is damaged, or is leaking can cause the brake pedal to feel hard and be difficult to apply.

- "There are any missing, broken, or damaged wheel studs or lug nuts."

  This is necessary to introduce the requirement that the technician fails a vehicle's brake system inspection if any of these criteria are met. Missing, broken, or damaged wheel studs or lug nuts cause the wheels attachment to the vehicle to be less secure and pose a safety hazard.

- "Any brake rotor or brake drum does not meet the manufacturer's specifications, is corroded, or is damaged."

This is necessary to introduce the requirement that the technician fails a vehicle's brake system inspection if any of these criteria are met. A rotor or drum that does not meet manufacturer's specification is incapable of dispersing the heat created by braking, which is a safety hazard. Additionally, a corroded or damaged rotor or drum will negatively impact braking effectiveness.

- "Any brake pad or shoe does not meet the manufacturer's service limits, is contaminated, or is damaged."

  This is necessary to introduce the requirement that the technician fails a vehicle's brake system inspection if any of these criteria are met. A brake pad or shoe worn beyond the manufacturer's service limit will damage the rotor and ultimately lead to brake failure. Additionally, if the friction material is contaminated or damaged, it will be less effective at creating the friction necessary to slow the vehicle, which is a safety hazard.

- "Any drum brake shoe is installed incorrectly."

  This is necessary to introduce the requirement that the technician fails a vehicle's brake system inspection if this criterion is met. When brake shoes are installed incorrectly, it negatively impacts their braking effectiveness, which is a safety hazard.

- "Any drum brake hardware (including an S-type cam or actuating arm), anchors, or backplate is missing or damaged."

  This is necessary to introduce the requirement that the technician fails a vehicle's brake system inspection if these criteria are met. If drum brake hardware is missing or damaged, this will inhibit the full application of the brakes.

- "Any axle bearing/grease seal is found to have failed."

  This is necessary to introduce the requirement that the technician fails a vehicle's brake system inspection if this criterion is met. When axle bearings fail, they can cause looseness in the steering and serious damage to the axle, and when grease seals leak, the bearing can become damaged due to a lack of lubrication and can contaminate the brake friction material.

- "The master cylinder is damaged, leaking, or internally bypassing, or there is evidence of brake fluid contamination."

  This is necessary to introduce the requirement that the technician fails a vehicle's brake system inspection if any of these criteria are met. A

master cylinder that is damaged, leaking, or internally bypassing can result in either the brakes not fully applying or unexpectedly releasing while the pedal is depressed. When the brake fluid is contaminated, the brake system can react in unexpected ways, such as brake lock-up or uncontrolled application.

- “Any valve (e.g., proportioning, metering, combination) is leaking or damaged.”

  This is necessary to introduce the requirement that the technician fails a vehicle’s brake system inspection if this criterion is met. A brake fluid leak can lead to a failure of the hydraulic system and brake failure.

- “Any caliper is leaking or damaged, or has any missing or worn hardware or components.”

  This is necessary to introduce the requirement that the technician fails a vehicle’s brake system inspection if any of these criteria are met. A caliper with missing, damaged, or worn hardware will not operate as designed, negatively impacting the braking effectiveness. A leaking caliper can cause hydraulic system and brakes to fail.

- “Any wheel cylinder is leaking, damaged, or not securely fastened.”

  This is necessary to introduce the requirement that the technician fails a vehicle’s brake system inspection if this criterion is met. A wheel cylinder that is damaged or not securely fastened will not apply the hydraulic force as designed, negatively impacting the braking effectiveness. A leaking wheel cylinder can cause the hydraulic system and brakes to fail.

- “Any brake fluid or air system leak is found.”

  This is necessary to introduce the requirement that the technician fails a vehicle’s brake system inspection if this criterion is met. A brake fluid leak in a hydraulic system or an air leak in an air brake system can lead to brake failure.

- “Any wheel magnet is not securely fastened, is not under sufficient spring pressure, or is worn to the point the wear indicators (dots) are no longer present.”

  This is necessary to introduce the requirement that the technician fails a vehicle’s brake system inspection if any of these criteria are met. A worn wheel magnet must be replaced, and if the wheel magnet does not have sufficient coil spring pressure, the magnet will drag on the inside of the drum, causing brake application when it is not expected.

- “Any electric trailer brake wiring, connector, or switch, or the electric trailer brake battery, is missing, damaged, or not securely fastened.”

  This is necessary to introduce the requirement that the technician fails a vehicle’s brake system inspection if any of these criteria are met. If the electric trailer brake wiring, one or more connectors, one or more switches, or the battery are missing, damaged, or not securely fastened, either the brake efficiency will be negatively impacted, or the brake system will fail.

- “Any of the air brake system components fails the inspection detailed in Chapter 5.7 of this manual.”

  This is necessary to introduce the requirement that the technician fails a vehicle’s brake system inspection if this criterion is met. If the air compressor, governor, or low-pressure warning device are not functioning as designed by the manufacturer, the air brake system will not function, so the air brake system will fail the brake system inspection.

- “Any of the air brake system components are not securely fastened, or are missing or damaged.”

  This is necessary to introduce the requirement that the technician fails a vehicle’s brake system inspection if any of these criteria are met. Any missing, damaged, or loose air brake systems components can negatively impact brake efficiency or damage the component.

- “The brake chamber spring is broken.”

  This is necessary to introduce the requirement that the technician fails a vehicle’s brake system inspection if this criterion is met. A broken brake chamber spring will either cause the push rod to not return, leaving the brakes applied, or the parking or emergency brake not to work.

- “The air brake system is not capable of providing full brake application.”

  This is necessary to introduce the requirement that the technician fails a vehicle’s brake system inspection if this criterion is met. Inability to fully apply the brakes is a safety hazard endangering everyone on the road.

- “The parking brake does not hold the vehicle under all load conditions.”

  This is necessary to introduce the requirement that the technician fails a vehicle’s brake system inspection if this criterion is met. Parking

brakes must hold vehicles in place when engaged. A parking brake that fails to hold the vehicle in place when engaged is a safety hazard.

- "The vehicle (except motorcycles) is not equipped with both a brake system and a parking/emergency brake system."

  This is necessary to introduce the requirement that the technician fails a vehicle's brake system inspection if this criterion is met. For the safety of all vehicle occupants and everyone on the road, every vehicle must be equipped with a brake system and a parking/emergency brake system. Additionally, pursuant to VC 26301.5, every passenger vehicle manufactured and first registered after January 1, 1973, except motorcycles, must be equipped with an emergency brake system.

- "Any portion of the brake system is configured improperly according to vehicle or component manufacturer specifications."

  This is necessary to introduce the requirement that the technician fails a vehicle's brake system inspection if this criterion is met. A vehicle that has improperly configured brakes will have diminished braking ability, which is a safety hazard.

- "The trailer break-away system is missing, has any missing components, is damaged, or fails to operate correctly."

  This is necessary to introduce the requirement that the technician fails a vehicle's brake system inspection if any of these criteria are met. If a trailer's break-away system is fully or partially missing, is damaged, or fails to operate correctly, the trailer will not stop if it breaks away from the tow vehicle, which is a safety hazard.

- "Any brake system warning lights or warning messages do not "bulb-check" or they stay illuminated."

  This is necessary to introduce the requirement that the technician fails a vehicle's brake system inspection if either of these criteria are met. If any brake system warning lights or warning messages do not "bulb-check" or stay illuminated, there is a system malfunction that needs to be corrected.

h. CHAPTER 6 Steering and Suspension

The purpose of this chapter is to provide vehicle safety system technicians with an overview of the inspection criteria and standards for the steering and suspension systems, including the pass/fail criteria in which the inspection determination shall be made.

It is necessary to provide this information to inform stations and technicians about the steering and suspension inspection, the requirements, and standards for performing inspections on vehicle steering and suspension systems, and what they must do to comply with these requirements and standards. Chapter 6.1 provides an introductory overview, and each subsequent chapter covers a different portion of these topics, including a thorough list of the chapter's "fail criteria"; each chapter is therefore necessary to effectuate this purpose.

i. 6.1 Steering and Suspension Systems Inspection Overview
The Bureau proposes adding Chapter 6.1 stating "The inspection of the steering and suspension systems is a physical and visual inspection that will include any and all bushings, bearings, ball-type socket joints, arms, rods, struts, bars, subframes, belts, power assist fluids, steering gears, steering columns, shocks, springs, linkages, and steering and suspension related sensors, switches, and wiring."

The purpose of this chapter is to provide the technician with an overview of the steering and suspension components they will inspect as part of the steering and suspension systems inspection.

This chapter is necessary to introduce the list of vehicle components to inspect in the steering and suspension systems inspection.

ii. 6.2 Physical Inspection
The Bureau proposes adding Chapter 6.2 stating "The technician shall:"

The purpose of this chapter is to introduce the requirement that the technician conduct a physical inspection of the steering and suspension systems components, and to introduce a list of the inspection criteria.

This chapter is necessary to introduce the requirements and list of inspection criteria for the physical inspection of the steering and suspension systems.

The list includes the following items:

A. "Inspect the steering column to ensure that it is securely fastened, the bearings securely support the steering shaft inside the column, turn freely without binding, and the steering wheel is securely fastened to the steering shaft."

   This is necessary to introduce the requirement that, during the steering and suspension systems inspection, technicians inspect the steering column to ensure these criteria are met. A vehicle steering column is made up of several different components that work together to apply the driver's turning force at the steering wheel to the steering gear,

whether the vehicle is equipped with a steering box or rack and pinion unit. During this functional inspection, the technician must rotate the steering wheel of the vehicle, which is attached to the steering shaft, to ensure the steering shaft inside of the steering column—supported by bearings—rotates smoothly, turns freely, and does not bind. Failing bearings cause the steering shaft inside of the steering column to bind when turning the steering wheel, so the driver will experience resistance when trying to steer vehicle, which is a safety hazard.

B. “If equipped with power assistance (hydraulic/electrical), rotate the steering wheel from the left to the right while the power assistance system is functioning to verify that the power assistance is operational.”

   This is necessary to introduce the requirement that, if the vehicle is equipped with power assistance (hydraulic/electrical), during the steering and suspension systems inspection, technicians conduct a functional inspection to verify the power assistance is operational. Power steering, whether hydraulic or electrical, reduces the effort needed to turn the steering wheel, making the vehicle easier to steer. During this functional inspection of a vehicle equipped with power steering, the technician must rotate the steering wheel from left to right and be able to feel the assistance being provided by the power steering system. To accomplish this, the power steering system must be activated, which means the engine must be running in order to receive hydraulic or electrical assistance. If the power steering system is not functioning, the vehicle will be difficult. If there is intermittent power assistance while the steering wheel is rotated, a driver might have difficulty anticipating when they will receive assistance, and how much assistance they will receive, making the vehicle more difficult to steer. Both scenarios are safety hazards.

C. “Before removing tires, wiggle the wheel/tire assemblies side-to-side and top-to-bottom to check for worn inner or outer tie rod ends, worn wheel bearings, control arm bushings, worn steering gear/rack and pinion mounts, or other defective steering and suspension items. Any wear should be noted, and the defective part identified. If wear is identified in the upper or lower ball joints during this inspection, the technician must follow the procedures in Title 16, CCR section 3360.2 prior to condemning the ball-joint or recommending the replacement.”

   This is necessary to introduce the requirement that, during the steering and suspension systems inspection, technicians inspect whether the included components are worn.

   There are various rod and control arms that connect the wheel/tire assembly to the vehicle’s steering and suspension systems.

The steering system, whether a conventional steering system with a steering box and various links, or a rack and pinion assembly, is connect to the steering knuckle or spindle through tie rods. When the driver turns the steering wheel, the steering system pushes and pulls on the tie rods to turn the spindle, which turns the wheels in the desired direction. The wheels are mounted to the spindle by a wheel hub and bearing assembly. The tie rods are comprised of an adjustable rod assembly with ball-type socket joints that connect on one end to the steering system and on the other end to the spindle. If those ball-type sockets become worn, the steering is less responsive, and if they break, the vehicle cannot be steered.

The suspension system is connected, in various independent suspension configurations, to the spindle through ball-joints and control arms. The control arms or rods/links, which are mounted to the vehicle's frame, subframe, or unibody structure with bushings, connect to the spindle, in dependent suspension applications. In a non-independent, solid axle configuration, the axle is suspended by springs and by arms, rods, or links (or a combination of them). Each of the control arms, rods, or links controls the wheel as it moves up and down, based on the road surface. They are mounted by bushings, that can wear and fail. When one of these bushings wears or fails, it diminishes the vehicle's stability and can cause vibration and uneven tire wear.

By wiggling the wheel side-to-side and top-to-bottom, the technician will feel, and likely hear, when any of these ball joints, ball-type sockets, bushings, bearing, or mounts is worn or has failed. After identifying that there is a worn or failed part, the technician can inspect the individual steering and suspension components connected to the spindle to identify the offending part or parts.

If, during this functional inspection, the technician finds wear in the spindle's upper or lower ball joint, they must then follow the accepted standard procedure provided in Title 16 CCR section 3360.2 for measuring the ball joint so they can determine if the wear exceeds the manufacturer specifications prior to condemning the ball joint. If the wear does exceed specification, and the station recommends ball joint replacement, the degree of wear must be recorded on the customer's invoice.

iii. 6.3 Visual Inspection

The Bureau proposes adding Chapter 6.3 stating "The technician shall:"

The purpose of this chapter is to establish the requirement that technicians conduct a visual inspection of the steering and suspension systems components and provide a list of the inspection criteria.

This chapter is necessary to introduce the requirements and inspection criteria for the visual inspection of the steering and suspension systems.

The list includes the following items:

A. “Inspect the power steering system for fluid level and leaks, inspect the power steering pump drive belt for proper adjustment, and observe the belt condition.”

   This is necessary to introduce the requirement that, during the steering and suspension systems inspection, technicians inspect the power steering system and pump drive belt using these criteria and instructions. Power steering fluid provides the hydraulic power necessary for power steering system to work. If there is an insufficient amount of power steering fluid in the system, possibly due to a leak, then the power steering will either not function or function intermittently. Additionally, power steering has a flash point of 400 degrees and can catch fire if it has contact with various components of the vehicle’s exhaust system.

   Additionally, the power steering drive belt must be inspected to ensure that it is properly adjusted and not worn or cracked. If the drive belt fails or goes out of adjustment, the pump will not be able to supply the hydraulic pressure necessary to make the power steering system work.

B. “Inspect the rack and pinion assembly: check for bent tie rods, sensors, switches, and wiring, check for fluid leaks, and ensure the rack and pinion assembly is securely fastened.”

   This is necessary to introduce the requirement that, during the steering and suspension systems inspection, technicians inspect the rack and pinion assembly using these instructions and criteria. The rack and pinon assembly connects the steering column to the spindles by converting the rotational motion of the steering wheel into the linear motion needed to turn the wheels. Unlike a conventional steering system, the rack and pinion assembly is a self-contained unit and does not need various steering linkages and rods to accomplish steering. The vehicle’s control module may monitor the rack & pinion’s operation for various vehicle management functions using sensors and switches.

   If a rack and pinion assembly becomes loose, or the tie rods become bent, steering ability will be negatively impacted. Additionally, if any of the sensors, switches, or wires are damaged, the vehicle does not have the information necessary for vehicle management functions. Both issues are safety hazards.

C. “Inspect steering gear box systems for secure mounting, damaged frame mounting location, excessive play in ball-type socket joints, and bent steering linkage.”

This is necessary to introduce the requirement that, during the steering and suspension systems inspection, technicians inspect the steering gear box systems for the listed criteria. A conventional steering system uses a steering gear box to connect the steering column to the spindles. Unlike a self-contained rack and pinion assembly, the gear box is connected to a series of arms and linkages to create the linear motion necessary to turn the wheels.

The steering box is mounted to the vehicle frame and, over time, can twist and tear the frame at the mounting location. Additionally, there can be excessive wear or “play” in the ball-type sockets that connect the steering arms and linkages, or the arms and linkages themselves can be bent. In these situations, the ability to steer the vehicle will be negatively impacted, which is a safety hazard.

D. “Inspect all visible steering and suspension related sensors, switches, actuators, and wiring for damage and proper routing.”

This is necessary to introduce the requirement that, during the steering and suspension systems inspection, technicians inspect the listed and visible steering and suspension-related components for damage and proper routing. Some vehicles have control modules that monitor or actively control the vehicle’s steering and suspension systems using various sensors, switches, and actuators. These sensors, switches, and actuators are powered and controlled through electrical wires. It is important that the electrical wires are undamaged and properly routed to keep them from areas where they can be damaged. If there is a problem with the wiring going to or from any of the sensors, the vehicle will not be able to monitor and actively control the steering and suspension systems as designed to, and that may negatively impact those systems’ efficiency, which poses a safety hazard.

E. “Inspect all suspension components for damage, including (but not limited to) the control arms, radius arms, strut rods, sway bar, subframes, and trailing arms.”

This is necessary to introduce the requirement that, during the steering and suspension systems inspection, technicians inspect suspension components for damage. Suspension components, such as the ones listed in this item, work together to stabilize, and control the vehicle by absorbing the energy from bumps, dips, and other similar road conditions the vehicle encounters during a drive. When

any of these listed suspension components are damaged, it can cause vehicle vibration, misalignment, wobbly wheels, uneven tire wear, and steering difficulties, which is a safety hazard.

F. “Inspect all bushings for signs of deterioration, damage, and wear.”

This is necessary to introduce the requirement that, during the steering and suspension systems inspection, technicians inspect bushings for deterioration, damage, and wear. Suspension bushings allow various suspension components, such as control arms, to move in a controlled fashion while isolating the vehicle from the vibration created by this movement. When a suspension bushing deteriorates, or becomes damaged or worn, it diminishes the vehicle’s stability, can cause the vehicle to vibrate during a drive, and causes uneven tire wear.

G. “Inspect struts and shocks, and their mounts, for damage and leaks.”

This is necessary to introduce the requirement that, during the steering and suspension systems inspection, technicians inspect struts and shocks, and their mounts, for damage and leaks. Shocks and struts function in a suspension to control the rebound of the suspension spring. If a shock or strut fails to perform this function, the suspension spring will continue to compress and rebound until it has expended its kinetic energy. When the suspension bounces uncontrollably, the amount of contact the tire has with the road surface decreases. This makes vehicles more difficult to steer and control, a safety hazard.

The shocks and struts, and their mounting locations, must be inspected for damage or leaks to ensure neither the shocks nor the struts are not leaking or damaged, and that they are able to perform their function controlling the suspension spring.

H. Inspect springs (air, coil, leaf, and torsion bar) for the following: wear, damage, and breaks.”

This is necessary to introduce the requirement that, during the steering and suspension systems inspection, technicians inspect the listed spring types for wear, damage, and breaks. The suspension spring is the suspension component that suspends the vehicle and is controlled by a shock or strut. Those “springs” can take various forms, such as a coil spring, leaf spring, torsion bar, or air bag. If the spring is damaged, worn, or broken, it poses a safety hazard by allowing the corner of the vehicle that is supported by the defective spring to collapse on the suspension, making the vehicle more difficult to control.

iv. 6.4 Steering and Suspension Warning Lights Inspection

The Bureau proposes adding Chapter 6.4 stating “When a vehicle is equipped with an active safety feature that keeps traction between the vehicle’s tires and the road’s surface in slippery or dangerous conditions, as specified in the manufacturer’s specifications for the vehicle, the warning lights for those systems shall be inspected. These types of suspension and steering traction warning lights are often referred to as “Traction Control System”, “Vehicle Stability Control”, “Electronic Stability Program”, “Dynamic Stability Control” (though this list is not exhaustive). When inspecting the steering and suspension warning lights, the technician shall verify the dashboard warning light(s):

A. Illuminate(s) when the key is turned to the ignition on - engine off position. This “bulb-check” allows for verification that the bulb is functional, but the bulb should turn off after the engine is started.

B. Does not stay illuminated after the “bulb-check”. If the light stays illuminated after the “bulb-check”, that is an indication of a system malfunction.”

The purpose of this chapter is to establish the requirement that technicians inspect the steering suspension warning lights on vehicles equipped with the active safety feature described, provide a list of some names different manufacturers use for these warning lights, and provide criteria for performance of a “bulb-check.”

This chapter is necessary to introduce the requirement to perform a key-on engine-off “bulb-check” to verify that steering and suspension warning lights are properly functioning, so they correctly indicate whether the steering and suspension active safety feature/traction control system is operational. If the lights stay illuminated, there is a system malfunction that needs to be corrected. If the lights are not functioning as designed, the driver would not know that there is a steering and suspension traction control system malfunction that needs to be repaired, which poses a safety hazard.

v. Do Not Certify when there is/are:
The Bureau proposes to add a “Do Not Certify when there is/are” list to Chapter 6.

The purpose of this “Do Not Certify when there is/are” list is to provide specific criteria related to the safety systems in the steering and suspension systems that, when found by a vehicle safety systems technician (during the inspection conducted pursuant to the requirements, standards, and criteria in Chapter 6), shall cause the vehicle to fail the

steering and suspension systems inspection portion of the vehicle safety systems inspection.

It is necessary to provide this list to establish that, if any of the conditions listed are met, the technician must fail the vehicle's steering and suspension systems inspection, and not certify the vehicle.

The list includes the following items:

- "Power steering fluid leaks."

  This listing is necessary to introduce the requirement that the technician fails the vehicle's steering and suspension portion of the inspection if this criterion is met. A power steering fluid leak can cause the power steering system to not function or to function intermittently. Additionally, power steering has a flash point of 400 degrees and can catch fire if it has contact with various components of the vehicle's exhaust system.

- "Damaged or worn steering components."

  This listing is necessary to introduce the requirement that the technician fails the vehicle's steering and suspension portion of the inspection if this criterion is met. Damaged or worn steering components negatively impact the ability to steer the vehicle, which is a safety hazard.

- "Damaged or worn suspension components."

  This listing is necessary to introduce the requirement that the technician fails the vehicle's steering and suspension portion of the inspection if this criterion is met. Damaged or worn suspension components can cause vehicle vibrations, misalignments, wobbly wheels, uneven tire wear, and steering difficulties, and are therefore safety hazards.

- "Damaged or worn ball-type socket joints."

  This listing is necessary to introduce the requirement that the technician fails the vehicle's steering and suspension portion of the inspection if this criterion is met. Damaged or worn ball-type socket joints can negatively impact the ability to control and steer the vehicle, and are therefore safety hazards.

- "Damaged or worn ball joints."

This listing is necessary to introduce the requirement that the technician fails the vehicle's steering and suspension portion of the inspection if this criterion is met. Damaged or worn ball joints can negatively impact the ability to control or steer the vehicle, and when a ball joint fails, the corner of the vehicle supported by the ball joint is likely to collapse.

- "Worn steering column mounting or bearings."

  This listing is necessary to introduce the requirement that the technician fails the vehicle's steering and suspension portion of the inspection if this criterion is met. Worn steering column mounting or bearings can cause the steering shaft inside of the steering column to bind when turning the steering wheel, which is a safety hazard.

- "Malfunctioning, damaged, or worn wheel bearings."

  This listing is necessary to introduce the requirement that the technician fails the vehicle's steering and suspension portion of the inspection if this criterion is met. Damaged or worn wheel bearings can cause serious damage to the drive axle and steering assembly, which is a safety hazard.

- "Malfunctioning or inoperative power assist system."
  This listing is necessary to introduce the requirement that the technician fails the vehicle's steering and suspension portion of the inspection if this criterion is met. An inoperative power assist system can make the vehicle very difficult to steer. If there is intermittent power assistance, the driver might have difficulty anticipating when they will receive assistance, and how much assistance they will receive, making the vehicle more difficult to steer.

- "Broken, damaged, or worn springs (air, coil, leaf, or torsion bar)."

  This listing is necessary to introduce the requirement that the technician fails the vehicle's steering and suspension portion of the inspection if this criterion is met. A damaged, worn, or broken spring allows the corner of the vehicle is supported by the defective spring to collapse on the suspension, making the vehicle more difficult to control. This is a safety hazard.

- "Any steering or suspension warning lights that do not "bulb-check" or that stay illuminated."

  This listing is necessary to introduce the requirement that the technician fails the vehicle's steering and suspension portion of the inspection if this criterion is met. If a steering and suspension warning

light stays illuminated, there is a system malfunction that needs to be repaired. If the light does not function as designed, the driver will not know whether there is a steering or suspension traction control system malfunction that needs to be repaired, which is a safety hazard.

i. CHAPTER 7 Body Structure

The purpose of this chapter is to provide vehicle safety system technicians with an overview of the body structure inspection criteria and standards for the vehicles they are inspecting, including the pass/fail criteria in which the inspection determination shall be made.

It is necessary to provide this information to inform stations and technicians about the body structure inspection, the requirements, and standards for performing inspections on vehicle body structure systems, and what they must do to comply with these requirements and standards. The Chapter 7.1 provides an introductory overview, and each subsequent chapter covers a different portion of these topics, including a thorough list of the chapter's "fail criteria"; each chapter is therefore necessary to effectuate this purpose.

i. 7.1 Body Structure Inspection Overview

The Bureau proposes adding Chapter 7.1 stating "A vehicle requiring a vehicle safety systems inspection may have been deemed a total-loss due to severe accident damage, which could have severely altered the shape and structure of the frame or unibody. The body structure inspection is a visual inspection of the vehicle panels, frame/unibody, fuel system, and other components. Licensed technicians shall consult sections 27154 (sealing the cab from gases or fumes), 27600 (body panel requirements for specified vehicles), and 28071 (bumpers) of Division 12, Chapter 5 of the VC to ensure minimum inspection standards for the body structure inspection are met."

The purpose of this chapter is to provide the technician with an overview of the body structure inspection criteria and standards, and provide the applicable VC sections. Another purpose of this chapter is to notify the vehicle safety systems technician that since vehicles inspected in the vehicle safety systems inspection program will primarily be those revived from total loss vehicles to salvage titles, the technician should look out for unrepaired or poorly repaired collision damage to the vehicle.

This chapter is necessary to introduce the body structure inspection criteria and standards, inform the technician of the applicable VC sections to reference, and warn technicians of the strong likelihood they will inspect vehicles with unrepaired or poorly repaired collision damage.

ii. 7.2 Passenger Vehicle Inspection

The Bureau proposes adding Chapter 7.2 stating "The body structure and adjoining components are designed to work together in an accident. Damage to one section of a vehicle may compromise the overall structure of the vehicle. When inspecting the vehicle's body structure, the technician shall inspect the following items, as applicable, to ensure they are securely fastened, are free of damage affecting functionality, and operate as designed without binding or jamming:"

One purpose of this chapter is to inform the vehicle safety systems technician that vehicles are designed to absorb and direct the energy from a collision away from the vehicle's occupants. For example, if the vehicle was damaged on the right rear corner during a collision, the front vehicle structure (frame or unibody structure) may be damaged, or out of specifications too.

Another purpose of this chapter is to introduce a list of vehicle body parts the technician must inspect to ensure they are free from binding or jamming. A door, hood, or trunk that binds or jams when operated may indicate the body structure has bent or shifted out of specifications. It is a safety hazard for a vehicle to have structural damage, as structural damage can negatively impact the ability to control the vehicle, and, if the vehicle were involved in another collision, the damaged structure will not direct the collision energy away from the vehicle's occupants as intended or designed.

This subchapter is necessary to introduce the requirements and inspection criteria for the vehicle body parts inspection.

A. **"Hood:** The hood must securely latch when shut. The hood latch on most vehicles is a two-stage latch design. The main latch, normally located inside the vehicle, is operated by pulling the hood release lever. The secondary safety latch is operated from the exterior of the vehicle and accessible once the main latch is released. This two-stage latch is designed to prevent the hood from opening while the vehicle is in motion. The main latch and secondary safety latch must operate as designed by the manufacturer."

   This chapter item is necessary to introduce the requirement that the technician inspect the hood and hood latch system, and to provide a detailed description of the two-stage hood latch system the technician must inspect. If a hood's two stage latch is not working, the hood can fly open while the vehicle is being driven, impairing the driver's ability to see the road. The hood inspection also includes ensuring the hood operates as designed without binding or jamming.

B. **"Doors:** Most vehicle doors have a two-stage latch design and both

stages of the latch are operated from either the inside or the outside door handles. If the vehicle is equipped with a two-stage latch mechanism, both stages of the latch must be operational, and work as designed by the manufacturer. Additionally, doors must open and close as designed by the manufacturer when using the interior and exterior door handles."

This chapter item is necessary to introduce the requirement that the technician inspect the doors and door latch system, and to provide a detailed description of the two-stage door latch system the technician must inspect. If a door's two stage latch is not working, the door can fly open when the vehicle is being driven, which is a safety hazard.

The door inspection also includes the technician ensuring that the door can be opened using the interior and exterior door handles. When an interior or exterior door handle does not open the door, it prevents a vehicle occupant from either exiting or being removed from the vehicle, which is a safety hazard, especially in an emergency situation.

The door inspection also includes ensuring the door operates as designed to without binding or jamming.

C. **"Trunk/Liftgate/Hatchback:** The technician shall inspect the hinged body part at the rear of the vehicle to ensure it operates as designed without binding or jamming."

This chapter item is necessary to introduce the requirement that the technician inspect the hinged body part at the rear of a vehicle to ensure it operates as designed to without binding or jamming.

The Bureau proposes adding the statement "The technician shall inspect the following items to ensure they are securely fastened and free of damage or defects that prevent the item from operating as intended by the manufacturer:"

The purpose of this statement is to provide a transition from the requirements of inspecting hinged body parts to the requirements of inspecting other parts and systems of the vehicle. The technician must inspect the listed items for damage or defects that would prevent the body part or system from operating as intended by the manufacturer. In the case of body panels, that includes making sure each panel does not have unrepaired or poorly repaired collision damage that would prevent the panel from absorbing the energy from a collision as intended by the manufacturer. This statement is necessary to introduce a list of parts and systems to be inspected.

A. **"Fenders:** Fenders are used as the covering of the wheels to

minimize the spray of water, mud, and road debris onto the rear of the vehicle and, on certain vehicles, the mounting location for side marker or turn signal lights. Inspect the vehicle to verify all fender and wheel coverings are securely fastened and provide adequate coverage of the wheels."

This chapter item is necessary to introduce the requirement that the technician inspect the vehicle's fenders and wheel coverings, provide the technician with a description of the fender's primary function, and inform the technician to ensure that the fender is not loose and that it provides adequate wheel coverage.

This chapter item is also necessary to inform the technician to inspect the fender to ensure there is no unrepaired or poorly repaired collision damage that would impact functionality and safety, as any remaining or inadequately repaired collision damage would prevent the panel from absorbing the energy from a collision as designed by the manufacturer.

B. **"Bumpers:** The bumpers on passenger vehicles offer protection in low-speed collisions. Inspect the vehicle to verify the vehicle has bumpers (as equipped by the manufacturer) and that all bumpers are securely fastened."

This chapter item is necessary to introduce the requirement that the technician inspect the vehicle's bumpers, provide the technician with a description of the bumper's primary function, and inform the technician to ensure no bumper is loose.

This chapter item is also necessary to inform the technician to inspect the bumper to ensure there is no unrepaired or poorly repaired collision damage that would impact functionality and safety, as any remaining or inadequately repaired collision damage would prevent the panel from absorbing the energy from a collision as designed by the manufacturer.

C. **"Frame:** The frame plays an important role in ensuring the safety of a vehicle and has crumple/crush zones designed to absorb energy in accidents. When inspecting vehicles equipped with a frame, inspect the frame for collision damage, repairs that were not performed in accordance with the manufacturer's specifications, and structural rust. As used in this manual, "structural rust" is corrosion that has penetrated the underlying metal, damaging the structural integrity of the part."

This chapter item is necessary to introduce the requirement that the technician inspect the vehicle's frame, provide the technician with a

description of the frame's primary function, and provide a definition for terminology used in the manual so technicians understand what the term means when they encounter it in the manual. On a body-on-frame vehicle, the vehicle's frame supports all the mechanical and body components of the vehicle. This subchapter item provides the technician with a description of how the frame absorbs energy in a collision.

This chapter item is also necessary to inform the technician they must make sure the frame does not have unrepaired or poorly repaired collision damage that would impact functionality and safety, as any remaining or inadequately repaired collision damage would prevent the frame from absorbing the energy from a collision as designed by the manufacturer. Lastly, this chapter item is necessary to inform the technician they must inspect the frame for rust that has penetrated the underlying metal, aka structural rust, as structural rust negatively impacts the structural integrity of the frame, which is a safety hazard. A frame with structural rust could cause the frame to fail to absorb the energy from a collision as designed to by the manufacturer, or could cause the frame to break apart or collapse.

D. **"Body/Unibody:** The unibody design combines the frame and body into one unit and utilizes crumple/crush zones to absorb energy in accidents. Inspect the body/unibody for any collision damage, structural rust, gaps, and holes that could allow gases or fumes from the engine or exhaust to penetrate the passenger compartment when the engine is running."

This chapter item is necessary to introduce the requirement that the technician inspect the vehicle's body/unibody, and to provide the technician with a description of the body/unibody's primary function and inspection criteria. On a unibody vehicle, the vehicle's unibody structure supports all of the vehicle's mechanical components, and it consists of the outer body structure and an attached inner body structure. This subchapter item provides the technician with a description of how the unibody structure absorbs energy in a collision. The technician must make sure the unibody structure does not have unrepaired or poorly repaired collision damage that would prevent the frame from absorbing energy from a collision as intended by the manufacturer. Additionally, the technician must inspect the unibody structure for rust that has penetrated the underlying metal, aka structural rust, as that structural rust negatively impacts the structural integrity of the unibody, which is a safety hazard. A unibody with structural rust could fail to absorb the energy from a collision as intended by the manufacturer, or could break apart or collapse.

Additionally, the technician must inspect the trunk and the passenger

compartment floor panels to ensure there are no holes (likely from rust) that could allow exhaust gases to enter the passenger compartment, where they get trapped. If the driver is exposed to an excessive amount of exhaust gases, they could lose consciousness, which is a safety hazard for everyone on the road. Those floor panels are part of the unibody structure, but on a body-on-frame vehicle, those floor panels are individual body panels. Regardless of whether the vehicle is unibody or body-on-frame, the technician must inspect the floor panels.

E. **"Fuel System:** Inspect the visible areas of the fuel tank and fuel lines for damage and leaks."

This chapter item is necessary to introduce the requirement that the technician inspect the visible areas of the vehicle's fuel system for damage and leaks. This subchapter item requires the technician to visually inspect the vehicle's fuel tank and fuel lines, without any disassembly, for any damage or leaks. Fuel leaks are one of the leading causes of vehicle fires and are a safety hazard.

F. **"Trailer Hitch:** If a vehicle is equipped with a trailer hitch, inspect to ensure the hitch is securely fastened and not damaged."

This chapter item is necessary to introduce the requirement that the technician inspect the vehicle's trailer hitch (if the vehicle is equipped with one), and to provide the technician with the inspection criteria. A trailer hitch allows a vehicle to tow a trailer. The technician must inspect the hitch to ensure it is securely fastened and not damaged. If the trailer hitch is not securely fastened or is damaged, the hitch could fail or fall off when in use, allowing the trailer(s) being towed to break away from the tow vehicle, which is a safety hazard.

iii. 7.3 Motorcycle Inspection

The Bureau proposes adding Chapter 7.3 stating "Motorcycles shall be inspected for any visible signs of misalignment of wheels, handlebars, forks, and rear swing arm. The structural components of the motorcycle should be in a condition that allows for the proper mounting and operation of the various systems included in the vehicle safety systems inspection."

The purpose of this chapter is to establish the requirement that a technician inspect a motorcycle's structural components as part of the vehicle safety systems inspection and provide the inspection criteria and standards.

This chapter is necessary to introduce the motorcycle structural components inspection requirement and provide inspection criteria and standards.

This details the components that make up the motorcycle structure and are unique to a motorcycle, including the wheels, handlebars, forks, and rear swing arm. These components must be inspected to ensure there is no misalignment of the wheels. Wheel misalignment makes it more difficult for a rider to control the motorcycle, and is a safety hazard.

Additionally, when inspecting the motorcycle's structural components, the technician must ensure that the components are not impeding or interfering with the operation of other safety systems, such as the brakes.

iv. 7.4 Recreational Vehicles (RV) Inspection

The Bureau proposes adding Chapter 7.4 stating "RVs vary in design and construction. For the purposes of this inspection, RVs include motor homes and travel trailers. Motor homes are large motor vehicles equipped with living quarters. Travel trailers are trailers drawn specifically by automobiles and equipped for use (while traveling) as dwellings. When inspecting an RV, the technician shall:"

The purpose of this chapter is to establish the requirement to conduct structural inspections of RVs, provide descriptions of the two types of RVs (self-propelled motor homes and towed travel trailers), and provide inspection criteria and standards for each type of RV.

This chapter is necessary to introduce the requirements and inspection criteria for RVs, and define the differences in the two types of RVs to be inspected so technicians understand which type of inspection should be performed for each RV.

A. **"Motor Homes**: Inspect the hood, doors, frame, and body for damage, structural rust, and holes in accordance with the criteria for inspecting passenger vehicles, set forth in Chapter 7.2 of this manual. The housing structure of a motor home should be inspected for securely fastened exterior panels, doors, and components. Inspect to ensure that any externally mounted propane tanks are securely fastened, and that any visible propane lines are free of damage and leaks."

   This chapter item is necessary to introduce the requirement to inspect motor homes in accordance with the criteria for inspecting passenger vehicles, set forth in subchapter 7.2, and ensure the interior panel doors are not loose. Loose components could fall off or shift uncontrollably when the motor home is in use, which is a safety hazard. Additionally, the technician must inspect, without disassembly,

any visible lines and externally mounted propane tanks to make sure they are not damaged or leaking. Propane is extremely flammable, and leaks or damage to the tank or lines pose a safety hazard.

B. **"Travel Trailers**: Inspect for cracks and damage to the frame, tongue, gooseneck, and fifth wheel attachment point of the trailer. Verify safety chains are present and in good condition for installation when they are needed. Inspect travel trailers for securely fastened panels, doors, ramps, and components. Inspect to ensure that any externally mounted propane tanks are securely fastened, and inspect any visible propane lines for damage and leaks."

The chapter item is necessary to introduce the requirement to inspect the towing components of the travel trailer to ensure they are neither cracked nor damaged. If any part of the travel trailer's connection to the towing vehicle is cracked or damaged, it could fail, causing the travel trailer to break away from the tow vehicle, which is a safety hazard.

In the event the trailer breaks away, safety chains are the last line of defense to keep the trailer attached to the tow vehicle. The technician must make sure safety chains are present with the travel trailer so they can be installed when needed.

The technician also must inspect for loose doors, ramps, and panels. Loose components could fall off the travel trailer or shift uncontrollably when the travel trailer is in motion, which is a safety hazard. Additionally, the technician must inspect, without disassembly, any visible lines and externally mounted propane tanks to make sure they are neither damaged nor leaking. Propane is extremely flammable, and leaks or damage to the tank or lines pose a safety hazard.

v. 7.5 Non-Recreational Vehicle Trailer Inspection

The Bureau proposes adding Chapter 7.5 stating "For the purposes of this inspection, a non-recreational vehicle trailer (trailer) is a non-automotive vehicle designed to be hauled to transport something. Verify safety chains are present and in good condition for installation when they are needed. Trailers must be inspected for cracks and structural rust on the frame, tongue, gooseneck, and fifth wheel attachment point. Inspect enclosed trailers, trailers equipped with ramps, and utility trailers to ensure all components are securely fastened."

The purpose of this chapter is to establish the requirement that technicians inspect non-recreational vehicle trailers and provide the required inspection criteria and standards.

Another purpose of this chapter item is to establish the requirement that the technician inspect the towing components of the trailer to ensure they are neither cracked nor damaged. If any part of the travel trailer's connection to the towing vehicle is cracked or damaged, the connection could fail, causing the travel trailer to break away from the tow vehicle, which is a safety hazard.

In the event the trailer breaks away, safety chains are the last line of defense to keep the trailer attached to the tow vehicle. The technician must make sure safety chains are present with the travel trailer so they can be installed when needed.

Additionally, the technician must inspect for any loose doors, ramps, and panels. Loose components could fall off the travel trailer or shift uncontrollably when the travel trailer is in motion, which is a safety hazard.

This chapter is necessary to introduce the trailer inspection requirement and provide the required inspection criteria and standards that must be met.

v. Do Not Certify when:
The Bureau proposes adding a "Do Not Certify when" list to Chapter 7.

The purpose of the "Do Not Certify when" list is the introduce a list of specific criteria related to the body structure that, when found by a vehicle safety systems technician, shall cause the vehicle to fail the body structure inspection portion of the vehicle safety systems inspection.

It is necessary to provide this list to establish that, if any of the conditions listed are met, the technician must fail the vehicle's body structure inspection, and not certify the vehicle.

The list includes the following items:

- "The hood, any of the doors, or the trunk/liftgate are missing, damaged, do not latch, or bind when opening or closing."

  This listing is necessary to introduce the requirement that the technician fails the vehicle's body structure portion of the inspection if any of these criteria are met. If there are hinged body panels that bind or jam when operated, the body structure might have bent or shifted out of specifications, indicating unrepaired or poorly repaired collision damage.

- “Any fenders, panels, or bumpers are missing, damaged, or not securely fastened.”

  This listing is necessary to introduce the requirement that the technician fails the vehicle’s body structure portion of the inspection if any of these criteria are met. Body panels, bumpers, and fenders must be present and in the condition necessary to be able to perform their primary function of protecting vehicle occupants in an accident. Any unrepaired or poorly repaired collision damage will prevent panels, bumpers, and fenders from absorbing the energy from a collision as designed by the manufacturer. Additionally, fenders must be present and in the condition necessary to cover the wheels and protect the rear of the vehicle (and, depending on the vehicle, the mounting location for side marker or turn signal lights).

- “There is any unrepaired or poorly repaired frame damage or structural rust.”

  This listing is necessary to introduce the requirement that the technician fails the vehicle’s body structure portion of the inspection if any of these criteria are met. A frame with unrepaired or poorly repaired collision damage or structural rust negatively impacts the structural integrity of the frame, which endangers vehicle inhabitants in a collision.

- “There are any signs of unrepaired collision damage or structural rust that significantly alter the shape or structure of the unibody.”

  This listing is necessary to introduce the requirement that the technician fails the vehicle’s body structure portion of the inspection if any of these criteria are met. A unibody structure with unrepaired or poorly repaired collision repairs or structural rust negatively impacts the structural integrity of the unibody structure, which endangers vehicle inhabitants in a collision.

- “The body or cab of the vehicle is not sealed against the penetration of gases or fumes from the engine or exhaust system.”

  This listing is necessary to introduce the requirement that the technician fails the vehicle’s body structure portion of the inspection if any of these criteria are met. Floor panels with holes can allow exhaust gases to enter the passenger compartment, where they get trapped. If the driver is exposed to an excessive amount of exhaust gases, they could lose consciousness, which is a safety hazard.

- “There are any visible fuel leaks.”

This listing is necessary to introduce the requirement that the technician fails the vehicle's body structure portion of the inspection if this criterion is met. Fuel leaks are one of the leading causes of vehicle fires, and are a safety hazard.

- "The hitch is damaged or not securely fastened."

  This listing is necessary to introduce the requirement that the technician fails the vehicle's body structure portion of the inspection if this criterion is met. A trailer hitch that is loose or damaged can fail or fall off when in use, allowing a trailer that is being towed to break away from the tow vehicle, which is a safety hazard.

"In addition to items listed above:

- **Do Not Certify Motorcycles when:**

  - The handlebars, forks, frame, or swing arm have damage that inhibits normal operation of the vehicle as designed and intended by the manufacturer."

    This listing is necessary to introduce the requirement that the technician fails a motorcycle's body structure portion of the inspection if any of these criteria are met. Some elements/design features are unique to motorcycles and must therefore meet their own (additional) requirements to pass the body structure portion of the vehicle safety systems inspection. If the handlebars, forks, frame, or swing arm are damaged, the motorcycle might not be able to operate as designed, as other safety systems cannot be properly mounted or might not function properly themselves.

- **"Do Not Certify Motor Homes when:**

  - There are any damaged, missing, or unsecured panels that pose a hazard to the vehicle occupants, or other vehicles on the road, when the motor home is being driven."

    This listing is necessary to introduce the requirement that the technician fails the motor home's body structure portion of the inspection if this criterion is met. If panels are damaged, missing, or unsecured, this could impact the structural integrity of the motor home. Additionally, damaged or unsecured panels could fall off or shift uncontrollably when the motor home is in use, which poses a safety hazard.

  - "The externally mounted propane tank is damaged, leaking, or not securely fastened, or the propane lines are damaged or leaking."

This listing is necessary to introduce the requirement that the technician fails the motor home's body structure portion of the inspection if any of these criteria are met. Propane is extremely flammable. Damage to or leaks in the tank or lines, or the tank not being securely fastened, pose safety hazards that endanger everyone on the road.

- **"Do Not Certify Travel Trailers when:**
  - There are any damaged, missing, or unsecured panels."

    This listing is necessary to introduce the requirement that the technician fails the travel trailer's body structure portion of the inspection if this criterion is met. If any of the travel trailer's panels are damaged, missing, or unsecured, the structural integrity of the travel trailer might be compromised. Additionally, damaged or unsecured panels could fall off or shift uncontrollably when the travel trailer is in use, which poses a safety hazard.

  - "There are any cracks or damage to the frame, tongue, gooseneck, or fifth wheel attachment that would prevent it from being safely attached to a tow vehicle."

    This listing is necessary to introduce the requirement that the technician fails the travel trailer's body structure portion of the inspection if this criterion is met. If any part (listed above) of the travel trailer's connection to the towing vehicle is cracked or damaged, it could fail, causing the travel trailer to break away from the tow vehicle, which is a safety hazard.

  - "The safety chains are missing."

    This listing is necessary to introduce the requirement that the technician fails the travel trailer's body structure portion of the inspection if this criterion is met. In the event the trailer breaks away, safety chains are the last line of defense to keep the trailer attached to the tow vehicle, and therefore must be present.

  - "The externally mounted propane tank is damaged, leaking, or not securely fastened, or the propane lines are damaged or leaking."

    This listing is necessary to introduce the requirement that the technician fails the travel trailer's body structure portion of the inspection if any of these criteria are met. Propane is extremely flammable. Damage to or leaks in the tank or lines, or the tank not being securely fastened, pose safety hazards that endanger everyone on the road.

- **“Do Not Certify Non-Recreational Trailers when:**

    - There are any cracks or damage to the frame, tongue, gooseneck, or fifth wheel attachment that would prevent it from being safely attached to a tow vehicle, or if any components are not securely fastened.”

      This listing is necessary to introduce the requirement that the technician fails the non-recreational trailer’s body structure portion of the inspection if any of these criteria are met. If any part of the trailer’s connection to the towing vehicle is cracked or damaged, it could fail, causing the travel trailer to break away from the tow vehicle. The trailer breaking away is a safety hazard that endangers everyone sharing the road with the non-recreational trailer.

    - “The safety chains are missing.”

      This listing is necessary to introduce the requirement that the technician fails the travel trailer’s body structure portion of the inspection if this criterion is met. In the event the trailer breaks away, safety chains are the last line of defense to keep the trailer attached to the tow vehicle, and therefore must be present.

j. CHAPTER 8 Road Test

The purpose of this chapter is to provide vehicle safety system technicians with an overview of the road test and the criteria and standards, including the pass/fail criteria with which the inspection determination shall be made.

It is necessary to provide this information to inform stations and technicians of the road test, the requirements and standards for performing the road test, and what they must do to comply with these requirements and standards. The Chapter 8.1 provides an introductory overview about the road test, and each subsequent chapter covers different tests/inspections to be performed and pass/fail criteria specific to the different tests/inspections, including a thorough list of the chapter’s “fail criteria”; each chapter is therefore necessary to effectuate this purpose.

i. 8.1 Road Test Inspection Overview

The Bureau proposes adding Chapter 8.1 stating “A road test is the last portion of the vehicle safety systems inspection. If, during the inspections required in Chapters 2 through 7 of this manual, the vehicle fails to meet any of the inspection standards, a technician may choose not to perform

the road test. A technician shall not certify a vehicle without the vehicle passing the road test.

A road test may reveal problems or defects that are not readily apparent during the static inspections. The road test shall consist of a stopping test, a visual inspection of the instrument cluster and any controls, and an evaluation of the control and stability of the vehicle at speed according to the requirements of this chapter. When performing a road test, the vehicle must be driven at a sustained speed of no less than 30 miles per hour (mph) for a distance long enough to assess all the systems covered in this chapter."

The purpose of this chapter is to provide the technician with an overview of the road test and its test/inspection criteria and standards.

This chapter is necessary to introduce the road test and its components and requirements, and inform the technician that if during the performance of the vehicle safety systems inspection they find the vehicle is unsafe to drive, they can choose not to perform the road test. BAR does not want a technician to perform a road test on a vehicle they believe to be unsafe to drive. If the technician chooses not to perform the road test, the vehicle will fail the vehicle safety systems inspection.

ii. 8.2 Horn Inspection

The Bureau proposes adding Chapter 8.2 stating "With the vehicle parked, and prior to entering any roadway, the technician shall activate the vehicle's horn to ensure that it activates and can be heard."

The purpose of this chapter is to establish the requirement that the technician inspect the vehicle's horn as part of the road test.

This chapter is necessary to introduce the requirement to test the vehicle's horn, and provide the technician with guidance on how, where, and when to test the horn. A vehicle's horn is a safety device used to warn other drivers of imminent danger. The horn must be inspected to ensure it is operational. However, the horn should not be tested on a roadway with other vehicles, as use of the horn when there is no imminent danger could alarm or confuse other drivers. Therefore, this inspection requires the horn be tested with the vehicle parked, prior to entering any roadway.

iii. 8.3 Dashboard Warning Lights Inspection

The Bureau proposes adding Chapter 8.3 stating "While driving the vehicle, warning lights for the brake system (including ABS), steering and suspension system, and SRS may illuminate. The technician shall observe

the instrument cluster at various times while driving for warning lights or safety related messages."

The purpose of this chapter is to establish the requirement that, as part of the road test, the technician conduct a dashboard warning lights inspection, during which the technician watches for illuminated dashboard warning lights while driving the vehicle.

This chapter is necessary to introduce the requirement and provide the technician with instructions for conducting the test—the technician is to observe the instrument cluster and watch for illuminated warning lights during the road test. This subchapter provides a list of the warning lights the technician must look for during the test (warning lights referenced in the prior chapters of the Vehicle Safety Systems Inspection Manual). Malfunctions—in the brake system (including ABS), steering and suspension systems, and SRS—not previously found while inspecting the vehicle in the shop, can occur while the vehicle is driven. If one of these warning lights illuminates during the road test, there is a system malfunction that needs to be repaired.

iv. 8.4 Stopping Test

The Bureau proposes adding Chapter 8.4 stating "The brakes of every motor vehicle or combination of vehicles must be able to stop and hold the vehicle or combination of vehicles under all conditions of loading on any grade on which it is operated.

The stopping test must be performed on a level, dry, smooth, hard, surfaced road, free of any loose material.

At a speed of 20 mph, apply the brake pedal firmly, without causing the tires to skid or ABS to activate. The vehicle must come to a straight, smooth, and complete stop within the distance specified in Table R.1."

The purpose of this subchapter is to establish the requirement that the technician conduct a stopping test as part of the road test. Another purpose of this chapter is to provide the technician with the specific requirements, consistent with VC section 26454, for performing the stopping test portion of the road test.

This chapter is necessary to introduce the stopping test and its criteria and requirements, and provide instructions/parameters for performing the test.

The stopping test must be performed on a level road to ensure gravity is neither helping nor hindering the vehicle's ability to stop. The roadway must be free of any loose material that would cause the tires to lose

traction. The road must be dry, smooth, and hard to ensure the tire has proper traction with the road surface. A road that is wet, bumpy, or soft reduces tire traction with the road and will negatively impact stopping distances.

While driving the vehicle at 20 mph, the technician shall apply firm pressure to the brake pedal until the vehicle comes to a full and complete stop, then measure the stopping distance. The stopping distance must be within the distances listed by vehicle type in VC section 26454. Those stopping distance requirements are also provided in this chapter of the manual in Table R.1 titled “Stopping Test Distances.”

Table R.1 - Stopping Test Distances

Vehicle Type	Maximum Stopping Distance (Feet)
Any passenger vehicle (including motorcycles).	25
Any single vehicle with a manufacturer gross vehicle weight rating (GVWR) of less than 10,000 lbs.	30
Any combination of vehicles with a manufacturer GVWR of less than 10,000 lbs. and any trailer, semitrailer, or trailer coach.	40
Any single vehicle with a manufacturer GVWR of 10,000 lbs. or more, or any bus.	40
All other combinations of vehicles.	50

A vehicle that fails to come to a straight, smooth, and complete stop within the distance specified in Table R.1 has underlying brake issues that need to be repaired.

v. 8.5 Vehicle Control Inspection

The Bureau proposes adding Chapter 8.5 stating “The technician shall drive the vehicle at a sustained speed of no less than 30 mph and observe for any and all pulling, drifting, and vibration that make the vehicle difficult to control. The steering wheel should remain as straight as possible while the vehicle is traveling in a straight line on a level roadway and require minimal steering correction. The technician shall be able to maintain control of the vehicle at speed. Alignment and stability issues indicate underlying steering, suspension, frame or unibody structure damage, or other defects, and the vehicle shall not pass the inspection.”

The purpose of this subchapter is to establish the requirement that the technician conduct a vehicle control inspection as part of the road test and

provide the inspection criteria and standards. Another purpose of this subchapter is to inform the technician how to conduct the inspection to determine the vehicle's controllability.

This chapter is necessary to introduce the vehicle control inspection and provide the technician with instructions and guidance on how to conduct this part of the vehicle safety systems inspection.

The technician is instructed to drive at a speed of not less than 30 mph and observe for several conditions that can cause a vehicle to be difficult to control. The 30 mph was chosen as the minimum speed because some vehicle safety systems inspection stations will be located in densely populated and congested areas where driving above 30 mph can be challenging or dangerous. Since 30 mph is the minimum speed at which to conduct this test, the technician can drive above this speed (when permitted) to make this controllability assessment.

The conditions the technician will inspect for are pulling, drifting, and vibrations. A "pull", for the purposes of this inspection, means a vehicle that tries to drive itself to either the left or right without the technician turning the wheel. When a vehicle pulls, the technician must counteract the pull by turning the steering wheel in the opposite direction of where the pull is taking the vehicle.

A "drift" is similar to a "pull", but not as pronounced. When a vehicle drifts, or wanders, it slowly moves itself, to the left or right, or alternating between both left and right, out of the lane it is travelling in without the driver turning the wheel. To counteract the drift or wander, the technician must turn the steering wheel in the opposite direction of where the drift or wander is taking the vehicle. A slight drift, such as one due to road crown, is normal and would not make a vehicle difficult to control.

A "vibration" can manifest in multiple ways, such as a vibration from the front or rear of the vehicle, the steering wheel shaking, or vibration when braking. All three of these conditions can make a vehicle difficult to control and can be caused by multiple factors ranging from low tire pressure, tire problems, mis-aligned wheels, damaged suspension components, or a damaged/bent frame or unibody. Independent of the cause, when the condition is serious enough to make the vehicle hard to control, the vehicle shall fail the vehicle control inspection.

When travelling on a level roadway at 30 mph, the vehicle's steering wheel should be relatively straight and require minimal correction.

vi. Do Not Certify when:
The Bureau proposes adding a “Do Not Certify when” list to Chapter 8.

The purpose of the “Do Not Certify when” list is to provide a list of specific criteria related to the road test that, when found by a vehicle safety systems technician, shall cause the vehicle to fail the road test portion of the vehicle safety systems inspection.

It is necessary to provide this list to establish that, if any of the conditions listed are met, the technician must fail the vehicle’s road test and overall vehicle safety systems inspection, and not certify the vehicle.

The list includes the following items:

- “The vehicle’s horn does not activate or cannot be heard.”

  This listing is necessary to introduce the requirement that the technician fails the vehicle’s road test portion of the vehicle safety systems inspection if this criterion is met. A vehicle’s horn is a safety device used to warn other drivers of, and ward off, imminent danger. However, it is only possible to use the horn as a safety device if it is working as intended—it activates and can be heard.

- “Any warning light for the SRS (as referenced in Chapter 3.8 of this manual), the brake system (as referenced in Chapter 5.9 of this manual), the steering and suspension system (as referenced in Chapter 6.4 of this manual), or any other safety related fault messages illuminates during or after the road test.”

  This listing is necessary to introduce the requirement that the technician fails the vehicle’s road test portion of the vehicle safety systems inspection if this criterion is met. If any of the warning lights listed above illuminate during or after the road test, this indicates a malfunction with that system that must be repaired.

- “The vehicle fails to come to a straight, smooth, and complete stop within the required distance, specified in this chapter, when moving at the specified speed.”

  This listing is necessary to introduce the requirement that the technician fails the vehicle’s road test portion of the vehicle safety systems inspection if this criterion is met. A vehicle that fails to come to a straight, smooth, and complete stop within the required distance has underlying brake issues that needs to be repaired.

- “The vehicle has any underlying issue that makes it difficult to control.”

This listing is necessary to introduce the requirement that the technician fails the vehicle's road test portion of the vehicle safety systems inspection if this criterion is met. A vehicle that is found to pull, drift, or vibrate to the point that vehicle is difficult to control has underlying damage that needs to be repaired.

I. CHAPTER 9 Required Equipment

The purpose of this chapter is to provide the technician a list of all the required equipment that each vehicle safety systems inspection station must have in order to perform vehicle safety systems inspections.

It is necessary to provide this information to inform stations and technicians what equipment is required to perform these inspections. Each subchapter covers a different set of equipment required for the different aspects and portions of the inspection and is therefore necessary to effectuate this purpose.

i. 9.1 Required Equipment for Vehicle Safety Systems Inspections

The Bureau proposes adding Chapter 9.1 stating "This Chapter outlines the required equipment, tools, and reference materials that licensed stations shall maintain on premises, including this Safety Systems Inspection Manual. All equipment shall be maintained and calibrated in accordance with manufacturer standards, and fully usable and operable as intended by the manufacturer."

The purpose of this chapter is to provide an introduction to the lists that follow (of the required tools, equipment, and reference materials necessary to perform the vehicle safety systems inspection) that informs stations and technicians that the required tools, equipment, and reference materials, including the manual, be maintained on premises and operational (operating as intended by the manufacturer).

This chapter is necessary to establish that the tools, equipment, and reference material, including the Vehicle Safety Systems Inspection Manual, must be kept at the station for use by technicians during inspections. Additionally, this chapter is necessary to establish that the standards for maintenance, calibration, and operation of the required tools and equipment are those set by the manufacturer sets.

ii. 9.2 BAR-SIS Equipment

The Bureau proposes adding Chapter 9.2 stating "The BAR-SIS shall consist of a computer with an attached bar code scanner, printer, biometric device, web camera, and BAR Certified DAD. These separate components may be assembled by the safety systems inspection stations, may be provided as a unit by various vendors, or could be an

all-in-one solution, such as an integrated tablet. All licensed stations shall maintain the following:"

The purpose of this chapter is to provide vehicle safety systems stations and technicians with a list of the required components that make up the BAR-SIS and inform them of the flexibility with which they can obtain those components.

This chapter is necessary to introduce the list of components required for the BAR-SIS and the different ways they can obtain those components.

- **"Computer:** Running a BAR tested and approved version of Microsoft Windows operating system software. The operating system software version shall be supported by Microsoft. When no longer supported, the operating system software shall be updated to a supported version."

  This is necessary to introduce the requirement that the station maintain a computer, with up-to-date operating system software by Microsoft, as part of the BAR-SIS equipment used in the Vehicle Safety Systems Inspection. In accordance with subchapters 1.2 "Licensed Technician Access to BAR-Safety Inspection System (BAR-SIS)", 1.3 "Vehicle Identification", and 1.6 "Vehicle Safety Systems Inspection Entries and Results", a computer is necessary to provide a platform to run the BAR-SIS software, input and obtain vehicle identifying information, input inspection results, and communicate that information through an internet connection to the Vehicle Information Database.

  The computer itself is not a certified piece of equipment. However, the computer must run a BAR tested and approved version of Microsoft operating system software to run the BAR-SIS software and the other BAR-SIS components. Additionally, the Microsoft operating system software must always be up-to-date and currently supported by Microsoft. A supported operating system is provided with updates and patches to correct bugs and security issues from the operating system provider. Once the system is unsupported, these bugs and security issues go uncorrected, compounding over time, and leaving the network, and information transmitted through it, vulnerable. Requiring stations to maintain up-to-date software helps ensure the security of the information transmitted through BAR-SIS.

- **"Bar Code Scanner:** May be wired or wireless but must be capable of connecting to the computer (e.g., through USB connection, Bluetooth), compatible with the Microsoft Windows operating system, and able to at least scan 1-d (linear type) bar codes. Optionally, a 2-d

(square type) bar code scanner may be used for late model-year vehicles."

This is necessary to introduce the requirement that the station maintain a bar code scanner as part of the BAR-SIS equipment used in the Vehicle Safety Systems Inspection, and provide the required specifications for the bar code scanner. As referenced in Chapter 1.3 "Vehicle Identification", a bar code scanner is the first method of data entry for vehicles equipped with a bar code, and for DMV registration documents. This requirement will make inputting vehicle identifying information in the BAR-SIS easier and more accurate. A vehicle's VIN is a 17-digit alpha-numerical sequence and can be time consuming and challenging to input manually into a computer.

The bar code scanner itself is not a certified piece of equipment. However, it must be compatible with the Microsoft operating system so that it can function and be able to read linear type bar codes. A station has the option of having the bar code "hard-wired" or wirelessly connected to the BAR-SIS computer, depending on the needs of their individually approved testing area. Additionally, the station may choose to have a bar code scanner that can also read square type bar codes for later model year vehicles.

- **"Printer:** May be any technology (laser, ink, etc.), compatible with the Microsoft Windows operating system used, and use 8½ inch by 11-inch plain paper. The printer may have a wired or wireless connection to the BAR-SIS computer."

  This is necessary to introduce the requirement that the station maintain a printer as part of the BAR-SIS equipment used in the Vehicle Safety Systems Inspection, and provide the required specifications for the printer and paper. In accordance with subchapter 1.8 "Vehicle Safety Report (VSR)", the customer must be presented with a printed copy of the VSR at the completion of the vehicle safety systems inspection. Therefore, a printer is necessary to print a copy of the VSR to provide to the customer.

  The printer itself is not a certified piece of equipment. However, the printer must be compatible with the Microsoft operating system so that it can function and print using 8 ½ x 11-inch paper, as that is how the software requires the VSR to be printed. Additionally, a station has the option of having the printer "hard-wired" or wirelessly connected to the BAR-SIS computer, depending on the needs of their individually approved testing area.

- **"Biometric Device:** Fujitsu palm vein scanner sensor model FAT13FPS01 with 2-meter-long USB 2.0 (A) Male to (B) Micro - USB

Cable."

This is necessary to introduce the requirement that the station maintain a biometric device (the Fujitsu palm vein reader) as part of the BAR-SIS equipment used in the Vehicle Safety Systems Inspection, and provide the required specifications for the palm vein reader. As stated in Chapter 1.2 "Licensed Technician Access to BAR-Safety Inspection System (BAR-SIS)", BAR (or a BAR-authorized representative) will use a biometric device to enroll applicants and technicians and authorize them to access BAR-SIS for performing inspections. The Fujitsu brand model FAT13FPS01 was chosen as the best biometric technology for use with BAR-SIS, given the device's intended use and the environment in which it will be used. The Bureau evaluated several technologies and found the palm vein reader to be a robust solution. The model FAT13FPS01 has a higher operating temperature than other models, making it more suitable in a warmer station's operating environment.

- **"Web Camera:** Hardwired to the BAR-SIS computer, and is equipped with/meets the following requirements: autofocus, automatic light correction, built-in noise canceling microphone, USB 3.0 compliant, full HD (1920 x 1080 pixels) video recording and video calling at a minimum of 30 frames per second (FPS), and H.264 video compression. Note: a single USB 3.0 extension cable is permitted to extend the camera's cable up to an additional 15 feet."

  This is necessary to introduce the requirement that the station maintain a web camera as part of the BAR-SIS equipment used in the Vehicle Safety Systems Inspection, and provide the required specifications for the web camera and its connection to the computer. In accordance with subchapter 1.7 "Remote Access to BAR-SIS", BAR will remotely access inspections through the web camera in order to verify that each inspection is being performed properly and in accordance with the requirements set forth under the applicable laws and regulations, and by BAR.

  The camera requirements were written to ensure sufficient quality cameras are used. In order for BAR to have sufficient access to the inspections, the web cameras used must be of at least a certain quality and have certain features. The use of lower quality or poorly performing web cameras, or web cameras that do not have the minimum performance requirements set forth by BAR, would prevent the Bureau from having sufficient access to inspections, as low quality (or missing) audio or video would not allow BAR to fully see and hear what is happening during an inspection and be able to communicate with the technician conducting the inspection. The listed requirements are based on a Logitech C925 and C930 camera that is available for

about $150 from many retailers. The Bureau obtained and tested this camera, and it performed well under conditions typical of a shop environment.

The requirements were written generically to allow use of other camera brands and models, as long as the web camera meets the requirements set forth by BAR. Autofocus is necessary so the camera will adjust to properly show detail. The camera must also be able to provide a usable image in poor lighting conditions, like a view of the vehicle's under dash data connector. A built-in noise canceling microphone is necessary to reduce ambient noise typical in a shop environment and allow clearer audio communication with the Bureau. Having the web camera be USB 3.0 compliant is necessary so the web camera will work with currently available computers typically used in BAR-OIS systems. Having the full HD (1920 x 1080) at 30 frames per second is necessary to ensure a high-quality video image capable of displaying detail, and to ensure there is a minimum screen rate so that the video shows motion (instead of jumping between frozen, blurry, pixelated still frames). Having H.264 video compression is necessary so the video signal can be transmitted to the Bureau over the station's existing internet connection. Without H.264 video compression, the station may have to upgrade to a faster internet connection at added cost. Additionally, a hardwire connection is required for reliability in a shop environment where electronic interference is commonplace. However, since technicians might be asked during an inspection to move the camera to show, for example, the under hood or interior vehicle items, and hard wired cameras might not extend as far as needed, BAR has included the extension cable note to inform technicians that they may use an extension cable up to an additional 15 feet long.

- **"BAR Certified DAD:** Capable of retrieving OBD information from the vehicle being inspected, as specified in BAR's OBD Inspection System Data Acquisition Device Specification (October 22, 2012; incorporated by reference in Title 16, CCR section 3340.17(b)). "

  This is necessary to introduce the requirement that the station maintain a BAR-certified DAD (capable of retrieving OBD information from the vehicle inspected) as part of the BAR-SIS equipment used in the Vehicle Safety Systems Inspection. A DAD, referenced in subchapter 1.4 "On-Board Diagnostic (OBD) Equipped Vehicles", is a Bureau certified piece of equipment that is verified to meet the specifications incorporated into Title 16 CCR section 3340.17(b) (as stated above). The DAD is currently used in the performance of smog check inspections on 2000 model-year and newer vehicles, and is capable of obtaining the required vehicle identifying information from the vehicle's control unit for vehicle safety systems inspections.

iii. 9.3 Lighting Inspection Tools, Equipment, and Reference Materials

The Bureau proposes adding Chapter 9.3 stating "**Aiming Equipment -** Equipment for aiming headlights and auxiliary lights shall meet the vehicle manufacturer requirements for each vehicle the station accepts for certification or work related to certification."

The purpose of this chapter is to establish a list of required tools, equipment, and reference material necessary to perform the lighting inspection portion of the vehicle safety systems inspection (detailed in Chapter 2 of the manual).

This chapter is necessary to inform technicians of the tools, equipment, and reference materials they will need (and that stations must maintain access to) to perform lighting inspections.

As referenced in Chapter 2.4 "Headlight Aim Inspection", technicians must inspect each vehicle's headlights to ensure they are aimed correctly. There are 3 methods to verify correct headlight aim, each requiring different equipment. The purpose of this information is to inform technicians of the different equipment used in each method of inspection.

This information is necessary so the technicians can distinguish between the different inspection methods and know which kind of equipment to use for each method. The different methods and requisite equipment include:

- **"Option 1 -** Aiming screens may be used for all headlights and auxiliary lights. Provisions shall be made so that the screen can be shaded sufficiently from both direct and ambient light during all hours of operation to adequately perform aiming functions."

  An aiming screen may be used on all headlights. A station can purchase an aiming screen, or build their own with the specifications provided in Appendix A.

- **"Option 2 -** Optical type headlight aiming equipment may be used for all headlights and auxiliary lights."

  An optical type headlight aimer may be used on all headlights, and can be an option for a station that does not have either the room for an aiming screen or the desire to build one.

- **"Option 3 -** Mechanical type headlights aiming equipment shall be used only for lights manufactured with three aiming pads on the headlight lens."

A mechanical type headlight aimer is only used for headlights that have aiming pads molded into the headlight lens. Vehicles equipped with headlight aiming pads are typically from the late 1980s to early 2000s.

The required tools and reference materials necessary to perform the lighting inspection portion of the vehicle safety systems inspection include:

- "Suitable hand tools for performing the lighting inspections."

  The station must have hand tools necessary to perform the lighting inspection, including screwdrivers and wrenches. Without these tools, the station will be unable to perform the inspection.

- "All appropriate and current lighting specifications, manuals, bulletins, and instructions, in accordance with Original Equipment Manufacturer (OEM) service specifications, or nationally recognized and industry-accepted service specifications, including electronic forms."

  In accordance with subchapter 1.10 "Reference Materials", a station must maintain access to current manufacturers specifications and technical information relative to the types and designs of vehicle safety systems inspected and repaired by the station.

- "Service manuals and operating instructions issued by the manufacturers for all lighting inspection tools, instruments, headlight aimers, machines, devices, and equipment used by the station."

  In accordance with Chapter 1.10 "Reference Materials", a station must have information from the equipment or device manufacturers to determine if the technician is using the equipment correctly when performing the inspection and getting accurate readings and results.

iv. 9.4 Tire and Wheel Inspection Tools

The purpose of this chapter is to establish a list of required tools necessary to perform the tire and wheel inspection portion of the vehicle safety systems inspection (detailed in Chapter 4 of the manual).

This chapter is necessary to inform technicians of the tools they will need (and that stations must maintain access to) to perform tire and wheel inspections.

The Bureau proposes adding Chapter 9.4 stating

- "A tire tread depth gauge capable of measuring up to 1 inch of tread depth in 1/32 inch increments."

A tire tread depth gauge is necessary to measure the tire tread depth, as required in Chapter 4.2(B) “Measure the tire tread.” Tire tread depth is measured in 1/32 inch increments, and therefore, the tread depth gauge must have 1/32 inch increments.

- “A tire pressure gauge or gauges capable of measuring from 10 to 120 pounds per square inch (psi) in increments of 1 psi.”

  A tire pressure gauge is necessary to check the air pressure in a tire, as required in Chapter 4.2(C) “Check the tire pressures.” The required 120 psi range is necessary to cover the large variety of tire pressures that can be present in different vehicle types.

- “A tire inflator capable of inflating a tire up to 120 psi.”

  A tire pressure inflator is necessary to inflate a tire to the correct pressure (when needed), as required in Chapter 4.2(C) “Check the tire pressures.” The 120 psi range is necessary to cover the large variety of tire pressures that can be present in different vehicle types.

“The required tire pressure gauge and tire inflator may also be a singular combined dual-purpose tool capable of measuring tire pressure and inflating the tire to any vehicle and tire manufacturer specifications.”

The purpose of this statement is to provide for the gauge and inflator being one tool capable of performing both functions.

This statement is necessary to inform technicians that they are permitted to have one tool that both measures tire pressure and inflates the tire.

v. 9.5 Brake Inspection Tools, Equipment, and Reference Materials
The purpose of this chapter is to establish a list of required tools necessary to perform the brake inspection portion of the vehicle safety systems inspection (detailed in Chapter 5).

This chapter is necessary to inform technicians of the tools they will need (and that stations must maintain access to) to perform brake inspections.

The Bureau proposes adding Chapter 9.5 to state, “Hand tools necessary for performing brake inspections and tests performed by that station.”

The station must have hand tools necessary to perform the brake inspection including sockets, ratches, hammers, screwdrivers, and the other required equipment listed in this subchapter, otherwise the station will be unable to perform the inspection.

- “A brake drum diameter gauge capable of measuring in increments of 0.005 inch (0.125 millimeter (mm)) or smaller.”

  A drum diameter gauge, or drum micrometer, is necessary to measure the diameter of a drum, as requires by Chapter 5.4(B)(3) “Each drum. . .”, to ensure that it is not greater than the maximum diameter specification.

- “A disc brake rotor thickness gauge capable of measuring in increments of 0.001 inch (or 0.01 mm).”

  A rotor thickness gauge, or rotor micrometer is necessary to measure the thickness of a rotor, as required in Chapter 5.4(A)(6) “Each rotor. . .”, to ensure that it does not exceed the minimum thickness specification.

- “A disc brake rotor runout gauge (dial indicator) capable of measuring in increments of 0.001 inch (or 0.01 mm) with magnetic or clamp type stand.”

  A rotor runout gauge, or dial indicator, is necessary to determine if a rotor has excessive lateral run-out, as required in Chapter 5.4(A)(6) “Each rotor. . . .” This specification is provided in either 0.001 inches or 0.01 mm.

  Additionally, the dial indicator is required during the steering and suspension inspection, described in Chapter 6.2 “Physical Inspection”, for measuring a ball joint, that is suspected to have failed, prior to condemning it.

- “Brake lining gauges capable of measuring thickness of remaining usable brake lining either in fractions of an inch or mm.”

  A brake lining gauge is necessary to measure the brake shoe friction material, as required in Chapters 5.4(A)(4) “Brake pad linings. . .” and 5.4(B)(1) “Brake shoe linings. . .”, to ensure that the brake shoe friction material is greater than or equal to the service limits.

- “Torque wrenches capable of measuring torque in accordance with vehicle manufacturer’s installation and adjustment specifications.”

  A torque wrench is necessary when the wheels are reinstalled after the brake inspection to ensure the lug nuts are tightened to the correct specification.

- “All appropriate and current brake specifications, manuals, bulletins, and instructions, in accordance with Original Equipment Manufacturer (OEM) service specifications, or nationally recognized and industry-accepted service specifications that are accepted by the industry, including electronic forms.”

  In accordance with Chapter 1.10 “Reference Materials”, it is necessary for a station to maintain access to current manufacturers

specifications and technical information relative to the types and designs of vehicle safety systems and vehicles inspected and repaired by the station.

- "Service manuals and operating instructions issued by the manufacturers for all brake inspection tools, instruments, machines, devices, and equipment used by the station and its technicians."

  In accordance with Chapter 1.10 "Reference Materials," it is necessary for a station to maintain access to information from equipment or device manufacturers for technicians to reference to determine if they are using the equipment correctly when performing the inspection and getting accurate readings and results.

vi. 9.6 Required Equipment Electronic Transmission

The Bureau proposes adding Chapter 9.6 stating "Vehicle data and inspection results from the BAR-SIS shall be transmitted to the Vehicle Information Database (VID) via an internet connection. The BAR-SIS shall be connected to BAR's web page through an internet connection. The internet connection may be shared with other devices but must always remain connected. The BAR-SIS will not function without a continuous internet connection to the VID. Anytime the BAR-SIS fails to communicate with the VID, the problem must be fixed before performing a vehicle safety systems inspection."

The purpose of this subchapter is to establish the requirement that stations have and maintain an internet connection in order for the BAR-SIS to function and transmit information to the VID.

This chapter is necessary to inform stations and technicians of the importance of maintaining an internet connection so they can perform inspections and transmit information to the VID, as the BAR-SIS is an internet connected device that communicates vehicle safety systems inspection results to the VID. If there is not an internet connection, then the station will not be permitted to perform inspections.

l. **Appendix A**

Appendix A contains figures and drawings about how to set up a light aiming screen, how to position the vehicle correctly in front of the screen, and diagrams demonstrating proper aim ranges for various lights.

The purpose of this appendix is to provide stations and technicians with the specifications for building an aiming screen and directions on how to use it, if they so choose, and diagrams demonstrating proper aim ranges for various lights.

This information is necessary to inform technicians how to set up and use equipment necessary for certain lighting inspections.

IV. Amendments to Common Multiple Sections.

a. Capitalize "bureau" – minor grammatical change.

The Bureau proposes capitalizing "bureau" in sections 3303.2, 3305, 3306, 3307, 3308, 3310, 3316, and 3321. This change is non-substantive because it is a grammatical change as part of an effort to "[revise] structure, syntax, cross-reference, grammar, or punctuation" within the meaning of Title 1, CCR section 100(a)(4).

This is necessary for consistency throughout the regulations. "Bureau" is a term defined in Title 16, CCR section 3340.1, and inconsistent capitalization may result in misinterpretation of the lower case "bureau".

b. Add commas – minor punctuation change.

The Bureau proposes adding commas in sections 3303, 3303.2, 3305, 3306, 3307, 3308, 3309, 3310, 3315, and 3316. These changes are nonsubstantive because they are part of an effort to "revis[e] structure, syntax, cross-reference, grammar, or punctuation" within the meaning of Title 1, CCR section 100(a)(4).

This is necessary for clarity and grammatical correctness.

c. Add spaces – minor punctuation change.

The Bureau proposes adding spaces in sections 3309 (sentence spacing) and 3326(b) (space between words). These changes, made for clarity and to correct punctuation, are nonsubstantive because they are part of an effort to "revis[e] structure, syntax, cross-reference, grammar, or punctuation" within the meaning of Title 1, CCR section 100(a)(4).

This is necessary for clarity and correct punctuation.

V. Amendments to Article 1, Chapter 1, Division 33, Title 16, California Code of Regulations.

a. Amend section 3303. Definitions.

Subdivision (s)

The Bureau proposes adopting subdivision (s) stating "Vehicle Safety System" is a system or combination of parts, as identified in the Vehicle Safety Systems Inspection Manual, referenced in section 3311.1 of this Chapter, that has the primary purpose of promoting the safety and security of the vehicle passengers by

actively or passively working to prevent a collision and limiting damage and injuries in the event of a collision."

The purpose of this amendment is to define the components and purpose of vehicle safety systems.

This amendment is necessary to inform and clarify that the primary purpose of the vehicle safety systems is to secure the safety of the vehicle's occupants by either actively causing systems to engage or disengage to help the driver maintain control of a vehicle or to prevent an imminent collision. An example of an active safety system is the anti-lock brake system (ABS), which modulates fluid in the brake's hydraulics to prevent tire skid, allowing the driver to maintain control of the vehicle and avoid a collision. An example of a passive safety system that minimizes (the risk of) or prevents injury to the vehicle's occupants in the event of a collision is seatbelts, which do so by securing the occupants in their seated locations.

The reference to the Vehicle Safety Systems Inspection Manual, which is incorporated by reference in section 3311.1 of this Chapter, is meant to inform that the list of the systems and components the Bureau specifically defines as vehicle safety systems is in the manual. Those systems include the lighting system, the individual safety components that make up the vehicle's passenger compartment, tires and wheels, brake system, steering and suspension systems, and body structure.

b. Amend section 3303.2. Review of Applications for Licensure, Registration, and Certification; Processing Time.

Subdivision (b)
The Bureau proposes amending subdivision (b) by striking "as an official lamp, brake" and adding "of a vehicle safety systems inspection".

The purpose of this amendment is to replace the reference to the sunsetting brake and lamp adjusting licenses with a reference to the new vehicle safety systems inspection licenses.

Section 3303.2(b) notifies applicants for certain types of Bureau-issued station licenses that they will receive a written decision, stating whether they meet the requirements for licensure, 45 days after the completion of their application. As required by AB 471, this amendment is necessary to remove the reference to the sunsetting brake and lamp adjusting program and replace it with a reference to the new vehicle safety system inspection program. This amendment is also necessary to inform applicants that these procedures for licensure that previously applied to brake and lamp adjusting licenses will now apply to vehicle safety systems inspection licenses.

Subdivision (d)

The Bureau proposes amending subdivision (d) to state "An applicant for initial licensure as ~~an adjuster~~ vehicle safety systems inspection technician (hereinafter referred to as "vehicle safety systems technician" in this Article) shall be informed in writing, within ~~70~~120 days after completion of the application, of the ~~b~~Bureau's decision whether the applicant meets the requirements for licensure. This period may be extended by the time necessary for rescheduling an examination if the applicant fails the examination or fails to take the examination at the time first scheduled ~~by the bureau~~."

The purpose of this amendment is to replace the reference to the sunsetting brake and lamp adjusting licenses with a reference to the new vehicle safety systems inspection licenses, increase the length of time the Bureau has to decide whether the application meets the requirements for licensure, and have the applicant be responsible for scheduling the initial licensing examination.

Currently, section 3303.2(d) notifies an initial applicant for a brake or lamp adjuster license they will be informed, in writing, of the Bureau's decision whether they meet the requirements for licensure 70 days after completion of their application. As required by AB 471, this amendment is necessary to remove the reference to the sunsetting brake and lamp adjuster licenses and replace that reference with the new vehicle safety system inspection technician license. This amendment is necessary to make changes to procedures currently in place in the regulation by providing an increase in application processing time and making the applicant responsible for scheduling the initial licensing examination. This amendment is also necessary to inform applicants that the procedures for licensure provided in this regulation, that previously applied to brake and lamp adjusting licenses, now apply to vehicle safety systems inspection licenses, and inform them of the changes to the licensing application procedures.

For sake of brevity, this amendment provides the naming convention for the new technician license as "vehicle safety systems technician" instead of "vehicle safety systems inspection technician" for clarity in the remainder of the regulatory text.

This amendment increases the length of time the Bureau has to make a determination whether an application meets the requirements for licensure from 70 days to 120 days. The 70 days currently recorded in this section is insufficient to account for the initial licensing exam process detailed in Title 16 section 3314.1(c)(1)-(5), which permits an applicant two chances to take and pass the initial licensing examination up to 90 days after receiving a notice of eligibility from the Bureau. The length of time is extended to 120 days to provide the Bureau with sufficient time to determine the applicant's eligibility as detailed in section 3314.1(c)(1), notify the applicant of that eligibility as detailed in section 3314.1(c)(1)(A) - (C), and allow 90 days for the applicant to take and pass the initial licensing examination.

Additionally, this amendment places the responsibility for scheduling an initial licensing exam, previously on the Bureau, onto the applicant as detailed in Title 16 CCR section 3314.1(c)(3), which states an applicant is responsible for contacting the testing institution and scheduling a test date and location.

Subdivision (d)(1)
The Bureau proposes adopting a new subdivision (d)(1) stating "Applicants applying for initial licensure as a vehicle safety systems technician under section 3314.1.1 of this Chapter shall be exempt from any requirement to take an initial licensing examination to qualify for licensure under that section. This subdivision shall become inoperative on [OAL insert date that is one year from the date of filing with the Secretary of State]."

The purpose of this subdivision is to establish that, for a limited period (set within this subdivision) after the adoption of the proposed regulations, current brake and lamp adjusters transitioning to the new vehicle safety systems technician license shall be exempt from taking the initial licensing exam.

This amendment is necessary to implement this exemption in order to ensure that, during the transition to the new program, an adequate number of licensed vehicle safety systems technicians will be available to conduct inspections.

BPC section 9888.5(c)(2) allows for a specialized application process for those existing brake and lamp adjusters and stations to transition to the new vehicle safety systems inspection licenses. Section 3314.1.1(a) details the requirements an existing lamp and brake adjuster must meet to be eligible for this specialized licensing process. Those requirements are that the brake and lamp adjuster has been licensed the existing licenses are unrestricted, the licenses are not subject to pending disciplinary action, and are not on probation.

When a licensed brake and lamp adjuster meets these requirements, the Bureau believes they are qualified to perform the new vehicle safety systems inspection during the initial program implementation and has chosen to allow them to forego the initial licensing examination. Pursuant to Title 16 CCR section 3310, brake and lamp adjusters are required to take and pass two separate licensing exams to obtain licensure as a brake and lamp adjuster. By forgoing the initial licensing examination for those brake and lamp adjuster eligible to transition to the new license type, it will make the transition easier, ensuring an adequate number of licensed vehicle safety systems technicians are available upon implementation of the new program.

Subdivision (k)
The Bureau proposes amending subdivision (k) by striking
"

	~~Lamp Station~~	~~Brake Station~~	~~Smog Check Technician~~

~~(1) Minimum~~	~~14 days~~	~~15 days~~	~~21 days~~
~~(2) Median~~	~~20 days~~	~~21 days~~	~~50 days~~
~~(3) Maximum~~	~~44 days~~	~~29 days~~	~~120 days~~
~~-~~	~~-~~	~~-~~	~~-~~
	~~Lamp Adjuster~~	~~Brake Adjuster~~	
~~(1) Minimum~~	~~15 days~~	~~21 days~~	~~-~~
~~(2) Median~~	~~52 days~~	~~50 days~~	~~-~~
~~(3) Maximum~~	~~101 days~~	~~103 days~~	~~-~~
~~-~~	~~-~~	~~-~~	~~-~~
	~~Automotive Repair Dealer~~	~~Smog Check Station~~	~~Technician Training Institution~~
~~(1) Minimum~~	~~17 days~~	~~3 days~~	~~10 days~~
~~(2) Median~~	~~39 days~~	~~22 days~~	~~61 days~~
~~(3) Maximum~~	~~97 days~~	~~120 days~~	~~347 days~~
~~-~~	~~-~~	~~-~~	~~-~~
	~~Fleet Facility~~	~~Smog Check Inspector~~	~~Technician Training Instructor~~
~~(1) Minimum~~	~~1 day~~	~~2 days~~	~~2 days~~
~~(2) Median~~	~~10 days~~	~~9 days~~	~~22 days~~
~~(3) Maximum~~	~~28 days~~	~~112 days~~	~~264 days~~
~~-~~	~~-~~	~~-~~	~~-~~
	~~Gold Shield Station~~		
~~(1) Minimum~~	~~30 days~~	~~-~~	~~-~~
~~(2) Median~~	~~42 days~~	~~-~~	~~-~~
~~(3) Maximum~~	~~72 days~~	~~-~~	~~-~~

”

and adding

“

Application Type	Minimum Processing Time	Median Processing Time	Maximum Processing Time
Automotive Repair Dealer	17 days	39 days	97 days

Smog Check Inspector	2 days	9 days	112 days
Smog Check and Vehicle Safety Systems Technician	21 days	50 days	120 days
Smog Check and Vehicle Safety Systems Inspection Station	3 days	22 days	120 days
Fleet Facility	1 day	10 days	28 days
Technician Training Institution	10 days	61 days	347 days
Technician Training Instructor	2 days	22 days	264 days
Gold Shield Station	30 days	42 days	72 days

".

The purpose of this amendment is to add the minimum, maximum, and median processing times for the new vehicle safety systems licenses and remove the processing times for the sunsetting brake and lamp adjusting licenses, while making sure the graph complies with accessibility standards.

The amendment is necessary to ensure accessibility, and comply with AB 434 (Baker, Chapter 780, Statutes of 2017), which required all California state agencies to ensure their websites conform to level AA standards of WCGAC 2.0. As this document is posted online for public notice, the chart needed to be reformatted to comply with accessibility standards.

This amendment is also necessary to implement (and inform applicants of) the new processing times for licensure under the new vehicle safety systems inspection program. Additionally, as required under AB 471, this amendment is necessary to remove references to the sunsetting brake and lamp adjusting station and adjuster licenses, and add references to the new vehicle safety systems inspection station and technician licenses.

VI. Amendments to Article 2, Chapter 1, Division 33, Title 16, California Code of Regulations.

a. Amend section 3305. Station Performance, Work Area, and Adjuster Required.

Subdivision (d)
The Bureau proposes adopting a new subdivision (d) stating "This section shall become inoperative on [OAL insert inoperative date that is six months from the date of OAL's filing with the Secretary of State]."

The purpose of this subdivision is to effectuate the transition from the sunsetting brake and lamp adjusting programs to the new vehicle safety systems program by specifying that all regulations within section 3305 (relevant to the sunsetting brake and lamp adjusting programs) will become inoperative six months after adoption of the proposed regulations.

This addition is necessary to implement the sunsetting of the brake and lamp adjusting programs regulations. Six months after the adoption of these proposed regulations, section 3305 will become inoperative, and the brake and lamp adjusting programs will be superseded by the vehicle safety systems inspection program, as detailed in the new Article 2.5 (commencing with section 3311.1) and required under BPC section 9888.5(d).

b. Amend section 3306. Licensing Official Stations; Inspection; Term, Renewal, and Replacement of Licenses.

Subdivision (d)
The Bureau proposes adopting a new subdivision (d) stating "This section shall become inoperative on [OAL insert inoperative date that is six months from the date of OAL's filing with the Secretary of State]."

The purpose of this subdivision is to effectuate the transition from the sunsetting brake and lamp adjusting programs to the new vehicle safety systems program by specifying that all regulations within section 3306 (relevant to the sunsetting brake and lamp adjusting programs) will become inoperative six months after adoption of the proposed regulations.

This addition is necessary to implement the sunsetting of the brake and lamp adjusting programs regulations. Six months after the adoption of these proposed regulations, section 3306 will become inoperative, and the brake and lamp adjusting programs will be superseded by the vehicle safety systems inspection program, as detailed in the new Article 2.5 (commencing with section 3311.1) and required under BPC section 9888.5(d).

c. Amend section 3307. Display of Licenses and Posting of Prices; Equipment Maintenance; Records.

Subdivision (g)

The Bureau proposes adopting a new subdivision (g) stating "This section shall become inoperative on [OAL insert inoperative date that is six months from the date of OAL's filing with the Secretary of State]."

The purpose of this subdivision is to effectuate the transition from the sunsetting brake and lamp adjusting programs to the new vehicle safety systems program by specifying that all regulations within section 3307 (relevant to the sunsetting brake and lamp adjusting programs) will become inoperative six months after adoption of the proposed regulations.

This addition is necessary to implement the sunsetting of the brake and lamp adjusting programs regulations. Six months after the adoption of these proposed regulations, section 3307 will become inoperative, and the brake and lamp adjusting programs will be superseded by the vehicle safety systems inspection program, as detailed in the new Article 2.5 (commencing with section 3311.1) and required under BPC section 9888.5(d).

d. Amend section 3308. Official Station That Stops Operating as an Official Station.

Subdivision (d)
The Bureau proposes adopting a new subdivision (d) stating "This section shall become inoperative on [OAL insert inoperative date that is six months from the date of OAL's filing with the Secretary of State]."

The purpose of this subdivision is to effectuate the transition from the sunsetting brake and lamp adjusting programs to the new vehicle safety systems program by specifying that all regulations within section 3308 (relevant to the sunsetting brake and lamp adjusting programs) will become inoperative six months after adoption of the proposed regulations.

This addition is necessary to implement the sunsetting of the brake and lamp adjusting programs regulations. Six months after the adoption of these proposed regulations, section 3308 will become inoperative, and the brake and lamp adjusting programs will be superseded by the vehicle safety systems inspection program, as detailed in the new Article 2.5 (commencing with section 3311.1) and required under BPC section 9888.5(d).

e. Amend section 3309. Official Station Signs.

Subdivision (c)
The Bureau proposes adopting a new subdivision (c) stating "This section shall become inoperative on [OAL insert inoperative date that is six months from the date of OAL's filing with the Secretary of State]."

The purpose of this subdivision is to effectuate the transition from the sunsetting brake and lamp adjusting programs to the new vehicle safety systems program by specifying that all regulations within section 3309 (relevant to the sunsetting brake and lamp adjusting programs) will become inoperative six months after adoption of the proposed regulations.

This addition is necessary to implement the sunsetting of the brake and lamp adjusting programs regulations. Six months after the adoption of these proposed regulations, section 3309 will become inoperative, and the brake and lamp adjusting programs will be superseded by the vehicle safety systems inspection program, as detailed in the new Article 2.5 (commencing with section 3311.1) and required under BPC section 9888.5(d).

f. Amend section 3310. Licensing Official Lamp and Brake Adjusters.

Subdivision (f)
The Bureau proposes adopting a new subdivision (f) stating "This section shall become inoperative on [OAL insert inoperative date that is six months from the date of OAL's filing with the Secretary of State]."

The purpose of this subdivision is to effectuate the transition from the sunsetting brake and lamp adjusting programs to the new vehicle safety systems program by specifying that all regulations within section 3310 (relevant to the sunsetting brake and lamp adjusting programs) will become inoperative six months after adoption of the proposed regulations.

This addition is necessary to implement the sunsetting of the brake and lamp adjusting programs regulations. Six months after the adoption of these proposed regulations, section 3310 will become inoperative, and the brake and lamp adjusting programs will be superseded by the vehicle safety systems inspection program, as detailed in the new Article 2.5 (commencing with section 3311.1) and required under BPC section 9888.5(d).

VII. Adopt new Article 2.5 in Chapter 1, Division 33, Title 16, California Code of Regulations.

ARTICLE 2.5. Vehicle Safety Systems Inspection Program

The Bureau proposes adopting a new Article 2.5 to establish the new Vehicle Safety Systems Inspection Program.

The purpose of this amendment is to establish the new Vehicle Safety Systems Inspection Program, as required by AB 471 and BPC section 9888.5.

This is necessary because the Bureau seeks to implement a more comprehensive inspection program than the ones currently in place, the brake and lamp adjusting programs. The proposed Vehicle Safety Systems Inspection Program will include inspections of all vehicle safety systems and components, which includes brakes and lamps. Thus, the Bureau proposes adopting Article 2.5 to establish an article for regulations relating to this new program. Creation of a new Article is necessary to maintain organization of the regulations, and will provide clarity and eliminate confusion regarding transition to the new Vehicle Safety Systems Inspection Program.

a. <u>Adopt section 3311.1. Vehicle Safety Systems Inspection Station Performance and Work Area, and Vehicle Safety Systems Technician Requirement.</u>

<u>Subdivision (a)</u>
The Bureau purposes adopting new subdivision (a) stating "This Article shall become effective on [OAL insert effective date that is six months from the date of OAL's filing with the Secretary of State] and shall supersede the provisions related to lamp and brake adjusting stations and adjusters in Articles 2, 3, and 4 of this Division on that date."

The purpose of this subdivision is to effectuate the transition from the sunsetting brake and lamp adjusting programs to the new vehicle safety systems program by adopting an implementation date for the vehicle safety systems inspection program and stating that the new vehicle safety systems program regulations will supersede the brake and lamp adjusting programs regulations on that date.

This is necessary to implement the new vehicle safety systems program and sunset the brake and lamp adjusting programs regulations. Once these proposed regulations become effective, they shall ultimately supersede and replace the provisions related to the lamp or brake adjusting programs, as required by BPC section 9888.5(d)

<u>Subdivision (b)</u>
The Bureau proposes adopting new subdivision (b) stating "All inspections of vehicle safety systems for the purpose of issuing any certificate of compliance under section 9888.6 of the Code shall be performed at vehicle safety systems inspection stations by vehicle safety systems technicians licensed under and in compliance with this Article and section 9888.5 of the Code."

The purpose of this subdivision is to establish that any vehicle safety system inspections shall be performed at licensed vehicle safety system inspection stations by licensed vehicle safety system technicians.

This subdivision is necessary to effectuate one of the purposes of this regulatory proposal—protecting consumers by ensuring that only licensed technicians perform vehicle safety systems inspections at licensed stations, which will make vehicles

safer for everyone on the road. This subdivision is also necessary to enact BPC section 9888.6, which states that only a licensee shall issue a certificate of compliance after conducting an inspection of the vehicle safety systems.

Performance of a vehicle safety systems inspection must be completed at a station the Bureau has licensed after verifying the station meets the registration, equipment, and licensed personnel requirements specified in section 3311.2. To ensure a thorough, complete, and accurate inspection, only a technician who is licensed by the Bureau and meets the licensing requirements specified in Title 16 CCR section 3314.1, or in Title 16 CCR 3314.1.1 for existing lamp and brake adjusters, is permitted to perform a vehicle safety systems inspection. Those licensed technicians shall perform vehicle safety systems inspections in accordance with the Vehicle Safety Systems Inspection Manual, incorporated in Title 16 CCR section 3311.1, which details the standards and requirements that must be met in order to perform a comprehensive and complete vehicle safety systems inspection as prescribed by BPC section 9888.5.

Subdivision (c)
The Bureau proposes adopting a new subdivision (c) stating “Vehicle safety systems technicians shall perform all vehicle safety systems inspections in accordance with the requirements and procedures prescribed in the document entitled “Vehicle Safety Systems Inspection Manual”, dated September 2023 [New], which is hereby incorporated by reference.”

The purpose of this subdivision is to incorporate the Vehicle Safety Systems Inspection Manual by reference. This subdivision is necessary because stations and technicians need the manual to inform them of the standards and requirements that must be met in order to perform a comprehensive and complete vehicle safety systems inspection.

These standards and requirements must be set forth by the Bureau, as prescribed by BPC section 9888.5. By creating the inspection manual, the Bureau has created the “inspection criteria and standards for specific safety systems and components of the vehicle in order to promote the safe and uniform installation, maintenance, and servicing of vehicle safety systems and components”, pursuant to BPC section 9888.5.

Subdivision (d)
The Bureau proposes adopting a new subdivision (d) stating “No vehicle safety systems technician shall enter any vehicle identifying information, as specified in this section, for any vehicle other than the one being inspected, or any false vehicle identifying information about the vehicle being inspected, into the BAR-Safety Inspection System (as used in this article hereafter, “BAR-SIS”) described in the Vehicle Safety Systems Inspection Manual specified in this section.”

The purpose of this subdivision is to establish that a technician must only enter accurate information—the correct identifying information for the vehicle being inspected—into the BAR-SIS.

This subdivision is necessary to prevent the entry of inaccurate information into BAR-SIS by ensuring that licensed vehicle safety systems technicians will only enter the correct vehicle identifying information, specified in Chapter 1.3 of the Vehicle Safety Systems Inspections Manual (including the VIN, license plate number, vehicle year make and model, and odometer reading), into the BAR-SIS. The BAR-SIS is defined in Chapter 9.2 of the manual, and consists of a computer connected to the VID through an internet connection, as well as other devices and components. If the technician inputs incorrect or false vehicle identifying information into the VID via the BAR-SIS, it would create an inaccurate test record. The inaccurate test record information would not match DMV records, making it more difficult for a consumer to register their vehicle or causing a vehicle that had not been inspected to be labeled as having passed the vehicle safety systems inspection.

Subdivision (e)

The Bureau proposes adopting a new subdivision (e) stating "The inspection, specified in subdivision (c) of this section, for which a vehicle safety systems inspection station is licensed, shall be performed only in an area of the station the Bureau has approved during the initial on-site licensing inspection referenced in section 3312.1 of this Article. The inspection area shall be within a building and be large enough to accommodate the motor vehicle being inspected. The Bureau shall make an exception to the inspection area requirements of this subdivision by approving a work area adjacent to a building for purposes of inspecting vehicle safety systems on buses, trucks, truck tractors, trailers, and semitrailers during the initial on-site licensing inspection. Any such exception shall be documented on the report of the initial on-site licensing inspection, referenced in section 3312.1 of this Article, by the Bureau's representative and include a description of location and approximate size of the adjacent work area."

The purpose of this subdivision is to establish the requirement that vehicle safety systems inspections only be performed in Bureau approved areas.

This subdivision is necessary to identify where vehicle safety systems inspections can be performed. During the initial on-site licensing inspection described in section 3312.1, the Bureau will approve an area within the station's building for the purposes of performing vehicle safety systems inspections as described in subdivision (c). That approved area must be large enough to accommodate the various types of vehicles the station intends to inspect. That area will be recorded on a station inspection report, and a copy of that report will be provided to the station's owner upon successful completion of the initial on-site inspection. The approved area shall be inside of a building for the safe keeping of the BAR-SIS, tools, and equipment necessary to perform the vehicle safety systems inspection.

If requested by the station owner, the Bureau will also approve an area outside of the station's building for the performance of vehicle safety systems inspections on larger vehicles (listed in this subdivision) that will not fit inside the building, such as buses and truck tractors. That additionally approved work area will also be recorded on the station inspection report, with a description of where it is located adjacent to the business, and the approximate size of the area, so that the area can be easily identified by future Bureau representatives during station inspections.

Subdivision (f)
The Bureau proposes adopting a new subdivision (f) stating "A licensed vehicle safety systems inspection station shall afford the Bureau or its representative access to the station's premises and its inspection area, as specified in subdivision (e) of this section, during normal business hours, and any time vehicle safety systems inspections are being performed."

The purpose of this subdivision is to establish the requirement that licensed inspection stations give the Bureau access to the vehicle safety system inspection area(s).

This subdivision is necessary to ensure that each station lets Bureau representatives access the approved work area(s) as described in subdivision (e), BAR-SIS, and other tools and equipment when the business is open, during normal business hours, or any time that vehicle safety systems inspections are being performed, even when those inspection are being performed outside of normal business hours. With this access, the Bureau can perform a station inspection to confirm all station requirements are being met when vehicle safety systems inspections are being performed, and that vehicle safety systems inspections are performed accurately and safely.

(2) Adopt section 3311.2. Vehicle Safety Systems Inspection Station Standards; Equipment Requirements and Electronic Transmission.

Subdivision (a)
The Bureau proposes adopting a new subdivision (a) stating "(a) A vehicle safety systems inspection station shall have all of the following:"

The purpose of this subdivision is to establish the vehicle safety systems inspection station requirements.

This is necessary to introduce a list of requirements vehicle safety systems inspection stations must meet in order to perform vehicle safety systems inspections, pursuant to BPC section 9888.5.

Subdivision (a)(1)

The Bureau proposes adopting a new subdivision (a)(1) stating “A current and active Automotive Repair Dealer registration;”.

The purpose of this subdivision is to establish the requirement that each vehicle safety systems inspection station must possess a current and active automotive repair dealer (ARD) registration.

This subdivision is necessary to ensure each station has a current ARD registration, as the performance of a vehicle safety systems inspection meets the definition of “repair of motor vehicle” defined in BPC section 9880.1(k), which includes all maintenance of and repair to a motor vehicle performed by an ARD. An ARD is defined in BPC section 9880.1(a) as a person who for compensation, engages in the repairing or diagnosing of malfunctions of motor vehicles. BPC section 9884.6(a) states it is unlawful for any person to operate an ARD unless registered with the Bureau. Additionally, under the proposed regulations, vehicle safety systems inspection stations must possess an ARD registration to become licensed as a vehicle safety systems inspection station.

Subdivision (a)(2)
The Bureau proposes adopting a new subdivision (a)(2) stating “One or more employed licensed vehicle safety systems technicians; and”.

The purpose of this subdivision is to establish the requirement that each vehicle safety systems inspection station employee at least one licensed vehicle safety systems technician.

This subdivision is necessary to ensure that licensed technicians are performing the vehicle safety systems inspections, for the protection of consumers and everyone on the road. Under proposed Title 16 CCR section 3311.1(a), only licensed vehicle safety systems technicians can perform vehicle safety systems inspections and issue certificates of compliance, and these inspections must be performed at licensed vehicle safety systems inspection stations. A station that does not employ at least one licensed vehicle safety systems technician cannot issue a certificate of compliance under BPC section 9888.6.

Subdivision (a)(3)
The Bureau proposes adopting a new subdivision (a)(3) stating “(3) The equipment specified in Chapter 9 of the Vehicle Safety Systems Inspection Manual, referenced in section 3311.1 of this Article.”

The purpose of this subdivision is to establish the requirement that each vehicle safety system inspection station possess the required tools and equipment specified in the Vehicle Safety Systems Inspection Manual.

This is necessary to ensure that vehicle safety systems inspections, and any repairs, are correctly and accurately performed so that any vehicle that receives a

certificate of compliance is safe for its occupants and everyone sharing the road with that vehicle. By creating the Vehicle Safety Systems Inspection Manual, the Bureau has created “inspection criteria and standards for specific safety systems and components of the vehicle in order to promote the safe and uniform installation, maintenance, and servicing of vehicle safety systems and components”, pursuant to BPC section 9888.5. Chapter 9 of the manual lists the tools and equipment—such as BAR-SIS, lighting inspection equipment, and brake inspection tools—necessary to perform inspections in accordance with those inspection criteria and standards. If an inspection station does not possess the required tools and equipment, they will not be able to perform a vehicle safety systems inspection that both ensures the safety of the inspected vehicle and complies with the inspection criteria and standards.

Subdivision (b)

The Bureau proposes adopting a new subdivision (b) stating “To maintain licensure, all vehicle safety systems inspection stations shall require their employees to comply with the standards and criteria contained in this Article and in Article 6.5 (commencing with section 9888.5) of the Code, and all inspections shall comply with those standards and criteria. The vehicle safety systems inspection station shall be responsible for all inspections conducted in the station by those performing the inspections.”

The purpose of this subdivision is to establish that vehicle safety systems inspection station owners are ultimately responsible for the inspections performed at their stations.

This is necessary to ensure technicians comply with the requirements of the vehicle safety systems inspection program. Making clear to station owners that they are responsible for ensuring that vehicle safety systems inspections performed by vehicle safety systems technicians in their vehicle safety systems stations are performed in accordance the inspection criteria and standards in the Vehicle Safety Systems Inspection Manual will result in station owners enforcing these standards and ensuring compliance on the part of their technicians. Station owners will know that, if they fail to ensure that inspections performed at their stations meet the Bureau’s established inspection criteria and standards, the station owners and their stations could face disciplinary action. To avoid disciplinary action, station owners will ensure the Bureau’s established inspection criteria and standards are met.

Subdivision (c)

The Bureau proposes adopting a new subdivision (c) stating “The software and components located within the OBD data acquisition device shall only be accessed by Bureau-authorized representatives or authorized manufacturer representatives.”

The purpose of this subdivision is to establish that only Bureau-authorized representatives or authorized manufacturer representatives can access the software and components in the OBD data acquisition device (DAD).

This subdivision is necessary to clarify that vehicle safety systems inspection stations and technicians do not have authority to access the software or components located within the OBD DAD.

Pursuant to BPC section 9888.5, it is the Bureau's responsibility to establish the criteria and standards that must be met when a vehicle safety systems inspection is performed, which includes procedures for the use of a DAD on 2000 and newer model year OBD equipped vehicles. To avoid any unintentional damage, tapering, or fraudulent activity by those that would seek to cause the device to fail to perform as intended by the Bureau and the device manufacturer, only a Bureau representative or an authorized manufacturer representative shall be permitted to access the DAD software and components.

Subdivision (d)
The Bureau proposes adopting a new subdivision (d) stating "No licensed station shall have any electronic device or software capable of simulating the OBD data stream from a vehicle or manipulating any OBD information, including OBD VIN, calibration identification, calibration verification number, MIL-status, readiness, or diagnostic trouble codes, collected from a vehicle during an inspection."

The purpose of this subdivision is to establish the requirement that no vehicle safety systems inspection station has any OBD-simulating devices on premises. This requirement is also included in the manual (in short form). The Bureau advises stations and technicians to read the applicable laws and regulations in addition to the manual. However, establishing the information in the regulation and duplicating some of the information in the manual is necessary for clarity and to ensure stations see and comply with this requirement.

This subdivision is necessary for fraud prevention, in order to ensure stations do not have OBD simulators on premises, as they can be used as substitutes for, or in the manipulation of, vehicle identifying information contained in the vehicle's computer.

(3) Adopt section 3311.3. Vehicle Safety Systems Inspection Certificates of Compliance.

Subdivision (a)
The Bureau proposes adopting a new subdivision (a) stating "The charge to be assessed by the Bureau to a vehicle safety systems inspection station for each certificate of compliance specified in this section is $7.00."

The purpose of this subdivision is to establish the cost for each certificate of compliance issued upon successful completion of a vehicle safety systems inspection. This subdivision is necessary to inform vehicle safety systems inspection stations of the amount they will be charged for each certificate of compliance.

Pursuant to BPC section 9888.6, the licensee shall issue a certificate of compliance after determining that a vehicle's safety systems meet the inspection criteria and standards. The vehicle safety systems inspection station will be charged $7.00 for each certificate of compliance they issue.

Subdivision (b)

The Bureau proposes adopting a new subdivision (b) stating "A licensed vehicle safety systems inspection station shall order certificates of compliance for issuance to a vehicle, upon compliance with this Article and Section 9888.6 of the Code, through the BAR-SIS by accessing the "Manage Station Menu", selecting "3. Certificates", inputting the vehicle safety systems inspection station's license number, inputting the desired number of books of certificates of compliance to be purchased, and inputting the Automated Clearing House (ACH) electronic debit account information for payment, as described in Chapter 1.9 of the Vehicle Safety Systems Inspection Manual, referenced in section 3311.1 of this Article, under the following terms and conditions:".

The purpose of this subdivision is to establish the requirements for ordering certificates of compliance and provide instructions for ordering certificates of compliance using the BAR-SIS.

This subdivision is necessary to inform stations and technicians how to order certificates of compliance, and that they are required to order and purchase certificates of compliance digitally using the BAR-SIS. This subdivision provides the names of the individual screens a station would use to navigate the BAR-SIS when purchasing certificate of compliance. After logging into the BAR-SIS, the "Manage Station Screen" gives the station multiple options necessary for managing the station and technicians. The station would select the third option on the "Manage Station Screen" titled "Certificates". Once "Certificates" is selected, a new screen will open on which the station will enter the number of certificates of compliance "books" they wish to purchase. A book of certificates of compliance contains 50 individual certificates. After entering the number of certificate books, the station must enter their Automated Clearing House (ACH) electronic debit account information to pay for the number of certificate books the station wishes to purchase. The ACH debit transaction is the banking process that allows the station to authorize a debit of the station's bank account to purchase certificates electronically through the BAR-SIS, as described in Chapter 1.9 of the Vehicle Safety Systems Inspection Manual.

Subdivision (b)(1)

The Bureau proposes adopting a new subdivision (b)(1) stating "A licensed station shall purchase a certificate of compliance for the fee set forth in subdivision (a) of this section; and".

The purpose of this subdivision is to establish a licensed station will purchase certificates of compliance, and establish the fee for the purchase.

This is necessary to inform stations that they are to initiate and complete the purchase of certificates of compliance, and to introduce the $7.00 fee the vehicle safety system inspection stations will be charged per certificate of compliance. As certificates of compliance are sold in books of 50 certificates, the price per book will be $350.00.

Subdivision (b)(2)
The Bureau proposes adopting a new subdivision (b)(2) stating “Full payment is required at the time the certificates are ordered from the Bureau.”

The purpose of this subdivision is to establish the requirement that the vehicle safety systems inspection station must pay in full for the certificates ordered by the station.

This is necessary to allow the Bureau to recoup the administrative costs for the issuance and processing of the certificates of compliance, as well as the other operational costs associated with administering the vehicle safety systems inspection program. This also prevents the Bureau from incurring unnecessary administrative costs associated with having to collect an unpaid bill for these certificates.

Subdivision (c)
The Bureau proposes adopting a new subdivision (c) stating “When issuing a certificate of compliance to a vehicle that has passed a vehicle safety systems inspection, a licensed vehicle safety systems inspection station shall:”.

The purpose of this subdivision is to introduce the list of requirements vehicle safety systems inspection stations must meet when issuing certificates of compliance to vehicles that pass the inspection.

This subdivision is necessary to inform stations and technicians that there are requirements that must be met when issuing certificates of compliance.

Subdivision (c)(1)
The Bureau proposes adopting a new subdivision (c)(1) stating “Charge the customer a $7.00 fee for a certificate of compliance; and”.

The purpose of this subdivision is to establish the fee the vehicle safety systems inspection station shall charge the consumer for a certificate of compliance.

This subdivision is necessary to ensure that each vehicle safety systems station charges their customers no more than the amount the station paid for the certificate of compliance they issue. Without this subdivision, stations may “mark-up” the

certificate of compliance to an amount that is more than the $7.00 they were charged.

Subdivision (c)(2)
The Bureau proposes adopting a new subdivision (c)(2) stating “Not assess sales tax on the price of the certificate, in accordance with Part 1 of Chapter 2 of Division 2 (commencing with section 6051) of the Revenue and Taxation Code and section 6012 of the Revenue and Taxation Code.”

The purpose of this subdivision is to establish the requirement that the vehicle safety systems inspection station not charge sales tax for a certificate of compliance.

This is necessary to avoid stations inappropriately charging consumers sales tax on the $7.00 certificate cost (Revenue and Taxation Code section 6012(c)(9).) A vehicle safety systems inspection certificate of compliance does not meet the definition of “Gross Receipts” as defined in Revenue Taxation Code section 6012, as it is a fee imposed by the State of California for a motor vehicle, and therefore is not subject to sales tax.

Subdivision (d)
The Bureau proposes adopting a new subdivision (d) stating “A licensed vehicle safety systems technician shall authorize the issuance of an electronic certificate of compliance for any vehicle that has passed a vehicle safety systems inspection, as described in Chapter 1.6 of the Vehicle Safety Systems Inspection Manual, referenced in section 3311.1 of this Article. An electronic certificate of compliance shall consist of:”

This purpose of this subdivision is to introduce a list of required information that must be included on the vehicle safety systems inspection certificate of compliance.

This subdivision is necessary to identify certain information that must be included on a certificate of compliance. Pursuant to BPC section 9888.5, the Bureau will prescribe a form for the certificate, which will include this set of required information.

Subdivision (d)(1)
The Bureau proposes adopting a new subdivision (d)(1) stating “The certificate of compliance number issued by the Bureau when the vehicle passes the inspection in accordance with this Article;”.

The purpose of this subdivision is to establish that a vehicle safety system inspection certificate of compliance must include a Bureau issued certificate number.

This is necessary to ensure that the Bureau and DMV can accurately track which certificates were issued to which vehicles. These certificates will be electronically transmitted to DMV, and the certificate number will be recorded on the Vehicle Safety Report (VSR) described in Chapter 1.8 of the Vehicle Safety Systems Inspection Manual. By ensuring that each certificate of compliance issued has its own unique Bureau issued number, one certificate cannot be issued to multiple vehicles, or used by a person to register multiple vehicles (with the DMV) that did not receive a required vehicle safety systems inspection. By recording that unique number on the VSR, it will permit DMV the ability to verify that a certification of compliance was in fact issued to the vehicle the person is trying to register.

Additionally, ensuring that each certificate of compliance issued has its own unique Bureau issued number will allow the Bureau to accurately account for the number of certificates issued by stations for the purposes of charging the $7.00 referenced in subdivision (a).

Subdivision (d)(2)
The Bureau proposes adopting a new subdivision (d)(2) stating “The year, make, model, and Vehicle Identification Number (VIN) of the vehicle inspected;”.

The purpose of this subdivision to establish that a vehicle safety systems inspection certificate of compliance shall include information specific to the vehicle inspected, including the VIN number.

This is necessary to ensure accurate information (regarding the vehicle inspected) is transmitted to the DMV. Requiring the vehicle’s year, make, and model, including the VIN, will permit the DMV to verify the information for the vehicle inspected matches the DMV’s registration records. It will assist DMV in verifying that the certification of compliance was in fact issued to the correct vehicle—the vehicle the person is trying to register. It will also allow BAR to track information on the types of vehicles that are receiving the vehicle safety systems inspections for future research purposes. Additionally, BPC section 9888.5(c)(3) requires this information be recorded in the certificate of compliance.

Subdivision (d)(3)
The Bureau proposes adopting a new subdivision (d)(3) stating “The license number of the vehicle safety systems inspection station where the inspection was performed;”.

The purpose of this subdivision is to establish that a vehicle safety systems inspection certificate of compliance must include the issuing station’s license number.

This is necessary to allow the Bureau to accurately account for the number of certificates issued by each station for the purposes of charging the $7.00 referenced in subdivision (a).

Additionally, BPC section 9888.5(c)(3) requires the station license number be recorded on the certificate of compliance.

Subdivision (d)(4)
The Bureau proposes adopting a new subdivision (d)(4) stating "The license number of the vehicle safety systems technician who performed the inspection; and".

The purpose of this subdivision is to establish that a vehicle safety systems inspection certificate of compliance must include the issuing technician's license number.

This is necessary for the Bureau to track which licensed vehicle safety systems technician performed the vehicle safety systems inspection that resulted in the issuance of a specific certificate of compliance. This is useful to the Bureau in potential future investigations, as it will allow the Bureau to identify which licensed technician performed the inspection and issued the certificate of compliance.

Subdivision (d)(5)
The Bureau proposes adopting a new subdivision (d)(5) stating "The date and time the certificate of compliance was issued by the vehicle safety systems technician when the vehicle passed the inspection."

The purpose of this subdivision is to establish that a vehicle safety systems inspection certificate of compliance will include the date and time it was issued.

This is necessary to aid the Bureau in potential future investigations, as it will help the Bureau establish when the inspection was completed and when a certificate of compliance was issued.

Additionally, BPC section 9888.5(c)(3) requires the date the certificate of compliance was issued to be recorded on the certificate of compliance.

(4) Adopt section 3312.1. Licensing Vehicle Safety Systems Inspection Stations; Inspection, Term, and Renewal.

Subdivision (a)
The Bureau proposes adopting a new subdivision (a) stating "Any person or entity ("applicant") seeking a license to operate a vehicle safety systems inspection station shall submit a completed application to the Bureau that includes all of the following:".

The purpose of this subdivision is to establish the application criteria that must be met for any persons or entity seeking licensure of a vehicle safety systems inspection station.

This is necessary to introduce the elements required of an application to obtain a vehicle safety systems inspection station license so BAR can obtain the information (and fee) needed to process licensing applications. BPC section 9888.5(c) requires those seeking a vehicle safety systems inspection station license to apply to the Bureau, and the Bureau to collect sufficient information to identify the applicant. This application process implements the statute.

Subdivision (a)(1)
The Bureau proposes adopting a new subdivision (a)(1) stating "A nonrefundable application fee of $20.00."

The purpose of this subdivision is to establish the non-refundable application fee amount to be charged upon applying for a vehicle safety systems inspection station license.

This is necessary to cover the cost of application processing by BAR. Once a vehicle safety systems inspection station application is submitted, BAR incurs costs associated with the processing (review) of the application. The application fee is nonrefundable to ensure BAR is reimbursed for the review process.

Subdivision (a)(2)
The Bureau proposes adopting a new subdivision (a)(2) stating "The following identifying information:".

The purpose of this subdivision is to introduce a list of identifying information that shall be provided on the vehicle safety systems inspection station application.

Every listing in this subdivision is necessary to ensure the required information is included in the application so the application can be effectively processed.

(1) Subdivision (a)(2)(A) stating "The legal name of the applicant. An individual must apply using their full legal name: ((Last Name) (First Name) (Middle Name) and (Suffix)). A business entity must apply using the business' legal name."

This information is necessary to identify the true and correct identity of the applicant, and whether that applicant is an individual or a business entity. This subdivision is necessary to list the items of identifying information an applicant must submit to become registered as an ARD, such as full legal name, and information from a government issued photo identification, to enable the Bureau to verify the applicant's true and correct identity.

(2) Subdivision (a)(2)(B) stating "The applicant's automotive repair dealer registration number."

This information is necessary, as registration as an ARD will be required for licensure as vehicle safety systems inspections stations under the proposed regulations. BPC section 9884.6(a) requires anyone who, for compensation, is an ARD engaging in the business of repairing or diagnosing motor vehicles malfunctions to be registered with the Bureau.

(3) Subdivision (a)(2)(C) stating "If the business will be carried out under a fictitious name (i.e., the applicant intends to operate under a name other than their legal name), the fictitious name shall be provided."

This information is necessary for the Bureau to identify and track the business. In addition to aiding in BAR's operation of the program, identifying and tracking the business is required under BPC section 9884, which states "if the business is to be carried on under a fictitious name, the fictitious name shall be stated." (BPC section 9884(b)(2).)

(a) Subdivision (a)(2)(C)(i) stating "If the business is a corporation, the corporate number assigned by the California Secretary of State."

This information is necessary to verify with the Secretary of State the business' organizational structure using the corporation's assigned number.

(b) Subdivision (a)(2)(C)(ii) stating "If the business is a limited liability company (LLC), the domestic or foreign LLC number assigned by the California Secretary of State."

This information is necessary for verifying the business' organizational structure with the Secretary of State using the LLC's assigned number.

(4) Subdivision (a)(2)(D) stating "Federal employer identification number (FEIN), if the applicant is a partnership, or the applicant's social security number or individual taxpayer identification number (ITIN) for all other applicants. If the applicant is a corporation or LLC, the applicant shall submit the social security numbers of its controlling individuals."

This is necessary because BPC section 30 requires the Bureau to collect FEINs, social security numbers, and ITINs specific to business structure. (BPC sections 30(a)(1), (a)(2)(A).)

(5) Subdivision (a)(2)(E) stating "If the applicant is a business entity, the full legal name, title, business address, telephone number, and information from a government issued photo identification, including issuing authority, document title, and number for each controlling individual."

This information is necessary to ascertain the true and correct identity of each controlling individual of a business entity applicant. Subdivision (h) of this section defines a “controlling individual” as “owners, directors, officers, partners, members, trustees, managers, and any other persons . . . who directly or indirectly control or conduct the business.” This subdivision is necessary to obtain the identifying information of each controlling individual, and will enable the Bureau to verify the true and correct identity of each controlling individual.

(6) Subdivision (a)(2)(F) stating “Physical address of the location operated by the applicant (“location”).”

This item is necessary so the Bureau can communicate with the applicant about their application and transmit notices, mailings, and other communications to the applicant.

(7) Subdivision (a)(2)(G) stating “Applicant’s mailing address (“address of record”), if different than the physical address.”

This item is necessary so the Bureau can communicate with the applicant about their application and transmit notices, mailings, and other communications to the applicant when the applicant receives mail somewhere other than their physical address.

(8) Subdivision (a)(2)(H) stating “Applicant’s telephone number.”

This item is necessary so the Bureau can communicate with the applicant by telephone.

(9) Subdivision (a)(2)(I) stating “Whether the applicant or any controlling individual of the business has been convicted of any crime or offense for which a license may be denied pursuant to section 480 of the Code.”

This subdivision is necessary to set forth the requirement that an applicant must disclose any convictions of the applicant or any controlling individual of the business. Under BPC section 480(f)(1), the Bureau may require applicants for licensure to disclose criminal conviction history on an application for licensure.

(10) Subdivision (a)(2)(J) stating “Applicants are required to disclose convictions under California Health and Safety Code sections 11357(b), (c), or (d), or 11360(b), which are less than two years old.”

This item is necessary to allow the Bureau to use information regarding any conviction under these Health and Safety Code (HSC) sections to decide whether to issue/renew licenses. Under HSC sections 11357(b), (c), or (d), or section

11360(b), records from these convictions shall not be kept beyond two years from the date of the conviction. (HSC section 11361.5(a).) Consequently, only those convictions that are less than two years old will be required to be reported.

(11) Subdivision (a)(2)(K) stating "Whether, within the preceding seven years from the date of application, the applicant or any controlling individual of the business has had a license, registration, or certification that was formally disciplined by a licensing board in or outside of California, including the Bureau, or any program in the Department of Consumer Affairs. "Discipline" for purposes of this section includes reproval, suspension, revocation, probation, or any other form of restriction placed on the license, registration, or certification."

This subdivision is necessary as, under BPC section 480(a)(2), a Board (including the Bureau, as the Bureau is a "Board" under BPC section 22) may deny licensure if the "applicant has been subjected to formal discipline by a licensing board in or outside California within the preceding seven years . . . based on professional misconduct that would have been cause for discipline . . . , and that is substantially related to the qualifications, functions, or duties of the business or profession for which the present application is made." This subdivision helps the Bureau collect the information the Bureau needs to evaluate whether the application should be denied based on past discipline, and therefore, collecting this information is necessary.

(12) Subdivision (a)(2)(L) stating "If the applicant answers affirmatively to any of the items in subdivisions (a)(2)(I) or (a)(2)(K) of this section, the applicant shall provide a written statement detailing each criminal conviction and disciplinary action, on a separate sheet of paper. For each criminal conviction, the statement shall include: the date and place of arrest, name of the court that heard the case, court case number, code section(s) violated, brief explanation of the offense(s), and the restriction(s) imposed. For each disciplinary action, the written statement shall include the date and nature of the disciplinary action, name and location of the public agency, and every fine and restriction imposed."

This subdivision is necessary to obtain further information about relevant facts, provided by the applicant or controlling individual of a business, in response to subdivisions (a)(2)(I) and (a)(2)(K). The Bureau requests this information to investigate the prior conviction(s) or discipline and determine whether there is a substantial relationship between the reported acts and the qualifications, functions, or duties of the business or profession for which the application is made.

Subdivision (a)(3)

The Bureau proposes adopting a new subdivision (a)(3) stating “The following additional applicant-identifying information, to expedite the application process, if applicable:”.

The purpose of this subdivision is to establish the requirement that an applicant submit further identifying information if they wish to have their application expedited.

This subdivision is necessary to list the additional items of identifying information an applicant must submit in requesting expedited application processing.

(1) Subdivision (a)(3)(A) stating “Whether the applicant is serving, or has previously served, in the United States Armed Forces.”

This item is necessary so the Bureau can determine whether an applicant is serving or has previously served in the military, and therefore qualifies for expedited licensure. If the applicant answers in the affirmative, this entitles the applicant to expedited application processing (under the circumstances listed in BPC section 115.4).

(2) Subdivision (a)(3)(B) stating “Whether the applicant is an honorably discharged member of the United States Armed Forces. If the applicant affirmatively states they meet this criterion, they shall provide the following documentation with the application to receive expedited review: a certificate of release or discharge from active duty (DD-214) or other documentary evidence showing date and type of discharge.”

This item is necessary to ensure the applicant provides the information necessary to receive expedited application processing. Under BPC section 115.4, the Bureau “shall expedite, and may assist, the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant has served as an active duty member of the Armed Forces of the United States and was honorably discharged.” The DD-214 is the standard military discharge form that indicates the date and type of discharge from military service. The Bureau will accept other documentation from the United States Armed Forces on release and discharge from active duty, as long as the alternative documentation includes the date and type of discharge.

(3) Subdivision (a)(3)(C) stating “Whether the applicant is married to or in a domestic partnership or other legal union with an active-duty member of the United States Armed Forces assigned to a duty station in California under official active-duty military orders. If the applicant affirmatively states they meet this criterion, they shall provide the following documentation along with the application to receive expedited review: certificate of marriage, certificate of domestic partnership, or proof of other legal union; a copy of the applicant’s

spouse's or partner's military orders reflecting assignment to a California duty station; and proof of being licensed to operate a vehicle safety systems inspection station in another state, or U.S. territory or district."

This item is necessary to ensure applicants provide the information necessary to receive expedited application processing under BPC section 115.5. BPC section 115.5 states the Bureau shall expedite the licensure process for an applicant who:

- "Supplies evidence satisfactory to the Bureau the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States." That evidence shall be a certificate of marriage/domestic partnership, or proof of other legal union which contains the name of applicant and the active duty service member, the date of the marriage/partnership/union, and the location where it occurred, so the Bureau can verify the relationship.

- Is "assigned to a duty station in this state under official active duty military orders." The applicant shall supply a copy of the order to the Bureau, so the Bureau can verify the order and the location of the duty station; and,

- "Holds a current license in another state, district, or territory of the United States in the profession or vocation for which the applicant seeks a license" from the Bureau. The applicant shall provide the Bureau a copy of their currently valid automotive repair dealer license so the Bureau can verify its validity and determine the license status.

(4) Subdivision (a)(3)(D) stating "Whether the applicant was admitted to the United States as a refugee, has been granted asylum by the Secretary of Homeland Security or the Attorney General of the United States, or has a special immigrant visa (SIV). If the applicant affirmatively states they meet any of these criteria, they shall provide any of the following items of documentation, as applicable, with the application to receive expedited review:".

This item is necessary to introduce the list of the permissible documentation to ensure applicants provide the information necessary to receive expedited application processing under BPC section 135.4. BPC section 135.4 states the Bureau "shall expedite, and may assist, the initial licensure process for an applicant who supplies satisfactory evidence . . . they have been admitted to the United States as a refugee under [s]ection 1157 of Title 8 of the United States Code, have been granted asylum by the Secretary of Homeland Security or the Attorney General of the United States pursuant to [s]ection 1158 of Title 8 of the United States Code, or they have a special immigrant visa (SIV) that has been granted a status under [s]ection 1244 of Public Law 110-181, under Public Law 109-163, or under [s]ection 602(b) of Title VI of Division F of Public Law 111-8."

(i) Subdivision (a)(3)(D)(i) stating “Form I-94, arrival/departure record, with an admission class code such as “RE” (refugee) or “AY” (asylee) or other information designating the person a refugee or asylee;”.

The purpose of this subdivision is to specify that a Form I-94 with an admission class code of refugee or asylee is a satisfactory form of proof of refugee status that an applicant may provide the Bureau in order to expedite the application process.

This item is necessary to ensure applicants who qualify for expedited application processing provide an accepted form of proof of the applicant’s admission into the United States as a refugee. The I-94 confirms the person is a refugee or asylee, and the Bureau may use this documentation to expedite the application processing.

(ii) Subdivision (a)(3)(D)(ii) stating “Special Immigrant Visa that includes the “SI” or “SQ”;”.

The purpose of this subdivision is to specify that a visa with SI or SQ status is a satisfactory form of proof of special immigration visa status that an applicant may provide the Bureau in order to expedite the application process.

This item is necessary to ensure applicants who qualify for expedited application processing provide proof they possess a special immigrant visa. The requested document will show the applicant aided the U.S. government abroad and has permanent United States residency, and the Bureau may use this documentation to expedite the application processing.

(iii) Subdivision (a)(3)(D)(iii) stating “Permanent Resident Card (Form I-551), commonly known as a “green card”, with a category designation indicating that the person was admitted as a refugee or asylee; or”.

The purpose of this subdivision is to specify that a Form I-551 with a designation as refugee or asylee is a satisfactory form of proof of refugee status that an applicant may provide the Bureau in order to expedite the application process.

This item is necessary to ensure applicants who qualify for expedited application processing provide proof they are a refugee or asylee. The requested document will show the applicant is a permanent resident of the United States and the Bureau may use this documentation to expedite the application processing.

(iv) Subdivision (a)(3)(D)(iv) stating “An order from a court of competent jurisdiction or other documentary evidence that provides reasonable assurances to the Bureau that the

applicant qualifies for expedited licensure pursuant to section 135.4 of the Code."

The purpose of this subdivision is to specify that a court order or other documentary evidence is a satisfactory form of proof of refugee status that an applicant may provide the Bureau in order to expedite the application process.

This item is necessary to ensure applicants who qualify for expedited application processing are allowed to submit to the Bureau a court order that provides reliable assurances, based on the language used in the order, that the applicant is a refugee, has been granted asylum, or has a SIV and qualifies for expedited application processing under the statute.

Subdivision (a)(4)
The Bureau proposes adopting a new subdivision (a)(4) stating "The applicant shall disclose whether they have read the Vehicle Safety Systems Inspection Manual, referenced in section 3311.1 of this Article, and possess all required equipment specified in Chapter 9 of the Vehicle Safety Systems Inspection Manual."

The purpose of this subdivision is to help the Bureau determine whether the applicant read the Vehicle Safety System Inspection Manual and possesses all equipment required to operate a vehicle safety systems inspection station.

This subdivision is necessary to ensure that, for the safety of everyone on the road, only applicants who have read the Vehicle Safety Systems Inspection Manual and possess all equipment required to operate a vehicle safety systems inspection station become licensed by the Bureau.

BPC section 9888.5 requires the Bureau to establish criteria and standards for specific safety systems in order to "promote the safe and uniform installation, maintenance, and servicing of vehicle safety systems and components." The Bureau will meet this requirement with the adoption of these regulations and the incorporated Vehicle Safety Systems Inspection Manual. This subdivision is necessary to determine the applicant's familiarity with and understanding of the vehicle safety systems inspection program and its requirements. If the application indicates they have not read the manual, then the applicant would be unfamiliar with criteria and standards for the safety systems inspected as part of the vehicle safety systems inspection.

Additionally, Chapter 9 of the manual details the equipment required for a vehicle safety systems inspection station, which includes the BAR-SIS and tools for the inspection of the vehicle's lighting, tires and wheels, and brake systems. If the applicant has not read the manual, they would not be familiar with the equipment a vehicle safety systems inspection station is required to maintain and use in inspections. All applicants are subject to an initial on-site inspection to verify they have the required equipment prior to licensure. If the applicant indicates they do not

possess the required equipment, then the applicant would not pass the initial on-site inspection.

This subdivision collects the information the Bureau needs to evaluate whether the application should be denied based on unfamiliarity with the program or failure to possess the required equipment.

Subdivision (a)(5)
The Bureau proposes adopting a new subdivision (a)(5) stating "A certification, signed by the applicant under penalty of perjury under the laws of the State of California, that all statements made in the application and all supporting documents provided by the applicant to the Bureau are true and correct."

The purpose of this subdivision is to establish that the applicant will certify under penalty of perjury that they confirm all the information provided in and with their application is true and correct.

This subdivision is necessary to ensure that applicants provide true and correct information and documentation to the Bureau in support of their application for licensure so the Bureau can have all the information necessary to make an accurate decision regarding licensure.

Additionally, BPC section 9884(b)(5) requires an application to include this statement. Certifications under penalty of perjury help to ensure that the documentation contains "truthful factual representation[s] . . . made in good faith." (See e.g., *In re Marriage of Reese & Guy* (1999) 73 Cal.App.4th 1214, 1222 (citation omitted; "The whole point of permitting a declaration under penalty of perjury, in lieu of a sworn statement, is to help ensure that declarations contain a truthful factual representation and are made in good faith."). (*Id*. at 1216.)) Accordingly, certification under penalty of perjury helps ensure applicants submit truthful and accurate information to the Bureau.

In addition to certification under penalty of perjury helping ensure the reliability of the statements to the Bureau (because certifying under penalty of perjury can have a deterrent effect on those who consider providing untrue, inaccurate, or incomplete information), it provides the Bureau with the option of seeking sanctions and referring the matter to law enforcement in the event that such information is not true, complete, or accurate. "The oath or declaration must be in such form that criminal sanctions of perjury might apply where material facts so declared to be true, are in fact not true or are not known to be true." (*In re Marriage of Reese & Guy* (1999) 73 Cal.App.4th 1214, 1222.)

Subdivision (b)
The Bureau proposes adopting a new subdivision (b) stating "The abandonment date for an application that has been returned to the applicant as incomplete shall be 12 months from the date of returning the application, in accordance with Section 142 of the Code. An applicant who abandons an application shall submit a new

application meeting the requirements of this section to obtain licensure to operate a vehicle safety systems inspection station."

The purpose of this subdivision is to establish an application abandonment date, which is 12 months from the date when an application is returned to the applicant as incomplete (if the applicant does not thereafter submit a completed application to the Bureau). Furthermore, the section specifies that is the application is abandoned, the applicant must submit a new application to start the process again.

This subdivision is necessary to ensure a timely application process, and to require the submission of a new application when an application has been abandoned. BPC section 142(b) provides that "[n]otwithstanding any other provision of law, the abandonment date for an application that has been returned to the applicant as incomplete shall be 12 months from the date of returning the application." The Bureau recites that requirement here so applicants can find the requirements for application abandonment in one place.

Subdivision (c)

The Bureau proposes adopting a new subdivision (c) stating "Inspection. A vehicle safety systems inspection station license shall be issued within 10 days after a Bureau representative confirms at an initial on-site inspection (as specified in section 3303.2(b) of this Chapter) that the applicant meets the requirements prescribed in section 3311.2 of this Article and provides the applicant with written notice of such confirmation. A vehicle safety systems inspection station license shall expire one year from the date of issuance unless renewed prior to the expiration date, in accordance with this section."

The purpose of this subdivision is to establish that an applicant must pass an initial on-site inspection for licensure, and provide the requirements the applicant must meet to pass that inspection. Additionally, another purpose is to establish that the vehicle safety systems inspection station license is valid for one year from the date of issuance.

This subdivision is necessary to introduce the requirement of an initial on-site inspection, referenced in proposed CCR section 3303.2(b), the applicant must pass to obtain a vehicle safety systems inspection station license. It also establishes the requirements that the applicant must meet to pass the inspection. To pass the inspection, pursuant to proposed CCR section 3311.2, the applicant must be registered as an ARD, have at least one vehicle safety systems technician employed, and possess all of the required equipment specified in Chapter 9 of the Vehicle Safety Systems Inspection Manual. The Bureau representative performing the initial on-site inspection will provide that applicant with a copy of a station inspection report upon completion of the initial on-site inspection. The Bureau will issue the applicant a vehicle safety systems inspection station license within 10 days after the applicant passes the initial on-stie inspection.

A vehicle safety systems inspection station license, like all Bureau issued station licenses, is valid for one year from the date of issuance and must be renewed annually to stay current and active.

Subdivision (d)
The Bureau proposes adopting a new subdivision (d) stating "A vehicle safety systems inspection station shall notify the Bureau in writing of any material changes to the information submitted to the Bureau, under subdivision (a)(2) of this section, within fourteen (14) days of the date of making any changes, or receiving notice of any change in the case of criminal convictions and disciplinary matters referenced in subdivisions (a)(2)(I) and (a)(2)(K) of this section. For the purposes of this section, "material" means any of the following:"

The purpose of this subdivision is to establish the requirement that a station notify the Bureau of any material changes in business information within 14 days. Furthermore, this section establishes the list of all information considered "material".

This subdivision is necessary to ensure registrants promptly notify the Bureau (within 14 days) of any changes in the information submitted as part of the vehicle safety systems application process—changes regarding their identifying information, military/asylee status, criminal convictions, or disciplinary matters—so the Bureau is informed of these changes and has accurate information with which to process the application and make the decision on licensure. The Bureau needs the information to evaluate whether any new information, including information regarding disciplinary actions or criminal actions, impacts its determination whether to license the vehicle safety systems inspection station. This subdivision is also necessary to introduce the list of "material" changes that fall within this notification requirement so applicants are informed about what constitutes a "material" change of which they must inform the Bureau.

Subdivision (d)(1)
The Bureau proposes adopting a new subdivision (d)(1) stating "A change of ownership, as defined in section 3306(c)(1) of this Chapter;".

The purpose of this subdivision is to establish the requirement that, if the business has a change of ownership, the station must notify the Bureau of this change within 14 days.

This subdivision is necessary to ensure the Bureau is promptly notified of any change in the legal ownership of a vehicle safety systems inspection station, including the addition or deletion of a partner, the transfer of any ownership interest, incorporation, or change in the corporate status, as defined in CCR section 3306(c)(1). This information is necessary to ensure the Bureau's records regarding the station's ownership are accurate and reflect the actual ownership of a station for licensing and enforcement functions that rely on the accuracy of this information.

The Bureau needs to maintain accurate ownership records for proper notification, alerts, disciplinary action, etc.

Subdivision (d)(2)
The Bureau proposes adopting a new subdivision (d)(2) stating “A change to the legal or fictitious business name;”.

The purpose of this subdivision is to establish the requirement that, if the business name changes, the station must notify the Bureau of this change within 14 days.

This subdivision is necessary to ensure that information regarding a change of the station’s legal or fictitious business name is promptly provided to the Bureau. The Bureau needs this information to ensure its records regarding the station’s legal and fictious name are accurate for licensing and enforcement functions, and sending notifications and alerts.

Subdivision (d)(3)
The Bureau proposes adopting a new subdivision (d)(3) stating “A change of address, as defined in section 3306(c)(2) of this Chapter;”.

The purpose of this subdivision is to establish the requirement that, if the station changes its location, the station must notify the Bureau of this change, and the new location, within 14 days.

This subdivision is necessary to ensure applicants promptly provide the Bureau with information regarding the relocation of a station (not involving a change of ownership) and any change in the mailing address, including a change resulting from street renumbering, as defined in section 3306(c)(2). The Bureau needs this information to ensure its records regarding the station’s location are accurate for the purposes of communication and locating the registrant for licensing and enforcement inquires.

Subdivision (d)(4)
The Bureau proposes adopting a new subdivision (d)(4) stating “A change to controlling individuals;”.

The purpose of this subdivision is to establish the requirement that, if the station changes its controlling individuals, the station must notify the Bureau of this change within 14 days.

This subdivision is necessary to ensure the Bureau is promptly notified of any changes to a station’s owners, directors, officers, partners, members, trustees, managers, and any other persons who directly or indirectly control or conduct the business.

The Bureau needs this information to ensure its records about those in control of the station are accurate so the Bureau can determine whether a change in the controlling individuals impacts its determination whether to license the station, and to ensure that the new controlling individuals are qualified to be licensed to operate an inspection station.

Subdivision (d)(5)
The Bureau proposes adopting a new subdivision (d)(5) stating "A new report of a conviction of the vehicle safety systems inspection station or any of its controlling individuals, as provided in section 490 of the Code; or".

The purpose of this subdivision is to establish the requirement that, if there are any new conviction reports regarding the station or the controlling individuals, the station must notify the Bureau within 14 days.

This subdivision is necessary to ensure the Bureau is promptly notified of a new criminal conviction—of any of the station's owners, directors, officers, partners, members, trustees, managers, and any other persons who directly or indirectly control or conduct the business—for a crime substantially related to the qualifications, functions, or duties of the business, as defined in BPC section 490. The Bureau needs this update to determine whether the new information regarding a criminal action impacts its determination whether to license the station, and to determine if it should take disciplinary action against the registrant.

Subdivision (d)(6)
The Bureau proposes adopting a new subdivision (d)(6) stating "A new report of formal discipline against the vehicle safety systems inspection station or any of its controlling individuals by a licensing board."

The purpose of this subdivision is to establish the requirement that, if the station or the controlling individuals receive a disciplinary report, the station must notify the Bureau within 14 days.

This subdivision is necessary to ensure the Bureau is promptly notified of a new disciplinary action, such as reproval, suspension, revocation, probation, or any other form of restriction, against the station or the station's owners, directors, officers, partners, members, trustees, managers, and any other persons who directly or indirectly control or conduct the business. The Bureau needs this update to determine whether the new information regarding a disciplinary action impacts its determination whether to license the station, and to determine if it should take disciplinary action against the registrant.

Subdivision (e)
The Bureau proposes adopting a new subdivision (e) stating "The notice of material changes required by subdivision (d) of this section shall include all of the following for each change: a description of the change, and the effective date of each change

or the date that notice of the change was received by the vehicle safety systems inspection station in the case of reporting convictions and formal discipline."

The purpose of this subdivision is to establish the list of required information to be included in the station's notice informing the Bureau of any material changes.

This subdivision is necessary to introduce the requirement that stations include certain information in their notice to the Bureau of any material changes, and inform stations and their operators what information stations must provide when notifying the Bureau of a material change described in subdivision (d). That information includes a description of the change, and the date the change occurred, so the Bureau can verify the timeliness of the notification, and Bureau records can be updated to reflect the change. In the case of a criminal conviction of a controlling individual, as described in subsection (a)(2)(I) or (a)(2)(J), or a disciplinary action, such as reproval, suspension, revocation, probation, or any other form of restriction against the station or any of the station's controlling individuals, as described in subsection (a)(2)(K). The date is necessary to determine the recency of the criminal conviction or disciplinary action and verify the timeliness of the notification to the Bureau. Additionally, the Bureau needs this information to evaluate whether this new information regarding disciplinary actions or criminal actions impacts its determination whether to license the station.

Subdivision (f)

The Bureau proposes adopting a new subdivision (f) stating "As a condition of renewal, a vehicle safety systems inspection station shall submit a renewal fee of $20.00 to the Bureau prior to the expiration date of their license, or as otherwise provided in this subdivision. If the vehicle safety systems inspection station submits the renewal fee after the license expiration date, a delinquency fee of $10.00 shall be assessed in addition to the $20.00 renewal fee, pursuant to section 163.5 of the Code. If more than 30 days have passed since the vehicle safety systems inspection station's license expiration date, the station's license shall not be renewed and shall expire. If the entity or individual seeks to operate as a licensed vehicle safety systems inspection station again, they shall submit a new application and fee, as specified in subdivision (a) of this section."

The purpose of this subdivision is to establish the process through which a vehicle safety systems station can renew their license, and establish a delinquency fee for those that renew after the license has gone delinquent for less than 30 days. Additionally, it establishes that a license that is over 30 days expired will not be renewed.

This subdivision is necessary to encourage vehicle safety systems inspection stations to timely renew their licenses by notifying them that they must submit the renewal fee of $20.00 to the Bureau prior to the expiration of the license, otherwise their license will be considered delinquent. If the license becomes delinquent, the station can still renew by paying the $20.00 renewal fee, but must also pay a

delinquency fee of $10.00, which is 50% of the renewal fee, as permitted by BPC section 163.5, to renew the license. If the station fails to renew the license prior to 30 days after the expiration date of the license, the license will be considered expired, and the applicant will not be permitted to renew the license. In this case, if the station wishes to regain a license to perform vehicle safety systems inspections, they may submit a new application and pay the $20.00 licensing fee to the Bureau, as provided for in this section.

Subdivision (g)

The Bureau proposes adopting a new subdivision (g) stating "Upon expiration of a vehicle safety systems inspection station license, a station shall not perform vehicle safety systems inspections until a current and active license is obtained, as specified in this section."

The purpose of this subdivision is to establish that when a vehicle safety systems inspection station license expires, the station is not permitted to perform vehicle safety system inspections.

This is necessary to ensure that only licensed vehicle safety systems inspection stations perform vehicle safety systems inspections, for the safety of everyone on the road. Pursuant to BPC section 9888.5, vehicle safety systems inspections shall only be performed in licensed vehicle safety systems inspection stations. If a vehicle safety systems inspection station does not have a current and active license, the station's BAR-SIS will not be permitted to communicate to the VID, and neither the station nor its technicians will be able of performing vehicle safety systems inspections. The station will either need to renew their license or be issued a new license by reapplying if the delinquency has extended more than 30 days.

Subdivision (h)

The Bureau proposes adopting a new subdivision (h) stating "For the purposes of this section, "controlling individual" means owners, directors, officers, partners, members, trustees, managers, and any other persons the applicant identifies in their application who directly or indirectly, wholly or in part, control or conduct the business."

The purpose of this subdivision is to define the term "controlling individual".

This subdivision is necessary to provide a definition of what constitutes a "controlling individual" so vehicle safety systems stations and technicians understand what the term means when they encounter it in the proposed regulations. The term "controlling individual" is used in multiple subdivisions across multiple sections of these proposed regulations, and defining the term helps to clarify that it not only includes the owner of a sole proprietorship, partners within a partnership, or members/trustees/directors of a corporation or LLC, but also managers or any other person who directly or indirectly controls or conducts the business.

Subdivision (i)
The Bureau proposes adopting a new subdivision (i) stating “In addition to any of the applicable grounds provided in section 9889.2 of the Code, an application for licensure or renewal as a vehicle safety systems inspection station may be denied for any of the following reasons:”.

The purpose of this section is to establish the bases on which the Bureau may deny a license.

This subdivision is necessary to introduce the reasons, in addition to those found in BPC section 9889.2, that a vehicle safety systems inspection station application or renewal may be denied.

Subdivision (i)(1)
The Bureau proposes adopting a new subdivision (i)(1) stating “For denial of an application for licensure of a vehicle safety systems inspection station or technician, any grounds for denial authorized by section 480 of the Code;”.

The purpose of this subdivision is to establish the basis for denying a vehicle safety systems inspection station license application or renewal on any grounds authorized by BPC section 480.

This subdivision is necessary to inform stations that other grounds for renewal are housed in BPC section 480. The grounds for denial found in BPC section 480 include prior disciplinary action against the applicant by a licensing entity in or outside of California, and criminal conviction that is substantially related to the qualification, functions, or duties of a vehicle safety systems inspection station. (BPC section 480(a).)

Subdivision (i)(2)
The Bureau proposes adopting a new subdivision (i)(2) stating “Noncompliance with any provision in this Article; or”.

The purpose of the subdivision is to establish the Bureau may deny a vehicle safety systems inspection station license application or renewal if the station fails to comply with the provisions in this Article.

This subdivision is necessary to introduce another reason for denial—failure to comply with the provisions in this proposed Article 2.5, such as failing to perform inspections in accordance with the Bureau’s established inspection criteria and standards may result in denial of an application for licensure or denial of license renewal (this can also result in disciplinary action against a vehicle safety systems inspection license). Failing to comply with these regulations demonstrates a vehicle safety systems inspection station is not suitable for licensure because they are unwilling or unable to follow Bureau regulations.

Subdivision (i)(3)
The Bureau proposes adopting a new subdivision (i)(3) stating "Providing any false or misleading information to the Department or Bureau."

The purpose of the subdivision is to establish that providing any false or misleading information to the Department or the Bureau provides the Bureau a ground for denying an application or a request to renew a license, or for revoking a license.

This subdivision is necessary to introduce another reason for denial—providing false information to the Bureau or the Department is a ground for denying an application or a request to renew a license (this can also result in the Bureau revoking a license). Providing false information indicates the station is unable or unwilling to follow Bureau regulations, and it undermines the Bureau's trust in the station to provide accurate information and conduct thorough inspections according to the set standards and criteria.

(4) Adopt section 3312.1.1. Licensing Vehicle Safety Systems Inspection Stations; Inspection, Term for Transition of Existing Lamp and Brake Adjusting Stations.

Subdivision (a)
The Bureau proposes adopting a new subdivision (a) stating "An applicant that possesses current, active, and unrestricted official lamp adjusting and brake adjusting station licenses prior to [OAL insert date that is six months from the date of OAL's filing with the Secretary of State], does not have any pending disciplinary action with the Bureau, is not on probation with the Bureau, and is seeking a license to operate a vehicle safety systems inspection station shall submit a completed application that includes all of the following:".

The purpose of this subdivision is to establish the requirements for an existing brake and lamp adjusting station to transition to a new vehicle safety systems inspection station license, and to establish the required application criteria.

This is necessary to introduce the required elements of an application to obtain a vehicle safety systems inspection station license. BPC section 9888.5(c) requires those wishing to become a vehicle safety systems inspection station to apply to the Bureau, and the Bureau must collect sufficient information to identify the applicant. This section describes the application process that implements the statute.

BPC section 9888.5(c)(2) allows for a specialized application process for those existing brake and lamp stations to transition to the new vehicle safety systems licenses. This subdivision sets forth the requirements an existing station must meet to take part in this specialized application process.

The station must possess both brake and lamp station licenses. This is necessary to establish that the station possess the knowledge and experience to be

successful in the new vehicle safety systems inspection program, which contains both a lighting system and a brake system inspection. Those stations must be currently open and performing brake and lamp inspections, which demonstrates the recency of their knowledge and experience, and the license must be current and active.

Licensees whose station licenses have any pending accusations or are on probation are not eligible for the specialized application process, as they have demonstrated that they are unwilling or unable to follow Bureau regulations.

Subdivision (a)(1)
The Bureau proposes adopting a new subdivision (a)(1) stating "The following identifying information:".

The purpose of this subdivision is to establish the required identifying information an existing lamp and brake adjusting station must submit on the application to obtain a vehicle safety systems inspection license.

This subdivision is necessary to introduce the list of identifying information an applicant must submit to be registered as a vehicle safety systems inspection station.

(1) Subdivision (a)(1)(A) stating "The legal name of the applicant. An individual must apply using their full legal name: ((Last Name) (First Name) (Middle Name) and (Suffix)). A business entity must apply using the business' legal name."

The purpose of this subdivision is to establish the requirement that each applicant provide their full legal name or full business legal name on the application to obtain a vehicle safety systems inspection license.

This information is necessary to ascertain the true and correct identity of the applicant, and whether that applicant is an individual or a business entity. This subdivision is necessary to list one of the items of identifying information an applicant must submit to become registered as a vehicle safety system inspection station, such as full legal name, and information from a government issued photo identification, as this information enables the Bureau to verify the applicant's true and correct identity.

(2) Subdivision (a)(1)(B) stating "The applicant's automotive repair dealer registration number and official lamp adjusting and brake adjusting station license numbers."

The purpose of this subdivision is to establish the requirement that the applicant provide their ARD registration number, as well as their brake and lamp station license numbers.

This is necessary to ensure the Bureau has the information necessary to verify that the applicant has possessed current and active ARD registration and brake and lamp station licenses prior to the implementation of the vehicle safety systems inspection program, and that those licenses are not on probation and there are no pending accusations.

(3) Subdivision (a)(1)(C) stating "If the business is to be carried out under a fictitious name (i.e., the applicant intends to operate under a name other than their legal name), the fictitious name shall be provided."

The purpose of this subdivision is to establish the requirement that if the business intends to operate under a fictitious name, that name shall be provided to the Bureau on the application to obtain a vehicle safety system inspection license.

This information is necessary for the Bureau to have accurate and complete information about the business for identifying and tracking the business. Additionally, BPC section 9884 states "if the business is to be carried on under a fictitious name, the fictitious name shall be stated." (BPC section 9884(b)(2).)

(i) Subdivision (a)(1)(C)(i) stating "If the business is a corporation, the corporate number assigned by the California Secretary of State."

The purpose of this subdivision is to establish the requirement that if the applicant is a corporation, the applicant must include the corporate number on the application to obtain a vehicle safety systems inspection station license.

This information is necessary for the Bureau to have accurate and complete information about the business in order to verify the business' organizational structure with the Secretary of State via its assigned number for the corporation.

(ii) Subdivision (a)(1)(C)(ii) stating "If the business is a limited liability company (LLC), the domestic or foreign LLC number assigned by the California Secretary of State."

The purpose of this subdivision is to establish the requirement that if the applicant is an LLC, the applicant must include the LLC number on the application.

This information is necessary for the Bureau to have accurate and complete information about the business in order to verify the business' organizational structure with the Secretary of State via the assigned number for the LLC.

(4) Subdivision (a)(1)(D) stating "Federal employer identification number (FEIN), if the applicant is a partnership, or the applicant's social security number or individual taxpayer identification number (ITIN) for

all other applicants. If the applicant is a corporation or LLC, the applicant shall submit the social security numbers of its controlling individuals."

The purpose of this section is to establish the requirement that the applicant provide the FEIN number to the Bureau. Another purpose of the section is to require that, if the applicant is a partnership, all applicant's social security numbers or ITINs be listed on the application, and that, if the applicant is an LLC, the applicant list all social security numbers of the controlling individuals on the application.

This information is necessary for the Bureau to have accurate and complete information about the business. Additionally, BPC section 30 requires the Bureau collects FEINs, social security numbers, and ITINs specific to business structure. (BPC sections 30(a)(1), (a)(2)(A)).

(5) Subdivision (a)(1)(E) stating "If the applicant is a business entity, the full legal name, title, business address, telephone number, and information from a government issued photo identification, including issuing authority, document title, and number for each controlling individual."

The purpose of this subdivision is to establish the requirement that for each controlling individual of a business, the applicant(s) list their full legal name, title, business address, telephone number, and information from their government issued photo identification, including the issuing authority, document title, and number, to obtain a vehicle safety systems inspection station license.

This information is necessary to ensure the Bureau has the information necessary to verify the true and correct identity of each controlling individual of the business entity applicant. This regulation defines a "controlling individual" as owners, directors, officers, partners, members, trustees, managers, and any other persons who directly or indirectly control or conduct the business.

(6) Subdivision (a)(1)(F) stating "Physical address of the location operated by the applicant ("location")."

The purpose of this subdivision is to establish the requirement that the applicant list the physical address of the operating location on the application to obtain a vehicle safety systems inspection station license.

This item is necessary so to ensure the Bureau has the information necessary to communicate with the applicant about their application and transmit notices, mailings, and other communications to the applicant.

(7) Subdivision (a)(1)(G) stating "Applicant's mailing address ("address of record"), if different than the physical address."

The purpose of this subdivision is to establish the requirement that if the applicant's mailing address is different than the physical address listed, the applicant must list the address on the application.

This item is necessary to ensure the Bureau has the information necessary to communicate with the applicant about their application and transmit notices, mailings, and other communications to the applicant when they receive mail somewhere other than their physical address.

(8) Subdivision (a)(1)(H) stating "Applicant's telephone number."

The purpose of this section is to establish the requirement that the applicant list their telephone number on the application.

This item is necessary, so the Bureau has the information necessary to communicate with the applicant by telephone.

(9) Subdivision (a)(1)(I) stating "Whether the applicant or any controlling individual of the business has been convicted of any crime or offense for which a license may be denied pursuant to section 480 of the Code."

The purpose of this section is to establish that each applicant discloses if they have been convicted of any crime or offense so the Bureau can make a fully informed decision regarding possible licensure.

This subdivision is necessary to inform applicants, and controlling individuals of a business, which convictions must be disclosed on the application. Under BPC section 480(f)(1), the Bureau may require applicants for licensure to disclose criminal conviction history on an application for licensure.

(10) Subdivision (a)(1)(J) stating "Applicants are required to disclose convictions under California Health and Safety Code sections 11357(b), (c), or (d), or section 11360(b), which are less than two years old."

The purpose of this section is to establish that each applicant discloses if they have been convicted under these California Health and Safety Code sections so the Bureau can make a fully informed decision regarding licensure.

This item is necessary to ensure the Bureau is fully informed about anything that could impact whether they grant licensure. Under HSC sections 11357(b), (c), and (d), and section 11360(b), records from these convictions shall not be kept beyond two years from the date of the conviction (HSC section 11361.5(a)). Consequently, only those convictions that are less than two years old must be reported.

(11) Subdivision (a)(1)(K) stating “Whether, within the preceding seven years from the date of application, the applicant or any controlling individual of the business has had a license, registration, or certification that was formally disciplined by a licensing board in or outside of California, including the Bureau, or any program in the Department of Consumer Affairs. “Discipline” for purposes of this section includes reproval, suspension, revocation, probation, or any other form of restriction placed on the license, registration, or certification.”

The purpose of this subdivision is to establish the requirement that the applicant disclose if within the previous seven years the applicant was formally disciplined by a licensing board in or outside of California. Furthermore, the section defines what terms discipline is included to mean.

This subdivision is necessary to ensure the Bureau is fully informed about anything that could impact whether they grant licensure. BPC section 480(a)(2) provides the Bureau may deny an application if the applicant has been subject to formal discipline by a licensing board in or outside California within the preceding seven years, based on professional misconduct that would have been cause for discipline, and that is substantially related to the qualifications, functions, or duties of the business or profession for which the present application is made. This subdivision collects the information the Bureau needs to evaluate whether the application should be denied based on past discipline.

(12) Subdivision (a)(1)(L) stating “If the applicant answers affirmatively to any of the items in subdivisions (a)(1)(I) or (a)(1)(K) of this section, the applicant shall provide a written statement, detailing each criminal conviction and disciplinary action, on a separate sheet of paper. For each criminal conviction, the statement shall include: the date and place of arrest, name of the court that heard the case, court case number, code section(s) violated, brief explanation of the offense(s), and the restriction(s) imposed. For each disciplinary action, the written statement shall include the date and nature of the disciplinary action, name and location of the public agency, and every fine and restriction imposed.”

The purpose of this subdivision is to establish the requirement that, if the applicant disclosed any convictions, crimes, or disciplines as outlined in the previous three subsections, the applicant shall provide a written statement detailing the criminal conviction or disciplinary action. Furthermore, this section outlines the required information the statement shall include, whether providing information about a criminal conviction or disciplinary action.

This subdivision is necessary to obtain further information about relevant facts, provided by the applicant or controlling individual of a business, in response to

subdivisions (a)(1)(I) and (a)(1)(K). The Bureau requests this information to investigate the prior conviction(s) or discipline and determine whether there is a substantial relationship between the reported acts and the qualifications, functions, or duties of the business or profession for which the application is made.

Subdivision (a)(2)
The Bureau proposes adopting a new subdivision (a)(2) stating "The following additional applicant-identifying information, to expedite the application process, if applicable:".

The purpose of this subdivision is to establish a list of additional information the applicant is required to provide if they qualify for expedited application processing.

This subdivision is necessary to introduce the list of additional items of identifying information an applicant must submit for expedited application processing.

(1) Subdivision (a)(2)(A) stating "Whether the applicant is serving, or has previously served, in the United States Armed Forces."

The purpose of this subdivision is to establish the requirement that, if the applicant is serving or has served in the United States Armed Forces, the applicant must provide that information on the application in order for the application to undergo an expedited application process.

This item is necessary so the Bureau can determine whether an applicant is serving or has previously served in the military, and can therefore expedite the processing of their application. If the applicant answers in the affirmative, this entitles the applicant to expedited application processing under certain circumstances, pursuant to BPC section 115.4.

(2) Subdivision (a)(2)(B) stating "Whether the applicant is an honorably discharged member of the United States Armed Forces. If the applicant affirmatively states they meet this criterion, they shall provide the following documentation with the application to receive expedited review: a certificate of release or discharge from active duty (DD-214) or other documentary evidence showing date and type of discharge."

The purpose of this subdivision is to establish the requirement that, if the applicant was honorably discharged, the applicant provide that information via certificate of release or a DD-214 in order for the application to undergo expedited processing.

This item is necessary to ensure the Bureau has all the information necessary to determine whether the applicant qualifies for expedited application processing. BPC section 115.4 states the Bureau "shall expedite, and may assist, the initial licensure process for an applicant who supplies satisfactory evidence to the board that the

applicant has served as an active-duty member of the Armed Forces of the United States and was honorably discharged." The DD-214 is the standard military discharge form that indicates the date and type of discharge from military service. The Bureau will accept other documentation from the United States Armed Forces on release and discharge from active duty as long as the alternative documentation includes the date and type of discharge.

(3) Subdivision (a)(2)(C) stating "Whether the applicant is married to or in a domestic partnership or other legal union with an active-duty member of the United States Armed Forces assigned to a duty station in California under official active-duty military orders. If the applicant affirmatively states they meet this criterion, they shall provide the following documentation along with the application to receive expedited review: certificate of marriage, certificate of domestic partnership, or proof of other legal union; a copy of the applicant's spouse's or partner's military orders reflecting assignment to a California duty station; and proof of being licensed to operate a vehicle safety systems inspection station in another state, or U.S. territory or district."

The purpose of this subdivision is to establish the requirement that, if the applicant is married to or in a domestic partnership with an active-duty service member stationed in California, the applicant provide that information in order for the application to undergo an expedited registration process.

This item is necessary to ensure the Bureau has all the information necessary to determine whether the applicant qualifies for expedited application processing. BPC section 115.5 states the Bureau shall expedite the licensure process for an applicant who:

- Supplies evidence satisfactory to the Bureau the applicant "is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States." That evidence shall be a certificate of marriage/domestic partnership, or proof of other legal union, which contains the name of applicant and the active duty service member, the date of the marriage/partnership/union, and the location where it occurred, so the Bureau can verify the relationship.

- Is "assigned to a duty station in this state under official active duty military orders." The applicant shall supply a copy of the order to the Bureau so the Bureau can verify the order and the location of the duty station; and,

- "Holds a current license in another state, district, or territory of the United States in the profession or vocation for which the applicant

seeks a license" from the Bureau. The applicant shall provide a copy of the currently valid automotive repair dealer license to the Bureau so the Bureau can verify its validity and determine the license status.

(4) Subdivision (a)(2)(D) stating "Whether the applicant was admitted to the United States as a refugee, has been granted asylum by the Secretary of Homeland Security or the Attorney General of the United States, or has a special immigrant visa (SIV). If the applicant affirmatively states they meet any of these criteria, they shall provide any of the following items of documentation, as applicable, with the application to receive expedited review:".

The purpose of this subdivision is to establish the requirement that, if the applicant is a refugee, has been granted asylum by the US, or has a special immigration VISA, the applicant must provide that information in order for the application to undergo expedited processing. Furthermore, this section establishes the list for accepted documents that satisfy proof of status.

This item is necessary to ensure the Bureau has all the information necessary to determine whether the applicant qualifies for expedited application processing. BPC section 135.4 states the Bureau "shall expedite, and may assist, the initial licensure process for an applicant who supplies satisfactory evidence . . . they have been admitted to the United States as a refugee under [s]ection 1157 of Title 8 of the United States Code, have been granted asylum by the Secretary of Homeland Security or the Attorney General of the United States pursuant to [s]ection 1158 of Title 8 of the United States Code, or they have a special immigrant visa (SIV) that has been granted a status under [s]ection 1244 of Public Law 110-181, under Public Law 109-163, or under [s]ection 602(b) of Title VI of Division F of Public Law 111-8." This subdivision is also necessary to introduce the list of the permissible documentation.

(i) Subdivision (a)(2)(D)(i) stating "Form I-94, arrival/departure record, with an admission class code such as "RE" (refugee) or "AY" (asylee) or other information designating the person a refugee or asylee;".

The purpose of this subdivision is to specify that a Form I-94 with an admission class code of refugee or asylee is a satisfactory form of proof of refugee status that an applicant may provide the Bureau in order to expedite the application process.

This item is necessary to ensure applicants who qualify for expedited application processing provide an accepted form of proof of the applicant's admission into the United States as a refugee. The I-94 confirms the person is a refugee or asylee, and the Bureau may use this documentation to expedite application processing.

(ii) Subdivision (a)(2)(D)(ii) stating “Special Immigrant Visa that includes the “SI” or “SQ”;”.

The purpose of this subdivision is to specify that a visa with SI or SQ status is a satisfactory form of proof of special immigration visa status in order to expedite the application process.

This item is necessary to ensure applicants who qualify for expedited application processing provide proof they possess a special immigrant visa. The requested document will show the applicant aided the U.S. government abroad and has permanent United States residency, and the Bureau may use this documentation to expedite the application processing.

(iii) Subdivision (a)(2)(D)(iii) stating “Permanent Resident Card (Form I-551), commonly known as a “green card”, with a category designation indicating that the person was admitted as a refugee or asylee; or”.

The purpose of this subdivision is to specify that a Form I-551 with a designation as refugee or asylee is a satisfactory form of proof of refugee status that an applicant may provide the Bureau in order to expedite the application process.

This item is necessary to ensure applicants who qualify for expedited application processing provide proof they are a refugee or asylee. The requested document will show the applicant is a permanent resident of the United States and the Bureau may use this documentation to expedite the application processing.

(iv) Subdivision (a)(2)(D)(iv) stating “An order from a court of competent jurisdiction or other documentary evidence that provides reasonable assurances to the Bureau that the applicant qualifies for expedited licensure pursuant to section 135.4 of the Code.”

The purpose of this subdivision is to specify that a court order or other documentary evidence is a satisfactory form of proof of refugee status that an applicant may provide the Bureau in order to expedite the application process.

This item is necessary to ensure applicants who qualify for expedited application processing are allowed to submit to the Bureau a court order that provides reliable assurances, based on the language used in the order, that the applicant is a refugee, has been granted asylum, or has a SIV and qualifies for expedited application processing under the statute.

Subdivision (a)(3)
The Bureau proposes adopting a new subdivision (a)(3) stating “The applicant shall disclose whether they have read the Vehicle Safety Systems Inspection Manual,

referenced in section 3311.1 of this Article, and possess all required equipment specified in Chapter 9 of the Vehicle Safety Systems Inspection Manual."

The purpose of this subdivision is to help the Bureau determine whether the applicant read the Vehicle Safety Systems Inspection Manual and possesses all equipment required to operate a vehicle safety systems inspection station.

This subdivision is necessary to ensure that, for the safety of everyone on the road, only applicants who have read the Vehicle Safety Systems Inspection Manual and possess all equipment required to operate a vehicle safety systems inspection station become licensed by the Bureau.

BPC section 9888.5 requires the Bureau to establish criteria and standards for specific safety systems in order to "promote the safe and uniform installation, maintenance, and servicing of vehicle safety systems and components." The Bureau will meet this requirement with the adoption of these regulations and the incorporated Vehicle Safety Systems Inspection Manual. This subdivision is necessary to determine the applicant's familiarity with and understanding of the vehicle safety systems inspection program and its requirements. If the application indicates they have not read the manual, then the applicant would be unfamiliar with criteria and standards for the safety systems inspected as part of the vehicle safety systems inspection.

Additionally, Chapter 9 of the manual details the equipment required for a vehicle safety systems inspection station, which includes the BAR-SIS and tools for the inspection of the vehicle's lighting, tires and wheels, and brake systems. If the applicant has not read the manual, they would not be familiar with the equipment a vehicle safety systems inspection station is required to maintain and use in inspections. All applicants are subject to an initial on-site inspection to verify they have the required equipment prior to licensure. If the applicant indicates they do not possess the required equipment, then the applicant would not pass the initial on-site inspection.

This subdivision collects the information the Bureau needs to evaluate whether the application should be denied based on unfamiliarity with the program or failure to possess the required equipment.

Subdivision (a)(4)
The Bureau proposes adopting a new subdivision (a)(4) stating "(4) A certification, signed by the applicant under penalty of perjury under the laws of the State of California, that all statements made in the application and all supporting documents provided by the applicant to the Bureau are true and correct."

The purpose of this subdivision is to establish that the applicant will certify under penalty of perjury that they confirm all the information provided in and with their application is true and correct.

This subdivision is necessary to ensure that applicants provide true and correct information and documentation to the Bureau in support of their application for licensure so the Bureau can have all the information necessary to make an accurate decision regarding licensure.

Additionally, BPC section 9884(b)(5) requires an application to include this statement. Certifications under penalty of perjury help to ensure that the documentation contains "truthful factual representation[s] . . . made in good faith." (See e.g., *In re Marriage of Reese & Guy* (1999) 73 Cal.App.4th 1214, 1222 (citation omitted; "The whole point of permitting a declaration under penalty of perjury, in lieu of a sworn statement, is to help ensure that declarations contain a truthful factual representation and are made in good faith."). (*Id*. at 1216.)) Accordingly, certification under penalty of perjury helps ensure applicants submit truthful and accurate information to the Bureau.

In addition to certification under penalty of perjury helping ensure the reliability of the statements to the Bureau (because certifying under penalty of perjury can have a deterrent effect on those who consider providing untrue, inaccurate, or incomplete information), it provides the Bureau with the option of seeking sanctions and referring the matter to law enforcement in the event that such information is not true, complete, or accurate. "The oath or declaration must be in such form that criminal sanctions of perjury might apply where material facts so declared to be true, are in fact not true or are not known to be true." (*In re Marriage of Reese & Guy* (1999) 73 Cal.App.4th 1214, 1222.)

Subdivision (b)

The Bureau proposes adopting a new subdivision (b) stating "The abandonment date for an application that has been returned to the applicant as incomplete shall be 12 months from the date of returning the application, in accordance with section 142 of the Code. An applicant who abandons an application shall submit a new application meeting the requirements of this section to obtain licensure to operate a vehicle safety systems inspection station."

The purpose of this subdivision is to establish an application abandonment date, which is 12 months from the date when an application is returned to the applicant as incomplete (if the applicant does not thereafter submit a completed application to the Bureau). Furthermore, the section specifies that is the application is abandoned, the applicant must submit a new application to start the process again.

This subdivision is necessary to ensure a timely application process, and to require the submission of a new application when an application has been abandoned. BPC section 142(b) provides that "[n]otwithstanding any other provision of law, the abandonment date for an application that has been returned to the applicant as incomplete shall be 12 months from the date of returning the application." The Bureau recites that requirement here so applicants can find the requirements for application abandonment in one place.

Subdivision (c)
The Bureau proposes adopting a new subdivision (c) stating “Inspection. A vehicle safety systems inspection station license shall be issued within 10 days after a Bureau representative confirms at an initial on-site inspection of the station (as specified in section 3303.2(b) of this Chapter) that the applicant meets the requirements prescribed in section 3311.2 of this Article and provides the applicant with written notice of such confirmation. A vehicle safety systems inspection station license shall expire one year from the date of issuance unless renewed prior to the expiration date, in accordance with this section.”

The purpose of this subdivision is to establish the requirement that an applicant must first pass an initial on-site inspection to qualify for licensure, and provide the requirements the applicant must meet to pass that inspection. Another purpose is to establish that a vehicle safety systems inspection station license is valid for one year from the date of issuance.

This subdivision is necessary to introduce the initial on-site inspection, referenced in section 3303.2(b), that the applicant must pass to obtain a vehicle safety systems inspection station license, and the requirements the applicant must meet to pass the inspection. To pass the inspection, pursuant to proposed section 3311.2, the applicant must be registered as an ARD, employ at least one licensed vehicle safety systems technician, and possess all of the required equipment specified in Chapter 9 of the Vehicle Safety Systems Inspection Manual. The Bureau representative performing the initial on-site inspection will provide that applicant with a copy of a station inspection report upon completion of the initial on-site inspection. The Bureau will issue the vehicle safety systems inspection station license within 10 days after the applicant passes the initial on-stie inspection.

A vehicle safety systems inspection station license, like all Bureau issued station licenses, is valid for one year from the date of issuance and must be renewed annually to stay current and active.

Subdivision (d)
The Bureau proposes adopting a new subdivision (d) stating “A vehicle safety systems inspection station shall notify the Bureau in writing of any material changes to the information submitted to the Bureau, under subdivision (a)(2) of this section, within fourteen (14) days of the date of making any changes, or receiving notice of any change in the case of criminal convictions and disciplinary matters referenced in subdivisions (a)(1)(I) and (a)(1)(K) of this section. For the purposes of this section, “material” means any of the following:”

The purpose of this subdivision is to establish the requirement that a station notify the Bureau of any material changes in business information within 14 days. Furthermore, this section establishes the list of all information considered “material”.

This subdivision is necessary to ensure registrants promptly notify the Bureau (within 14 days) of any changes in the information submitted as part of the vehicle safety systems application process—changes regarding their identifying information, military/asylee status, criminal convictions, or disciplinary matters—so the Bureau is informed of these changes and has accurate information with which to process the application and make the decision on licensure. The Bureau needs the information to evaluate whether any new information, including information regarding disciplinary actions or criminal actions, impacts its determination whether to license the vehicle safety systems inspection station. This subdivision is also necessary to introduce the list of "material" changes that fall within this notification requirement so applicants are informed about what constitutes a "material" change 910of which they must inform the Bureau.

(1) Subdivision (d)(1) stating "A change of ownership, as defined in section 3306(c)(1) of this Chapter;".

The purpose of this subdivision is to establish the requirement that if the business has a change of ownership, the station must notify the Bureau within 14 days.

This subdivision is necessary to ensure the Bureau is promptly notified of any change in the legal ownership of an ARD, including the addition or deletion of a partner, transfer of any ownership interest, incorporation, or change in the corporate status, as defined section 3306(c)(1). This information is necessary to ensure the Bureau's records regarding the ARD's ownership are accurate, and reflect the actual ownership of an ARD, for licensing and enforcement functions that rely on the accuracy of this information. The Bureau needs to maintain accurate ownership records for proper notification, alerts, disciplinary action, etc.

(2) Subdivision (d)(2) stating "A change to the legal or fictitious business name;".

The purpose of this subdivision is to establish the requirement that if the business name changes, the station must notify the Bureau within 14 days.

This subdivision is necessary to ensure the Bureau is promptly notified if there is a change to the vehicle safety systems inspection station's legal or fictitious business name. The Bureau needs this information to ensure its records regarding the station's legal and fictious name are accurate for licensing and enforcement functions.

(3) Subdivision (d)(3) stating "A change of address, as defined in section 3306(c)(2) of this Chapter;".

The purpose of this subdivision is to establish the requirement that, if the station changes its location, the station must notify the Bureau within 14 days.

This subdivision is necessary to ensure applicants promptly provide the Bureau with information regarding the relocation of an ARD (not involving a change of ownership) and any change in mailing address, including a change resulting from street renumbering, as defined in CCR section 3306(c)(2). The Bureau needs this information to ensure its records regarding the ARD's location are accurate for the purposes of communication and locating the registrant for licensing and enforcement inquires.

(4) Subdivision (d)(4) stating "A change to controlling individuals;".

The purpose of this subdivision is to establish the requirement that if the station changes its controlling individuals, the station must notify the Bureau within 14 days.

This subdivision is necessary to ensure the Bureau is promptly notified of any changes to the station's owners, directors, officers, partners, members, trustees, managers, and any other persons who directly or indirectly control or conduct the business.

The Bureau needs this information to ensure its records about those in control of the station are accurate, to be able to determine whether a change in controlling individuals impacts its application determination, and to ensure that the new controlling individuals are qualified for licensure.

(5) Subdivision (d)(5) stating "A new report of a conviction of the vehicle safety systems inspection station or any of its controlling individuals, as provided in section 490 of the Code; or".

The purpose of this subdivision is to establish the requirement that if there are any new conviction reports of the station of the controlling individuals, the station must notify the Bureau within 14 days.

This subdivision is necessary to ensure the Bureau is promptly notified of a new criminal conviction of any of the station's owners, directors, officers, partners, members, trustees, managers, and any other persons who directly or indirectly control or conduct the business, for a crime substantially related to the qualifications, functions, or duties of the business, as defined in BPC section 490.

The Bureau needs this update to determine whether the new information regarding a criminal action impacts its licensure determination and whether it should take disciplinary action against the vehicle safety systems inspection station.

(6) Subdivision (d)(6) stating "A new report of formal discipline against the vehicle safety systems inspection station or any of its controlling individuals by a licensing board."

The purpose of this subdivision is to establish the requirement that if the station or the controlling individuals receive a disciplinary report, the station must notify the Bureau within 14 days.

This subdivision is necessary to ensure the Bureau is promptly notified of a new disciplinary action, such as reproval, suspension, revocation, probation, or any other form of restriction against the station or the station's owners, directors, officers, partners, members, trustees, managers, and any other persons who directly or indirectly control or conduct the business. The Bureau needs this update to determine whether the new information regarding a disciplinary action impacts its licensure determination and whether it should take disciplinary action against the registrant.

Subdivision (e)

The Bureau proposes adopting a new subdivision (e) stating "The notice of material changes required by subdivision (d) of this section shall include all of the following for each change: a description of the change, and the effective date of each change or the date that notice of the change was received by the vehicle safety systems inspection station in the case of reporting convictions and formal discipline."

The purpose of this subdivision is to establish the list of required information to be included in the station's notice to the Bureau of any material changes.

This subdivision is necessary to list the required information and inform stations what information must be provided when notifying the Bureau of a material change, as described in subdivision (d). That information includes a description of the change and the date the change occurred, so the Bureau can verify the timeliness of the notification and Bureau records can be updated accordingly. In the case of a criminal conviction of a controlling individual, as described in subsection (a)(1)(I) or (a)(1)(J), or a disciplinary action, such as reproval, suspension, revocation, probation, or any other form of restriction against the station or any of the station's controlling individuals, as described in subsection (a)(1)(K). The date is necessary to determine the recency of the criminal conviction or disciplinary action, and verify the timeliness of the notification to the Bureau. Additionally, the Bureau needs this update to evaluate whether any new information, regarding disciplinary actions or criminal actions, impacts its licensure determination.

Subdivision (f)

The Bureau proposes adopting a new subdivision (f) stating "For the purposes of this section, "controlling individual" means owners, directors, officers, partners, members, trustees, managers, and any other persons the applicant identifies on the application who directly or indirectly, wholly or in part, control or conduct the business."

The purpose of this subdivision is to define the term "controlling individual".

This subdivision is necessary to provide a definition of what constitutes a "controlling individual" so vehicle safety systems stations and technicians understand what the term means when they encounter it in the proposed regulations. The term "controlling individual" is used in multiple subdivisions across multiple sections of these proposed regulations, and defining the term helps to clarify that it not only includes the owner of a sole proprietorship, partners within a partnership, or members/trustees/directors of a corporation or LLC, but also managers or any other person who directly or indirectly controls or conducts the business.

Subdivision (g)
The Bureau proposes adopting a new subdivision (g) stating "For the purposes of this section, "pending disciplinary action" means an Accusation that has been filed by the Bureau and served on the applicant in accordance with the Administrative Procedure Act (commencing with Government Code section 11340)."

The purpose of this subdivision is to define the term "pending disciplinary action".

This subdivision is necessary to provide a definition of the term "pending disciplinary action", used in subdivision (a) as an accusation filed with the Attorney General's Office, so vehicle safety systems stations and technicians understand what the term means when they encounter it in the proposed regulations.

Subdivision (h)
The Bureau proposes adopting a new subdivision (h) stating "In addition to any of the applicable grounds provided in section 9889.2 of the Code, an application for licensure to operate a vehicle safety systems inspection station may be denied for any of the following reasons:".

The purpose of this subdivision is to establish a list of conditions that, if met, can result in the Bureau denying licensure.

This subdivision is necessary to set forth the reasons, in addition to those found in BPC section 9889.2, that a vehicle safety systems inspection station application may be denied.

Subdivision (h)(1)
The Bureau proposes adopting a new subdivision (h)(1) stating "For denial of an application for licensure of a vehicle safety systems inspection station or technician, any grounds for denial authorized by section 480 of the Code;".

The purpose of this subdivision is to inform stations of a basis, found in the BPC, on which the Bureau may deny a license.

This subdivision is necessary to set forth one of the reasons, in addition to those found in BPC section 9889.2, that a vehicle safety systems inspection station

application or renewal may be denied. BPC section 480 states that a prior disciplinary action against the applicant by a licensing board in or outside of California, or a criminal conviction that is substantially related to the qualification, functions, or duties of a vehicle safety systems inspection station are grounds to deny licensure. (BPC section 480(a))

Subdivision (h)(2)
The Bureau proposes adopting a new subdivision (h)(2) stating “Noncompliance with any provision in this Article; or”.

The purpose of this subdivision is to establish another basis for denying a license application, failure to comply with the provisions in this Article.

This subdivision is necessary to introduce another ground for denying a license. Failure to comply with the provisions in this proposed Article 2.5, such as failing to perform inspections in accordance with the Bureau’s established inspection criteria and standards, may result in denial of licensure. Failing to comply with these regulations demonstrates a vehicle safety systems inspection station is not suitable for licensure because they are unwilling or unable to follow Bureau regulations.

Subdivision (h)(3)
The Bureau proposes adopting a new subdivision (h)(3) stating “Providing any false or misleading information to the Department or Bureau.”

The purpose of the subdivision is to establish that providing any false or misleading information to the Department or the Bureau provides the Bureau a ground for denying an application or a request to renew a license or revoking a license.

This subdivision is necessary to introduce another reason for denial—providing false information to the Bureau or the Department is a ground for denying an application or revoking a license. Providing false information indicates the station is unable or unwilling to follow Bureau regulations, and it undermines the Bureau’s trust in the station to provide accurate information and conduct thorough inspections according to the set standards and criteria.

Subdivision (i)
The Bureau proposes adopting a new subdivision (i) stating “Any license issued pursuant to this section is subject to the requirements for expiration and renewal set forth in section 3312.1 of this Article.”

The purpose of this section is to inform those who are licensed through the specialized licensing process recorded in this section, that the expiration and renewal requirements for their license is the same as for all vehicle safety systems inspection stations.

This subdivision is necessary to ensure all stations are aware of all the requirements they must meet to keep their licenses valid. The specialized licensing process for those existing brake and lamp stations to transition to the new vehicle safety systems licenses, per BPC section 9888.5(c)(2), ends 6 months after the implementation of the vehicle safety systems inspection program, as recorded in subdivision (j). This means that when those who received their station license through the specialized licensing process (recorded in this section) need to renew their licenses, they must do so as detailed in Title 16 CCR section 3312.1(f).

Subdivision (j)
The Bureau proposes adopting a new subdivision (j) stating "This section shall become inoperative on [OAL insert date that is one year from the date of filing with the Secretary of State].

The purpose of this subdivision is to establish that CCR section 3312.1.1 become inoperative one year after the adoption of the proposed regulations.

The subdivision is necessary to sunset this section one year after the adoption of the regulations, thereby bringing a conclusion to the specialized application process for those existing brake and lamp stations to transition to the new vehicle safety systems licenses, per BPC section 9888.5(c)(2).

(5) Adopt section 3312.2. Display of Licenses and Posting of Prices; Equipment Maintenance; Records.

Subdivision (a)
The Bureau proposes adopting a new subdivision (a) stating "A vehicle safety systems inspection station license shall be placed under glass or other transparent cover and displayed in a place where the license is visible, legible, and located adjacent to a counter where customers are served."

The purpose of this subdivision is to establish where and how the vehicle safety systems station license shall be displayed in a station.

This subdivision is necessary to ensure that the vehicle safety systems inspection station license, also known as a "wall license", is displayed in an area of the station the public has access to, such as adjacent or next to a counter where the station presents estimates, receives payments, and provides invoices. The Bureau requires all licenses it issues be available for automotive repair customers to view so they may verify licensing status and ownership information. Additionally, this subdivision is necessary to ensure that the wall license is legible and protected—from dirt, debris, and other items in an ARD that would damage it—by requiring it be placed under a transparent material, such as glass or clear plastic.

Subdivision (b)

The Bureau proposes adopting a new subdivision (b) stating “Licenses of all licensed vehicle safety systems technicians employed at a licensed vehicle safety systems inspection station shall be mounted under glass or other transparent cover and displayed in a place where the licenses are visible, legible, and located adjacent to a counter where customers are served.”

The purpose of this subdivision is to establish where and how the vehicle safety systems technician(s) license(s) shall be displayed in a station.

This subdivision is necessary to ensure that the wall licenses of vehicle safety systems technicians employed at a vehicle safety systems inspection station are displayed in an area of the station the public has access to, such as adjacent or next to a counter where the station presents estimates, receives payments, and provides invoices. The Bureau requires all licenses it issues be available for automotive repair customers to view so they may verify the licensing status and ownership information. Additionally, this subdivision ensures the wall licenses are legible and protected—from dirt, debris, and other items in an ARD that would damage it—by requiring it be placed under a transparent material, such as glass or clear plastic.

Subdivision (c)

The Bureau proposes adopting a new subdivision (c) stating “Each licensed vehicle safety systems inspection station, except a station owned by a fleet owner, shall display a vehicle safety systems inspection station sign that meets the specifications in section 3313.1 of this Article, and the sign shall be displayed in a location where the sign and text are visible and legible to the general public from outside of the station. For the purposes of this Article, “fleet owner” shall mean an owner of a fleet of three or more vehicles who is not an interstate carrier.”

The purpose of this subdivision is to establish vehicle safety systems inspection station sign requirements—what the sign should look like and where it shall be placed. Furthermore, this section defines the term “fleet owner”.

The Bureau requires all licensed stations, such as brake and lamp, and smog check stations, display a sign visible to the public that identifies the facility as a station licensed by the Bureau to perform a specific task or inspection. This is intended to make Bureau licensed stations easier for the public to locate when seeking the service the stations are licensed to perform. Additionally, it benefits the station by advertising that the facility is licensed by the Bureau to perform required services or inspections.

This subdivision defines a “fleet owner” as person who owns a fleet of vehicles and is not an interstate carrier. Fleet owned facilities exist to service and repair the vehicles within their fleet and are not open to the public. Therefore, fleet owned stations are not required to display the station sign.

This subdivision is necessary to ensure station signs are properly displayed to allow customers to easily see them by require that the vehicle safety systems inspection station post a station sign on the exterior of the facility that is legible and can be seen by consumers outside of the station. Additionally, this subdivision establishes that the sign meets the requirements in proposed Title 16 CCR section 3313.1, which sets the sign's height, width, thickness, and content.

Subdivision (d)

The Bureau proposes adopting a new subdivision (d) stating "Each licensed vehicle safety systems inspection station, except a station owned by a fleet owner, shall post, in a location where a member of the general public within the station's place of business will be able to observe and read, the price(s) for a vehicle safety systems inspection. No charge relating to repair, replacement of parts, or adjustments shall be imposed in addition to the posted price for the inspection unless such additional work and added charges are authorized by the customer in accordance with section 3354 of this Chapter."

The purpose of this subdivision is to establish the requirements vehicle safety systems inspection station shall meet regarding posting their inspection prices. Furthermore, this section establishes that no charges for additional services shall be added to the posted inspection price unless authorized by the customer.

The Bureau requires all licensed stations, except fleet owned stations, to post a sign that informs their customers of the price for the service or inspection they perform. By requiring the disclosure of this information on a sign, consumers can make an informed decision regarding whether they wish to contract with the station to perform the service or inspection. Fleet owned facilities exist to service and repair the vehicles within their fleet and are not open to the public. Therefore, fleet owned stations are not required to display a price sign.

This subdivision is necessary to ensure vehicle safety systems inspection stations display a sign that is legible to their customers, in an area of the station the public has access to, such as adjacent or next to a counter where customers are served. Additionally, this subdivision makes clear that the station must obtain additional authorization from the customer, in person, by phone, or electronically, in accordance with Title 16 CCR section 3354, prior to performing any repair work for an additional charge over the amount listed on the price sign.

Subdivision (e)

The Bureau proposes adopting a new subdivision (e) stating "All inspection machines, devices, and equipment shall be maintained in good working condition by the vehicle safety systems inspection station. Good working condition shall mean that machines, devices, and equipment requiring calibration or adjustment shall be useable as intended by the manufacturer and calibrated or adjusted in accordance with the instructions of the manufacturer."

The purpose of this subdivision is to establish the requirement that vehicle safety systems inspection stations keep their tools and equipment in good working condition, and defines what “good working condition” means.

This subdivision is necessary to ensure that station tools and equipment are in the condition necessary to conduct a vehicle safety systems inspection in compliance with the standards and criteria set forth in the manual. With the Vehicle Safety Systems Inspection Manual, The Bureau has “develop[ed] the inspection criteria and standards for specific safety systems and components of the vehicle in order to promote the safe and uniform installation, maintenance, and servicing of vehicle safety systems and components” pursuant to BPC section 9888.5. Chapter 9 of the Vehicle Safety Systems Inspection Manual records the required BAR-SIS, lighting inspection equipment, and brake inspection tools necessary to perform an inspection in accordance with those inspection criteria and standards. If a vehicle safety systems inspection station does not maintain that required equipment in a good working condition, they will not be able to perform a vehicle safety systems inspection in accordance with the inspection criteria and standards.

Additionally, the subdivision sets the maintenance standard by defining “good working condition” to require that the equipment, such as brake system micrometers, headlight aiming equipment, and BAR-SIS, is functioning as designed by the manufacturer, and is calibrated and adjusted in accordance with the manufacturer’s specifications.

Subdivision (f)

The Bureau proposes adopting a new subdivision (f) stating “Each licensed vehicle safety systems inspection station shall maintain and have available for inspection, upon request of the Bureau, records relating to the vehicle safety systems inspections conducted by the licensee, including certificates of compliance numbers and Vehicle Safety Reports (as specified in Chapter 1.8 of the Vehicle Safety Systems Inspection Manual, referenced in section 3311.1 of this Article) for each vehicle inspected, for not less than three (3) years after completion of any vehicle safety systems inspection.”

The purpose of this subdivision is to establish the records retention and inspection requirements for vehicle safety systems inspection stations.

This subdivision is necessary to ensure vehicle safety systems inspection stations maintain, and make available for inspection, records related to the performance of vehicle safety systems inspections. BPC section 9884.11, and the associated Title 16 CCR section 3358, requires ARDs to maintain and make available to the Bureau for inspection upon request, all estimates, work orders, invoices, and part purchase receipts, for a minimum of three years. This subdivision makes clear to vehicle safety systems inspection stations that the record retention and inspection requirements extends to all records relating to the performance of vehicle safety systems inspections, including the certificate of compliance numbers, as reference

in CCR section 3311.3(b)(1), and VSRs, as referenced in Chapter 1.8 of the Vehicle Safety Systems Inspection Manual, for period of at least three years after the completion of a vehicle safety systems inspection.

(6) Adopt section 3313.1. Vehicle Safety Systems Inspection Station Signs.

Subdivision (a)
The Bureau proposes adopting a new subdivision (a) stating "Each vehicle safety systems inspection station shall display a sign in accordance with section 3312.2(c) of this Article that meets the following specifications:".

The purpose of this subdivision is to establish a list of station sign requirements for vehicle safety systems inspection stations.

This subdivision is necessary to introduce the list of specifications and requirements for the vehicle safety systems inspection station sign that licensed stations are required to display on the exterior of the facility. The sign must be legible and seen by consumers outside of the station, pursuant to CCR section 3312.2(c).

Subdivision (a)(1)
The Bureau proposes adopting a new subdivision (a)(1) stating "Dimensions. The sign shall be 24 inches wide and 30 inches high."

The purpose of this subdivision is to establish the dimensional requirements for the vehicle safety systems inspection station sign.

This subdivision is necessary to ensure customers can see and read the sign. The dimensions of the vehicle safety systems inspection station signs are 24 inches wide and 30 inches high. These dimensions are consistent with the Bureau licensed smog check station signs, pursuant to section CCR section 3340.22(a). The Bureau has found a sign of this height and width, which is affixed to the exterior of a facility, is of a sufficient size to be seen by consumers outside of the station, pursuant to proposed CCR section 3312.2(c).

Subdivision (a)(2)
The Bureau proposes adopting a new subdivision (a)(2) stating "Sign Material. The sign shall be made of at least 0.040-inch aluminum or steel."

The purpose of this subdivision is to establish the material and thickness requirements for the vehicle safety systems inspection station sign.

This subdivision is necessary to ensure the vehicle safety systems inspection station signs are durable (to continue to be visible to customers) by specifying that the signs are to be made of either aluminum or steel, and be at least 0.040-inch thick. These materials and thickness requirements are consistent with the Bureau

licensed smog check station sign, pursuant to CCR section 3340.22(b). The Bureau has found a sign made of either of these two materials and of a thickness of 0.040-inch is sufficiently sturdy to withstand the wind and other weather the sign will experience while being affixed to the exterior of a facility, pursuant to CCR section 3312.2(c).

Subdivision (a)(3)
The Bureau proposes adopting a new subdivision (a)(3) stating "Content. The sign shall contain the Vehicle Safety Systems Inspection Station logo and graphics."

The purpose of this subdivision is to establish the required content to be shown on vehicle safety systems inspection station signs.

This subdivision is necessary to ensure the necessary information appears on the signs for customer viewing. The vehicle safety systems inspection station signs are to display the Bureau created vehicle safety systems inspection station logo and graphics. This is to ensure that vehicle safety systems inspection station signs have a consistent appearance from one station to another, and that the Bureau created content is of sufficient size to be visible and legible to the general public from outside of the station, as specified in proposed CCR section 3312.2(c). This requirement is consistent with the Bureau licensed smog check station sign pursuant to CCR section 3340.22(c).

(6) <u>Adopt section 3313.2. Cessation of Operations as Vehicle Safety Systems Inspection Station.</u>

<u>Subdivision (a)</u>
The Bureau proposes adopting a new subdivision (a) stating "A vehicle safety systems inspection station shall not perform any vehicle safety systems inspections or issue any certificates of compliance (as described in section 3311.3 of this Article) at any time when it does not employ at least one licensed vehicle safety systems technician, when its station license has expired, or when its station license has been surrendered, suspended, or revoked."

The purpose of this subdivision is to require that vehicle safety systems inspection stations not perform inspections when either they no longer employ at least one licensed vehicle safety systems technician or when the station no longer has a valid license.

This subdivision is necessary to ensure inspections are only performed by licensed technicians at licensed stations. Proposed CCR section 3311.3(c) states that vehicle safety systems inspection shall be performed at licensed vehicle safety systems inspection stations by licensed vehicle safety systems technicians. Without a valid license or without an employed licensed technician (as required in CCR section 3311.3(c)), a vehicle safety systems inspection station is not permitted to perform vehicle safety systems inspections, pursuant to BPC 9888.5, or issue any

certificates of compliance, pursuant to BPC 9888.6. Additionally, this subdivision provides examples of when a station is not considered to have a valid license, such as when a station license has expired, been surrendered, or has been suspended or revoked as a result of a disciplinary action.

Subdivision (b)
The Bureau proposes adopting a new subdivision (b) stating "Within 10 days after a vehicle safety systems inspection station license has expired or has been surrendered, suspended, or revoked, the station shall return all unused certificates of compliance to the Bureau by requesting a refund for the unused certificates from the local Bureau field office."

The purpose of this subdivision is to establish that a vehicle safety systems inspection station that no longer has a valid license must return unused certificates of compliance.

This subdivision is necessary to ensure that vehicle safety systems inspection stations that no longer have a valid license return all used certificates of compliance to the Bureau within 10 days. Regardless of whether the license is expiring, being surrendered, or being suspended or revoked as a result of a disciplinary action, the station must return all used certificates of compliance to the Bureau within 10 days. This maintains the security of the certificates of compliance by removing unused certificates of compliance from a station that is no longer permitted to issue them.

(7) Adopt section 3314.1 Licensing of Vehicle Safety Systems Inspection Technicians; Term and Renewal.

Subdivision (a)
The Bureau proposes adopting a new subdivision (a) stating "Any person ("applicant") seeking licensure as a vehicle safety systems technician shall submit a completed application which includes all of the following:".

The purpose of this subsection is to establish the application criteria required for any persons looking to obtain a vehicle safety systems technician license.

This subdivision is necessary to introduce the required elements of an application to obtain a vehicle safety system technician license. BPC section 9888.5 requires those wishing to become licensed to register with the Bureau, and the Bureau to collect sufficient information to identify the applicant. This application process implements the statute.

Subdivision (a)(1)
The Bureau proposes adopting a new subdivision (a)(1) stating "The nonrefundable application fee of $10.00."

The purpose of this subdivision is to establish the non-refundable application fee amount, to be charged upon applying to become a licensed vehicle safety systems technician.

This is necessary to reimburse the Bureau for the application review process. Once a vehicle safety systems technician application is submitted, the Bureau incurs costs associated with the processing and review of the application. The application fee is also nonrefundable to ensure the Bureau is reimbursed for the review process.

Subdivision (a)(2)
The Bureau proposes adopting a new subdivision (a)(2) stating “Proof of successful completion of the Bureau’s initial licensing examination for vehicle safety systems technicians (“initial licensing examination”), specified in subdivision (c) of this section. “Proof of successful completion” shall mean the applicant completed the forms, required by PSI Services LLC (PSI), necessary to consent to and direct submission of the applicant’s examination results electronically to the Bureau by PSI, and that such results list the applicant’s name, applicant identifying number, and that the applicant passed the examination.”

The purpose of this subdivision is to require applicants to provide the Bureau with proof of their successful completion of the initial licensing examination

This subdivision is necessary to ensure the Bureau will receive verification that an applicant for a vehicle safety systems technician license has taken and passed the initial licensing examination. As part of the application process, an applicant for this technician license must take and successfully complete the initial licensing exam, as specified in subdivision (c). That exam will consist of questions on the inspection and diagnosis of vehicle safety systems, as defined in proposed CCR section 3303(s). The exam will be a computer-based test conducted by PSI services.

To ensure that the Bureau receives notification the applicant has successfully passed the initial licensing exam, the applicant shall, at the time they take the exam, complete any PSI forms necessary to consent to having the exam results be electronically communicated to the Bureau. For the purposes of tracking the application, the electronic communication from PSI shall list the applicant’s name, the applicant’s identification number as assigned by the Bureau when the initial application was received, and the fact that the applicant passed the exam. This subdivision defines the term “proof of successful completion” to explain the process for notification and the applicant’s responsibility in that process. By receiving this information directly from PSI, the Bureau has a high level of assurance in the validity of the information.

Subdivision (a)(3)
The Bureau proposes adopting a new subdivision (a)(3) stating “The following applicant identifying information:”

The purpose of this subdivision is to establish the applicant provide the Bureau their identifying information on the vehicle safety systems inspection technician application.

This subdivision is necessary to introduce the list of items of identifying information an applicant must submit to be considered for licensure as a vehicle safety system inspection technician.

(1) Subdivision (a)(3)(A) stating “Full legal name;”.

The purpose of this subdivision is to establish the requirement that the applicant provide their full legal name on the vehicle safety systems inspection technician application.

This information is necessary for the Bureau to ascertain the true and correct identity of the applicant.

(2) Subdivision (a)(3)(B) stating “Social Security number;”.

The purpose of this subdivision is to establish the requirement that the applicant provide their social security number on the vehicle safety systems inspection technician application.

This information is necessary for the Bureau to ascertain the true and correct identity of the applicant.

(3) Subdivision (a)(3)(C) stating “Information from a government-issued photo identification, including issuing authority, document title, and number;”.

The purpose of this subdivision is to establish the requirement that the applicant provide information from a government issued photo identification on the vehicle safety systems inspection technician application.

This information is necessary for the Bureau to ascertain the true and correct identity of the applicant.

(4) Subdivision (a)(3)(D) stating “Physical address;”.

The purpose of this subdivision is to establish the requirement that the applicant provide their physical address on the vehicle safety systems inspection technician application.

This item is necessary so the Bureau can communicate with the applicant about their application and transmit notices, mailings, and other communications to the applicant.

(5) Subdivision (a)(3)(E) stating “Mailing address;”.

The purpose of this subdivision is to establish the requirement that the applicant provide their mailing address on the vehicle safety systems inspection technician application.

This item is necessary so the Bureau can communicate with the applicant about their application, and transmit notices, mailings, and other communications to the applicant, when the applicant receives mail somewhere other than their physical address.

(6) Subdivision (a)(3)(F) stating “Telephone number; and”.

The purpose of this subdivision is to establish the requirement that the applicant provide their telephone number on the vehicle safety systems inspection technician application.

This item is necessary so the Bureau can communicate with the applicant by telephone.

(7) Subdivision (a)(3)(G) stating “Email address, if any.”

The purpose of this subdivision is to establish the requirement that the applicant provide their email address, if applicable, on the vehicle safety systems inspection technician application.

This item is necessary so the Bureau can communicate with the applicant about their application and transmit electronic notices, mailings, and other communications.

Subdivision (a)(4)
The Bureau proposes adopting a new subdivision (a)(4) stating “A current National Institute for Automotive Service Excellence (ASE) certification in each of the following areas:”.

The purpose of this subdivision is to establish the requirement that the applicant provide the Bureau with their ASE certifications as part of the vehicle safety systems technician application process.

This subdivision is necessary to ensure the Bureau receives each applicant’s ASE certifications to have a complete application and make a fully informed licensure determination. ASE is an independent non-profit organization that tests and certifies

qualified automotive technicians in numerous repair areas and systems. In order to receive an ASE certification, the applicant must have at least two years of on-the-job training, or one year of on-the-job training combined with a two-year degree, and successfully pass an ASE test on the skills necessary to diagnose, service, and repair a specific repair area or system. This subdivision is necessary to establish the three ASE certifications the applicant must possess and provide to the Bureau to have a complete application to become a vehicle safety systems technician license.

(1) Subdivision (a)(4)(A) stating “Suspension and Steering (A-4);”.

The purpose of this subdivision is to establish the requirement that the applicant provide the Bureau with their ASE certification in Suspension and Steering as part of their vehicle safety systems technician application.

This item is necessary for the Bureau to establish the applicant took and successfully passed the ASE test on the skills necessary to diagnose, service, and repair suspension and steering systems. ASE titles this test “A-4 Suspension and Steering”. This certification is directly relevant to the vehicle safety systems inspection of the steering and suspension systems, detailed in Chapter 6 of the Vehicle Safety Systems Inspection Manual.

(2) Subdivision (a)(4)(B) stating “Brakes (A-5); and”.

The purpose of this subdivision is to establish the requirement that the applicant provide the Bureau with their ASE certification in Brakes as part of their vehicle safety systems technician application.

This item is necessary for the Bureau to establish the applicant took and successfully passed the ASE test on the skills necessary to diagnose, service, and repair the Brake system. ASE titles this test “A-5 Brakes”. This certification is directly relevant to the vehicle safety systems inspection of the brake system, detailed in Chapter 5 of the Vehicle Safety Systems Inspection Manual.

(3) Subdivision (a)(4)(C) stating “Electrical/Electronic Systems (A-6);”.

The purpose of this subdivision is to establish the requirement that the applicant provide the Bureau with their ASE certification in Electrical/Electronic Systems as part of their vehicle safety systems technician application.

This item is necessary for the Bureau to establish the applicant took and successfully passed the ASE test on the skills necessary to diagnose, service, and repair the Electrical/Electronic Systems. ASE titles this test “A-6 Electrical/Electronic Systems”. This certification is directly relevant to the vehicle safety systems inspection of the lighting systems, as detailed in Chapter 2 of the Vehicle Safety Systems Inspection Manual, and the component parts of the passenger

compartment inspection, as detailed in Chapter 3 of the Vehicle Safety Systems Inspection Manual, as well as parts of the tire and wheels inspection, brakes system inspection, and steering and suspension inspection.

Subdivision (a)(5)
The Bureau proposes adopting a new subdivision (a)(5) stating "The following additional applicant-identifying information, to expedite the application process, if applicable:".

The purpose of this subdivision is to introduce the required identifying information to be submitted by an applicant who wishes to have their application expedited.

This subdivision is necessary to provide applicants with the list of additional items of identifying information they must submit for expedited application processing.

(1) Subdivision (a)(5)(A) stating "Whether the applicant is serving, or has previously served, in the United States Armed Forces."

The purpose of this subdivision is to establish that, if the applicant is serving or has previously served in the United States military, that information must be provided to qualify for an expedited application process.

This item is necessary so the Bureau can determine whether an applicant qualifies for expedited application processing because they are serving or have previously served in the military. If they answer in the affirmative, this entitles the applicant to expedited application processing under the circumstances included in BPC section 115.4.

(2) Subdivision (a)(5)(B) stating "Whether the applicant is an honorably discharged member of the United States Armed Forces. If the applicant affirmatively states they meet this criterion, they shall provide the following documentation with the application to receive expedited review: a certificate of release or discharge from active duty (DD-214) or other documentary evidence showing date and type of discharge."

The purpose of this subdivision is to establish that, if the applicant was honorably discharged from the United States Armed Forces, they must provide the DD-214 or other evidentiary documentation when seeking expedited application processing.

This item is necessary to ensure the Bureau receives the information necessary to expedite the application processing. BPC section 115.4 states the Bureau "shall expedite, and may assist, the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant has served as an active-duty member of the Armed Forces of the United States and was honorably discharged." The DD-214 is the standard military discharge form that indicates the date and type

of discharge from military service. The Bureau will accept other documentation from the United States Armed Forces on release and discharge from active duty as long as the alternative documentation includes the date and type of discharge.

(3) Subdivision (a)(5)(C) stating "Whether the applicant is married to or in a domestic partnership or other legal union with an active-duty member of the United States Armed Forces assigned to a duty station in California under official active-duty military orders. If the applicant affirmatively states they meet this criterion, they shall provide the following documentation along with the application to receive expedited review: certificate of marriage, certificate of domestic partnership, or proof of other legal union; a copy of the applicant's spouse's or partner's military orders reflecting assignment to a California duty station; and proof of being licensed to operate a vehicle safety systems inspection station in another state, or U.S. territory or district."

The purpose of this subdivision is to establish that the applicant provide the documentation necessary for expedited application processing.

This item is necessary to ensure the Bureau receives the information necessary to expedite the application processing. BPC section 115.5 states the Bureau shall expedite the licensure process for an applicant who:

- "Supplies evidence satisfactory to the Bureau the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States." That evidence shall be a certificate of marriage/domestic partnership, or proof of other legal union which contains the name of applicant and the active duty service member, the date of the marriage/partnership/union, and the location where it occurred, so the Bureau can verify the relationship.

- Is "assigned to a duty station in this state under official active duty military orders." The applicant shall supply a copy of the order to the Bureau, so the Bureau can verify the order and the location of the duty station; and,

- "Holds a current license in another state, district, or territory of the United States in the profession or vocation for which the applicant seeks a license" from the Bureau. The applicant shall provide the Bureau a copy of their currently valid automotive repair dealer license so the Bureau can verify its validity and determine the license status.

(4) Subdivision (a)(5)(D) stating "Whether the applicant was admitted to the United States as a refugee, has been granted asylum by the Secretary of Homeland Security or the Attorney General of the United

States, or has a Special Immigrant Visa (SIV). If the applicant affirmatively states they meet any of these criteria, they shall provide any of the following items of documentation, as applicable, with the application to receive expedited review:".

The purpose of this subdivision is to establish that if the applicant is a refugee, asylee, or has a SIV, they must provide the Bureau with the applicable documentation to complete receive expedited application processing. Furthermore, this section specifies the required documentation types acceptable to submit to prove status.

This item is necessary to ensure the Bureau receives the information necessary to expedite the application processing. BPC section 135.4 states the Bureau "shall expedite, and may assist, the initial licensure process for an applicant who supplies satisfactory evidence . . . they have been admitted to the United States as a refugee under [s]ection 1157 of Title 8 of the United States Code, have been granted asylum by the Secretary of Homeland Security or the Attorney General of the United States pursuant to [s]ection 1158 of Title 8 of the United States Code, or they have a special immigrant visa (SIV) that has been granted a status under [s]ection 1244 of Public Law 110-181, under Public Law 109-163, or under [s]ection 602(b) of Title VI of Division F of Public Law 111-8."This subdivision is necessary to introduce the list of the permissible documentation.

(i) Subdivision (a)(5)(D)(i) stating "Form I-94, arrival/departure record, with an admission class code such as "RE" (refugee) or "AY" (asylee) or other information designating the person a refugee or asylee;".

The purpose of this subdivision is to specify that a Form I-94 with an admission class code of refugee or asylee is a satisfactory form of proof of refugee status that an applicant may provide the Bureau in order to expedite the application process.

This item is necessary to ensure applicants who qualify for expedited application processing provide an accepted form of proof of the applicant's admission into the United States as a refugee. The I-94 confirms the person is a refugee or asylee, and the Bureau may use this documentation to expedite the application processing.

(ii) Subdivision (a)(5)(D)(ii) stating "Special Immigrant Visa that includes the "SI" or "SQ";"

The purpose of this subdivision is to specify that a visa with SI or SQ status is a satisfactory form of proof of special immigration visa status that an applicant may provide the Bureau in order to expedite the application process.

This item is necessary to ensure applicants who qualify for expedited application processing provide proof they possess a special immigrant visa. The requested document will show the applicant aided the U.S. government abroad and has permanent United States residency, and the Bureau may use this documentation to expedite the application processing.

(iii) Subdivision (a)(5)(D)(iii) stating “Permanent Resident Card (Form I-551), commonly known as a “green card”, with a category designation indicating that the person was admitted as a refugee or asylee; or”

The purpose of this subdivision is to specify that Form I-551 with a designation as refugee or asylee is a satisfactory form of proof of refugee status that an applicant may provide the Bureau in order to expedite the application process.

This item is necessary to ensure applicants who qualify for expedited application processing provide proof they are a refugee or asylee. The requested document will show the applicant is a permanent resident of the United States and the Bureau may use this documentation to expedite the application processing.

(iv) Subdivision (a)(5)(D)(iv) stating “An order from a court of competent jurisdiction or other documentary evidence that provides reasonable assurances to the Bureau that the applicant qualifies for expedited licensure pursuant to section 135.4 of the Code.”

The purpose of this subdivision is to specify that a court order or other evidentiary documentation is a satisfactory form of proof of refugee status that an applicant may provide the Bureau in order to expedite the application process.

This item is necessary to ensure applicants who qualify for expedited application processing are allowed to submit to the Bureau a court order that provides reliable assurances, based on the language used in the order, that the applicant is a refugee, has been granted asylum, or has a SIV and qualifies for expedited application processing under the statute.

Subdivision (a)(6)
The Bureau proposes adopting a new subdivision (a)(6) stating “Whether the applicant has been convicted of any crime or offense for which a license may be denied pursuant to section 480 of the Code.”

The purpose of this subdivision is to establish that the applicant must disclose whether they have been convicted of a crime or offense, pursuant to section 480 of the Code, on the vehicle safety systems inspector technician license.

This subdivision is necessary to set forth the convictions an applicant must disclose on the application to ensure the application information is complete and the Bureau is fully informed when making their licensure determination. Under BPC section 480, the Bureau may require applicants for licensure to disclose criminal conviction history on an application for licensure.

Subdivision (a)(7)
The Bureau proposes adopting a new subdivision (a)(7) stating "Applicants are required to disclose convictions under California Health and Safety Code sections 11357(b), (c), or (d), or section 11360(b), which are less than two years old."

The purpose of this section is to establish that each applicant disclose if they have been convicted under these California Health and Safety Code sections so the Bureau can make a fully informed decision regarding licensure.

This item is necessary to ensure the Bureau is fully informed about anything that could impact whether they grant licensure. Under HSC sections 11357(b), (c), and (d), and section 11360(b), records from these convictions shall not be kept beyond two years from the date of the conviction (HSC section 11361.5(a).) Consequently, only those convictions that are less than two years old must be reported.

Subdivision (a)(8)
The Bureau proposes adopting a new subdivision (a)(8) stating "Whether, within the preceding seven years from the date of application, the applicant has ever had a license, registration, or certification that was formally disciplined by a licensing board in or outside of California, including the Bureau, or any program in the Department of Consumer Affairs. "Discipline" for purposes of this section includes reproval, suspension, revocation, probation, or any other form of restriction placed on the license, registration, or certification."

The purpose of this subdivision is to establish the requirement that the applicant disclose if within the previous seven years the applicant was formally disciplined by a licensing board in or outside of California. Furthermore, the section defines what the term discipline includes.

This subdivision is necessary to ensure the Bureau is fully informed about anything that could impact whether they grant licensure. BPC section 480(a)(2) provides the Bureau may deny an application if the applicant has been subjected to formal discipline, by a licensing board in or outside California within the preceding seven years, based on professional misconduct that would have been cause for discipline, and that is substantially related to the qualifications, functions, or duties of the business or profession for which the present application is made. This subdivision collects the information the Bureau needs to evaluate whether the application should be denied based on past discipline.

Subdivision (a)(9)
The Bureau proposes adopting a new subdivision (a)(9) stating, "If the applicant answers affirmatively to any of the items in subdivisions (a)(6) or (a)(8) of this section, the applicant shall provide a written statement detailing each criminal conviction and disciplinary action, on a separate sheet of paper. For each criminal conviction, the statement shall include: the date and place of arrest, name of the court that heard the case, court case number, code section(s) violated, brief explanation of the offense(s), and the restriction(s) imposed. For each disciplinary action, the written statement shall include the date and nature of the disciplinary action, name and location of the public agency, and every fine and restriction imposed."

The purpose of this subdivision is to establish the requirement that, if the applicant disclosed any convictions, crimes, or disciplines, as outlined in the previous three subsections, the applicant shall provide a written statement detailing each criminal convictions and disciplinary action. Furthermore, this section outlines the required information the statement shall include, whether it be about a criminal conviction or disciplinary action.

This subdivision is necessary for the Bureau to obtain further information about relevant facts relevant to the application determination. The Bureau requests this information to investigate the prior conviction or discipline and determine whether there is a substantial relationship between the reported acts and the qualifications, functions, or duties of the business or profession for which the application is made.

Subdivision (a)(10)
The Bureau proposes adopting a new subdivision (a)(10) stating "A certification, signed by the applicant under penalty of perjury under the laws of the State of California, that all statements made in the application and all supporting documents provided by the applicant to the Bureau are true and correct."

The purpose of this subdivision is to establish that the applicant will certify under penalty of perjury that they confirm all the information provided in and with their application is true and correct.

This subdivision is necessary to ensure that applicants provide true and correct information and documentation to the Bureau in support of their application for licensure so the Bureau can have all the information necessary to make an accurate decision regarding licensure.

Additionally, BPC section 9884(b)(5) requires an application to include this statement. Certifications under penalty of perjury help to ensure that the documentation contains "truthful factual representation[s] . . . made in good faith." (See e.g., *In re Marriage of Reese & Guy* (1999) 73 Cal.App.4th 1214, 1222 (citation omitted; "The whole point of permitting a declaration under penalty of perjury, in lieu of a sworn statement, is to help ensure that declarations contain a truthful factual representation and are made in good faith."). (*Id*. at 1216.))

Accordingly, certification under penalty of perjury helps ensure applicants submit truthful and accurate information to the Bureau.

In addition to certification under penalty of perjury helping ensure the reliability of the statements to the Bureau (because certifying under penalty of perjury can have a deterrent effect on those who consider providing untrue, inaccurate, or incomplete information), it provides the Bureau with the option of seeking sanctions and referring the matter to law enforcement in the event that such information is not true, complete, or accurate. “The oath or declaration must be in such form that criminal sanctions of perjury might apply where material facts so declared to be true, are in fact not true or are not known to be true.” (*In re Marriage of Reese & Guy* (1999) 73 Cal.App.4th 1214, 1222.)

Subdivision (b)

The Bureau proposes adopting a new subdivision (b) stating “The abandonment date for an application that has been returned to the applicant as incomplete shall be 12 months from the date of returning the application, in accordance with section 142 of the Code. An applicant who abandons an application must submit a new application meeting the requirements of this section to obtain Bureau licensure as a vehicle safety systems technician.”

The purpose of this subdivision is to establish an application abandonment date, which is 12 months from the date when an application is returned to the applicant as incomplete (if the applicant does not thereafter submit a completed application to the Bureau). Furthermore, the section specifies that is the application is abandoned, the applicant must submit a new application to start the process again.

This subdivision is necessary to ensure a timely application process, and to require the submission of a new application when an application has been abandoned. BPC section 142(b) provides that “[n]otwithstanding any other provision of law, the abandonment date for an application that has been returned to the applicant as incomplete shall be 12 months from the date of returning the application.” The Bureau recites that requirement here so applicants can find the requirements for application abandonment in one place.

Subdivision (c)(1)

The Bureau proposes adopting a new subdivision (c)(1) stating “Notice of Eligibility. The Bureau shall review the application submitted pursuant to subdivision (a) of this section, determine that no grounds for denial exist pursuant to section 480 of the Code, and that all information required by subdivisions (a)(1) and (a)(3) through (a)(10) of this section have been submitted (“determination of eligibility”). Once the Bureau makes a determination of eligibility, the Bureau shall mail the applicant a written and dated notice, within the timeframe specified in section 3303.2(b) of this Chapter, informing them of all of the following:”

The purpose of this subdivision is to inform how the Bureau will determine the applicant's eligibility to take the initial licensing exam and introduce the list of information the notice of eligibility will contain.

This subdivision is necessary to establish the information on the application that the Bureau will review to determine that an applicant is eligible to take the initial licensing exam. That application information will include the information required in subdivision (a), such as the applicant's name, address contact information, whether the applicant possess the required ASE certifications, and whether the applicant has been convicted of a crime or had disciplinary action taken against them by a licensing authority. Once the Bureau determines the applicant is eligible to take the initial licensing exam, the Bureau will send the applicant a "Notice of Eligibility" within 45 days after receiving a completed application, as specified in Title 16 CCR section 3303.2(b).

Additionally, this subdivision also introduces the list of items that are to be included in the "Notice of Eligibility".

(1) Subdivision (c)(1)(A) stating "the applicant is eligible to take the initial licensing examination;".

The purpose of this subdivision is to inform the applicant that the notice of eligibility will inform them that they are eligible to take the initial licensing examination.

This item is necessary to notify the applicant that after reviewing the application, the Bureau has decided that the applicant is eligible to take the initial licensing examination.

(2) Subdivision (c)(1)(B) stating "the applicant must schedule, take, and pass the initial licensing examination within 90 days of the Bureau's written notice or the Bureau shall reject their application as incomplete; and".

The purpose of this subdivision is to inform the applicant that the notice of eligibility will inform them that they have 90 days to take the exam.

This item is necessary to notify the applicant they have 90 days after receiving the "Notice of Eligibility" to schedule, take, and pass the initial licensing examination. Furthermore, this item specifies that if the applicant does not take and pass the initial licensing exam within those 90 days, their application will be considered incomplete.

(3) Subdivision (c)(1)(C) stating "information for the applicant to contact PSI to schedule the examination, including the web site address, email address, telephone number, and mailing address."

The purpose of this item is to inform the applicant that the notice of eligibility will provide them with PSI's contact information.

Once the Bureau has completed the initial review of the vehicle safety systems inspector technician license application and found the applicant eligible, the Bureau will inform the applicant of all the required information needed in order to schedule the initial exam.

This item is necessary to provide the applicant with the contact information for PSI, including the website address, email, and telephone number, so that the applicant can contact PSI and schedule the initial licensing examination.

Subdivision (c)(2)

The Bureau proposes adopting a new subdivision (c)(2) stating "Form and Content of Licensing Examination. The initial licensing examination shall be a computer-based test that contains questions on inspection and diagnosis of vehicle safety systems, as defined in section 3303(s) of this Chapter, and is administered by PSI."

The purpose of this subdivision is to provide the applicant with information about the content of the initial licensing examination and the way the exam will be provided.

This subdivision is necessary to notify the applicant about the examination—what will be on the examination, and how it will be administered. The initial licensing exam will be given on a computer and administered by PSI at a PSI testing center. Additionally, this section notifies the application that the initial licensing exam will consist of questions about the inspection and diagnosis of the vehicle safety systems, listed in the Vehicle Safety Systems Inspection Manual, as reference in CCR section 3303(s), including questions about the lighting system, the individual safety components that make up the vehicle's passenger compartment, tires and wheels, brake system, steering and suspension systems, and body structure.

Subdivision (c)(3)

The Bureau proposes adopting a new subdivision (c)(3) stating "Applicant's Responsibilities. Upon receipt of written notice of approval from the Bureau, as specified in this section, an applicant is responsible for contacting PSI to schedule a test date and examination site location, paying PSI's nonrefundable fees to take the examination, and complying with all PSI test center procedures and rules."

The purpose of this subdivision is to establish the requirement that applicant contact PSI to schedule the initial exam.

This subdivision is necessary to inform the applicant that it is their responsibility to make contact with PSI using the contact information provided in the notice, schedule the initial licensing exam at a date and time when they are available, at a

PSI testing center within 90 days after receiving the “Notice of Eligibility” referenced in (c)(1). They are responsible for paying PSI the examination fee, and knowing and complying with PSI testing center procedures and rules, such as regarding testing conduct and behavior.

Subdivision (c)(4)

The Bureau proposes adopting a new subdivision (c)(4) stating “Re-examination Instructions. If the applicant receives notice from PSI that they have not passed the initial licensing examination, the applicant may re-take the examination by contacting PSI to schedule a new test date and examination site location and paying PSI’s nonrefundable fees.”

The purpose of this subdivision is to provide the applicant with re-examination instructions.

This subdivision is necessary to notify the applicant that if they fail their initial attempt taking the initial licensing examination, they can re-contact PSI, within that same 90 days after receiving the “Notice of Eligibility”, to schedule the re-examination at a date and time when they are available, at a PSI testing center. The applicant is responsible for paying PSI the examination fee, and knowing and complying with PSI testing center procedures and rules, such as regarding testing conduct and behavior.

Subdivision (c)(5)

The Bureau proposes adopting a new subdivision (c)(5) stating “Re-examination Limitations. After two unsuccessful attempts to pass the examination within 90 days of receiving notice of eligibility from the Bureau, as provided in subdivision (c)(1) of this section, the application shall be deemed incomplete, and the applicant shall submit a new application if they wish to again seek licensure as a vehicle safety systems technician, as provided in subdivision (a) of this section.”

The purpose of this subdivision is to establish the re-examination limitations.

This subdivision in necessary to ensure a timely application process and notify the applicant that they are only permitted to take the initial licensing examination two times within the 90 days after receiving the “Notice of Eligibility.” If the applicant fails the exam after their second attempt, they will not be permitted to take the exam again, and their application to become a licensed vehicle safety systems technician shall be considered incomplete. If, after failing the initial licensing examination twice, and having the application deemed incomplete, the applicant wished to take the exam again, they must submit a new vehicle safety systems technician application, in accordance with subdivision (a) of this section.

Subdivision (d)

The Bureau proposes adopting a new subdivision (d) stating “Vehicle safety systems technician licenses shall expire two years from the date of issuance unless

renewed prior to the expiration date, in accordance with this section. No person shall engage in the activities of a vehicle safety systems technician unless the person holds a current and active license and is employed at a licensed vehicle safety systems inspection station."

The purpose of this subdivision is to establish the renewal process for when a vehicle safety systems technician license expires and the requirement that when the license expires, technicians are not to perform vehicle safety systems inspections.

This subdivision is necessary to inform technicians of the license renewal procedure and that they are not allowed to perform inspections with an expired license. This subdivision establishes that a vehicle safety systems technician license shall only be valid for two years from the date of issuance, which is consistent with the Bureau's smog check inspector and repair technician licenses. Those who wish to renew their license shall do so prior to the expiration of their license, in accordance with subdivision (f) of this section.

Pursuant to BPC 9888.5, vehicle safety systems inspections shall only be performed in licensed vehicle safety systems inspection stations by licensed vehicle safety systems technicians. Without a current and active license, the technician's BAR-SIS access will not be permitted, and they will not be capable of performing and completing vehicle safety systems inspections. Until they either renew their license or are issued a new license by reapplying (if the delinquency has extended more than 30 days), they cannot perform inspections.

Subdivision (e)

The Bureau proposes adopting a new subdivision (e) stating "A vehicle safety systems technician shall notify the Bureau in writing of any material changes to the information submitted to the Bureau—under subdivision (a)(2) of this section—within fourteen (14) days of the date of making any changes, or receiving notice of any change in the case of criminal convictions and disciplinary matters referenced in subdivisions (a)(6) and (a)(8) of this section."

The purpose of this subdivision is to establish that a vehicle safety systems technician shall notify the Bureau of any informational changes in the information provided within fourteen days of the change.

This subdivision is necessary to ensure the Bureau is promptly notified of information changes that could impact the licensure determination. Vehicle safety systems technicians must notify the Bureau within 14 days of any changes in the information submitted as part of the vehicle safety systems technician license application regarding their identifying information, military/asylee status, criminal convictions, or disciplinary matters. The Bureau needs the update to evaluate whether any new information regarding disciplinary actions or criminal actions impacts its licensure determination.

Subdivision (f)

The Bureau proposes adopting a new subdivision (f) stating "As a condition of renewal, a vehicle safety systems technician shall submit a renewal fee of $10.00 and a completed renewal application to the Bureau containing the information specified in subdivision (a) of this section prior to the expiration date of their license, or as otherwise specified in this subdivision. No additional testing shall be required for license renewal provided the vehicle safety systems technician licensee renews their technician license within 30 days after the date of the license's expiration. If the technician submits the renewal fee after the license's expiration date, a delinquency fee of $5.00 shall be assessed in addition to the $10.00 renewal fee, pursuant to section 163.5 of the Code. If more than 30 days have passed since the license expiration date, the license shall not be renewed and the license shall expire. If the individual seeks to operate as a licensed vehicle safety systems technician again, they shall submit a new application and fee, as specified in subdivision (a) of this section."

The purpose of this subdivision is to establish how a vehicle safety systems technician can renew their license and establishes a delinquency fee for those that renew after the license has gone delinquent for less than 30 days. Additionally, a license that is over 30 days expired will not be renewed.

This subdivision is necessary to encourage vehicle safety systems technicians to be timely in the renewal of their license by notifying them that they must submit the renewal fee of $10.00 to the Bureau prior to the expiration of the license, otherwise their license will be considered delinquent. If the license becomes delinquent, the technician can still renew by paying the $10.00 renewal fee, but must also pay a delinquency fee of $5.00, which is 50% of the renewal fee as permitted by BPC section 163.5, to renew the license. If the technician fails to renew the license prior to 30 days after the expiration date of the license, the license will be considered expired, and the applicant will not be permitted to renew the license. In this case, if the technician wishes to regain a license to perform vehicle safety systems inspections, they may submit a new application and pay the $10.00 licensing fee to the Bureau, as provided for in this section.

Subdivision (g)

The Bureau proposes adopting a new subdivision (g) stating "In addition to any of the applicable grounds provided in section 9889.2 of the Code, an application for licensure or renewal as a vehicle safety systems technician may be denied for any of the following reasons:".

The purpose of this subdivision is to provide the basis on which the Bureau may deny a license.

This subdivision is necessary to set forth the reasons, in addition to those found in BPC section 9889.2, that a vehicle safety systems technician license application or renewal may be denied.

Subdivision (g)(1)
The Bureau proposes adopting a new subdivision (g)(1) stating “For denial of an application for licensure of a vehicle safety systems inspection station or technician, any grounds for denial authorized by section 480 of the Code;”.

The purpose of this subdivision is to establish a basis for denying a vehicle safety systems technician license application or renewal.

This subdivision is necessary to establish that additional grounds for denying a vehicle safety systems technician license application or renewal are found in BPC section 480, such as a prior disciplinary action against the applicant by a licensing board in or outside of California, or a criminal conviction that is substantially related to the qualification, functions, or duties of a vehicle safety systems technician, as well as. (BPC section 480(a)).

Subdivision (g)(2)
The Bureau proposes adopting a new subdivision (g)(2) stating “Noncompliance with any provision in this Article; or”.

The purpose of the subdivision is to establish the Bureau may deny a vehicle safety systems technician license or renewal if they fail to comply with the provisions in this Article.

This subdivision is necessary to establish that failure to comply with the provisions in this Article 2.5, such as failing to perform inspections in accordance with the Bureau established inspection criteria and standards, may result in any of the following: denial of an application for licensure, denial of license renewal, or disciplinary action against a vehicle safety systems technician license. Failing to comply with these regulations demonstrates a provider is not suitable for licensure because they are unwilling or unable to follow Bureau regulations.

Subdivision (g)(3)
The Bureau proposes adopting a new subdivision (g)(3) stating “Providing any false or misleading information to the Department or Bureau.”

The purpose of the subdivision is to establish that providing any false or misleading information to the Department or the Bureau provides BAR a ground for denying an application or a request to renew a license, or for revoking a license.

This subdivision is necessary to introduce another reason for denial—providing false information to the Bureau or the Department is a ground for denying an application or a request to renew a license. (This can also result in the Bureau

revoking a license.) Providing false information indicates the station is unable or unwilling to follow Bureau regulations, and it undermines the Bureau's trust in the station to provide accurate information and conduct thorough inspections according to the set standards and criteria.

(8) <u>Adopt section 3314.1.1. Licensing of Vehicle Safety Systems Technicians; Term for Transition of Existing Lamp and Brake Adjusters.</u>

Subdivision (a)
The Bureau proposes adopting a new subdivision (a) stating "An applicant who possesses current, active, and unrestricted lamp and brake adjuster licenses prior to [OAL insert date that is six months from the date of OAL's filing with the Secretary of State], does not have any pending disciplinary action with the Bureau, is not on probation with the Bureau, and is seeking licensure as a vehicle safety systems technician shall submit a completed application which includes all of the following:".

The purpose of this subdivision is to establish the requirements for an existing licensed lamp and brake adjuster to transition to a new vehicle safety systems technician license, and establish the application criteria required.

BPC section 9888.5(c)(2) allows for a specialized application process for those existing brake and lamp adjusters to transition to the new vehicle safety systems technician license. This subdivision sets forth the requirements an existing adjuster must meet to benefit from this specialized application process.

The adjuster must possess both brake and lamp licenses. This is necessary to establish that the adjuster possess the knowledge and experience to be successful in the new vehicle safety systems inspection program, which contains both a lighting system and brake systems inspection. The adjusters must possess a current and active license to demonstrate the recency of that knowledge and experience.

Licensees whose stations licenses have pending accusation or are on probation are not eligible for the specialized application process, as they have demonstrated they are they are unwilling or unable to follow Bureau regulations.

Additionally, this subdivision is necessary to introduce the required elements of an application to obtain the vehicle safety system technician license. BPC section 9888.5(c) requires those wishing to become a licensed vehicle safety systems technician to apply with the Bureau, and the Bureau to collect sufficient information to identify the applicant. This application process implements the statute.

Subdivision (a)(1)

The Bureau proposes adopting a new subdivision (a)(1) stating “The following applicant identifying information:”.

The purpose of this subdivision is to establish the identifying information that shall be provided on the vehicle safety systems inspection technician application.

This subdivision is necessary to list the items of identifying information an applicant must submit when applying for licensure as a vehicle safety systems inspection technician.

(1) Subdivision (a)(1)(A) stating “Full legal name,”.

The purpose of this subdivision is to establish that the applicant is required to provide their full legal name on the vehicle safety systems inspection technician application.

This information is necessary for the Bureau to ascertain the true and correct identity of the applicant, and whether that applicant is an individual.

(2) Subdivision (a)(1)(B) stating “Social Security number,”.

The purpose of this subdivision is to establish that the applicant is required to provide their social security number on the vehicle safety systems inspection technician application.

This information is necessary for the Bureau to ascertain the true and correct identity of the applicant, and whether that applicant is an individual.

(3) Subdivision (a)(1)(C) stating “Lamp and brake adjuster license numbers,”.

The purpose of this subdivision is to establish that the applicant is required to provide their lamp and brake adjuster license numbers.

This is necessary for the Bureau to verify that the applicant possess current and active brake and lamp adjuster licenses prior to the implementation of the vehicle safety systems inspection program, and that those licenses are not on probation and the applicant does not have a pending accusation against them.

(4) Subdivision (a)(1)(D) stating “Information from a government-issued photo identification, including issuing authority, document title, and number,”.

The purpose of this subdivision is to establish that the applicant must provide a government issued photo identification with associated information on the vehicle safety systems inspection technician application.

This information is necessary for the Bureau to ascertain the true and correct identity of the applicant, and whether that applicant is an individual.

(5) Subdivision (a)(1)(E) stating “Physical address,”.

The purpose of this subdivision is to establish that the applicant must provide their physical address on the vehicle safety systems inspection technician application.

This item is necessary so the Bureau can communicate with the applicant about their application and transmit notices, mailings, and other communications to the applicant.

(6) Subdivision (a)(1)(F) stating “Mailing address,”.

The purpose of this subdivision is to establish that the applicant must provide their mailing address on the vehicle safety systems inspection technician application.

This item is necessary so the Bureau can communicate with the applicant about their application, and transmit notices, mailings, and other communications to the applicant, when they receive mail somewhere other than their physical address.

(7) Subdivision (a)(1)(G) stating “Telephone number,”.

The purpose of this subdivision is to establish that the applicant must provide their telephone number on the vehicle safety systems inspection technician application.

This item is necessary so the Bureau can communicate with the applicant by telephone.

(8) Subdivision (a)(1)(H) stating “Email address, if any, and”.

The purpose of this section is to establish that the applicant provide their email address, if applicable, on the vehicle safety systems inspection technician application.

This item is necessary so that if the applicant chooses to provide an email address, the Bureau can communicate with the applicant about their application and transmit electronic notices, mailings, and other communications.

Subdivision (a)(2)
The Bureau proposes adopting a new subdivision (a)(2) stating “The following additional applicant-identifying information, to expedite the application process, if applicable:”.

The purpose of this subdivision is to establish a list of additional information the applicant is required to provide the Bureau in order to receive expedited application processing.

This subdivision is necessary to ensure the Bureau receives the information needed to expedite application processing, and to list the additional items of identifying information an applicant must submit for expedited application processing.

(1) Subdivision (a)(2)(A) stating “Whether the applicant is serving, or has previously served, in the United States Armed Forces.”

The purpose of this subdivision is to establish that, if the applicant is serving or previously served in the United States Armed Forces, the information must be provided when seeking expedited application processing.

This item is necessary so the Bureau can determine whether an applicant is serving or has previously served in the military. If they answer in the affirmative, this entitles the applicant to expedited application processing under the circumstances included in BPC section 115.4.

(2) Subdivision (a)(2)(B) stating “Whether the applicant is an honorably discharged member of the United States Armed Forces. If the applicant affirmatively states they meet this criterion, they shall provide the following documentation with the application to receive expedited review: a certificate of release or discharge from active duty (DD-214) or other documentary evidence showing date and type of discharge.”

The purpose of this subdivision is to establish that, if the applicant was honorably discharged from the United States Armed Forces, they must provide the DD-214 or other evidentiary documentation when seeking expedited application processing.

This item is necessary so the Bureau can provide expedited application processing. BPC section 115.4 states the Bureau “shall expedite, and may assist, the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant has served as an active-duty member of the Armed Forces of the United States and was honorably discharged.” The DD-214 is the standard military discharge form that indicates the date and type of discharge from military service. The Bureau will accept other documentation from the United States Armed Forces on release and discharge from active duty, as long as the alternative documentation includes the date and type of discharge.

(3) Subdivision (a)(2)(C) stating “Whether the applicant is married to or in a domestic partnership or other legal union with an active-duty member of the United States Armed Forces assigned to a duty station in California under official active-duty military orders. If the applicant

affirmatively states they meet this criterion, they shall provide the following documentation along with the application to receive expedited review: certificate of marriage, certificate of domestic partnership, or proof of other legal union; a copy of the applicant's spouse's or partner's military orders reflecting assignment to a California duty station; and proof of being licensed to operate a vehicle safety systems inspection station in another state, or U.S. territory or district."

The purpose of this subdivision is to establish that, if the applicant is married to or in a domestic partnership or other legal union with a member of the United States Armed Forces, they must provide the above listed evidentiary documentation when seeking expedited application processing.

This item is necessary to ensure the Bureau receives the information necessary to expedite the application processing. BPC section 115.5 states the Bureau shall expedite the licensure process for an applicant who:

- "Supplies evidence satisfactory to the Bureau the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States." That evidence shall be a certificate of marriage/domestic partnership, or proof of other legal union which contains the name of applicant and the active duty service member, the date of the marriage/partnership/union, and the location where it occurred, so the Bureau can verify the relationship.

- Is "assigned to a duty station in this state under official active duty military orders." The applicant shall supply a copy of the order to the Bureau, so the Bureau can verify the order and the location of the duty station; and,

- "Holds a current license in another state, district, or territory of the United States in the profession or vocation for which the applicant seeks a license" from the Bureau. The applicant shall provide the Bureau a copy of their currently valid automotive repair dealer license so the Bureau can verify its validity and determine the license status.

(4) Subdivision (a)(2)(D) stating "Whether the applicant was admitted to the United States as a refugee, has been granted asylum by the Secretary of Homeland Security or the Attorney General of the United States, or has a Special Immigrant Visa (SIV). If the applicant affirmatively states they meet any of these criteria, they shall provide any of the following items of documentation, as applicable, with the application to receive expedited review:".

The purpose of this subdivision is to establish that if the applicant is a refugee, asylee, or has an SIV, applicable documentation shall be provided by the applicant

to receive expedited application processing This section also specifies the required documentation types acceptable to submit to prove proof of status.

This item is necessary as BPC section 135.4 states the Bureau "shall expedite, and may assist, the initial licensure process for an applicant who supplies satisfactory evidence . . . they have been admitted to the United States as a refugee under [s]ection 1157 of Title 8 of the United States Code, have been granted asylum by the Secretary of Homeland Security or the Attorney General of the United States pursuant to [s]ection 1158 of Title 8 of the United States Code, or they have a special immigrant visa (SIV) that has been granted a status under [s]ection 1244 of Public Law 110-181, under Public Law 109-163, or under [s]ection 602(b) of Title VI of Division F of Public Law 111-8."This subdivision is necessary to introduce the list of the permissible documentation.

(i) Subdivision (a)(2)(D)(i) stating "Form I-94, arrival/departure record, with an admission class code such as "RE" (refugee) or "AY" (asylee) or other information designating the person a refugee or asylee;".

The purpose of this subdivision is to specify that a Form I-94 with an admission class code of refugee or asylee is a satisfactory form of proof of refugee status that an applicant may provide the Bureau in order to expedite the application process.

This item is necessary to ensure applicants who qualify for expedited application processing provide an accepted form of proof of the applicant's admission into the United States as a refugee. The I-94 confirms the person is a refugee or asylee, and the Bureau may use this documentation to expedite the application processing.

(ii) Subdivision (a)(2)(D)(ii) stating "Special Immigrant Visa that includes the "SI" or "SQ";".

The purpose of this subdivision is to specify that a visa with SI or SQ status is a satisfactory form of proof of special immigration visa status that an applicant may provide the Bureau in order to expedite the application process.

This item is necessary to ensure applicants who qualify for expedited application processing provide proof they possess a special immigrant visa. The requested document will show the applicant aided the U.S. government abroad and has permanent United States residency, and the Bureau may use this documentation to expedite the application processing.

(iii) Subdivision (a)(2)(D)(iii) stating "Permanent Resident Card (Form I-551), commonly known as a "green card", with a category designation indicating that the person was admitted as a refugee or asylee; or".

The purpose of this subdivision is to specify that a Form I-551 with a designation as refugee or asylee is a satisfactory form of proof of refugee status that an applicant may provide the Bureau in order to expedite the application process.

This item is necessary to ensure applicants who qualify for expedited application processing provide proof they are a refugee or asylee. The requested document will show the applicant is a permanent resident of the United States and the Bureau may use this documentation to expedite the application processing.

(iv) Subdivision (a)(2)(D)(iv) stating "An order from a court of competent jurisdiction or other documentary evidence that provides reasonable assurances to the Bureau that the applicant qualifies for expedited licensure pursuant to section 135.4 of the Code."

The purpose of this subdivision is to specify that a court order or other evidentiary documentation is a satisfactory form of proof of refugee status that an applicant may provide the Bureau in order to expedite the application process.

This item is necessary to ensure applicants who qualify for expedited application processing are allowed to submit to the Bureau a court order that provides reliable assurances, based on the language used in the order, that the applicant is a refugee, has been granted asylum, or has a SIV and qualifies for expedited application processing under the statute.

Subdivision (a)(3)
The Bureau proposes adopting a new subdivision (a)(3) stating "Whether the applicant has been convicted of any crime or offense for which a license may be denied pursuant to section 480 of the Code."

The purpose of this subdivision is to establish that the applicant must disclose whether they have been convicted of a crime or offense, pursuant to section 480 of the Code, on the vehicle safety systems technician license application.

This subdivision is necessary to set forth the applicant must disclose convictions to the Bureau on the application. Under BPC section 480(f)(1), the Bureau may require applicants for licensure to disclose criminal conviction history on an application for licensure.

Subdivision (a)(4)
The Bureau proposes adopting a new subdivision (a)(4) stating "Applicants are required to disclose convictions under California Health and Safety Code sections 11357(b), (c), or (d), or section 11360(b), which are less than two years old."

The purpose of this section is to establish that each applicant disclose if they have been convicted under these California Health and Safety Code sections so the Bureau can make a fully informed decision regarding licensure.

This item is necessary to ensure the Bureau is fully informed about anything that could impact whether they grant licensure. Under HSC sections 11357(b), (c), and (d), and section 11360(b), records from these convictions shall not be kept beyond two years from the date of the conviction (HSC section 11361.5(a).) Consequently, only those convictions that are less than two years old must be reported.

Subdivision (a)(5)
The Bureau proposes adopting a new subdivision (a)(5) stating "Whether, within the preceding seven years from the date of application, the applicant has ever had a license, registration, or certification that was formally disciplined by a licensing board in or outside of California, including the Bureau, or any program in the Department of Consumer Affairs. "Discipline" for purposes of this section includes reproval, suspension, revocation, probation, or any other form of restriction placed on the license, registration, or certification."

The purpose of this subdivision is to specify that the applicant is required to disclose if within the previous seven years the applicant was formally disciplined by a licensing board in or outside of California. Furthermore, the section defines what constitutes discipline.

This subdivision is necessary to ensure the Bureau is informed of all information that can impact its licensure determination. BPC section 480(a)(2) provides the Bureau may deny an application if the applicant has been subjected to formal discipline by a licensing board in or outside California within the preceding seven years based on professional misconduct that would have been cause for discipline, and that is substantially related to the qualifications, functions, or duties of the business or profession for which the present application is made. This subdivision collects the information the Bureau needs to evaluate whether the application should be denied based on past discipline.

Subdivision (a)(6)
The Bureau proposes adopting a new subdivision (a)(6) stating "If the applicant answers affirmatively to any of the items in subdivisions (a)(3) or (a)(5) of this section, the applicant shall provide a written statement detailing each criminal conviction and disciplinary action, on a separate sheet of paper. For each criminal conviction, the statement shall include: the date and place of arrest, name of the court that heard the case, court case number, code section(s) violated, brief explanation of the offense(s), and the restriction(s) imposed. For each disciplinary action, the written statement shall include the date and nature of the disciplinary action, name and location of the public agency, and every fine and restriction imposed."

The purpose of this subdivision is to establish the requirement that if the applicant disclosed any convictions, crimes, or disciplines as outlined in the previous three subsections, the applicant shall provide a written statement detailing each criminal conviction and disciplinary action. Furthermore, this section outlines the required information the statement shall include, whether it be about a criminal conviction or disciplinary action.

This subdivision is necessary for the Bureau to obtain further information about relevant facts the applicant has provided that could impact the Bureau's licensure determination. The Bureau requests this information to investigate the prior conviction or discipline and determine whether there is a substantial relationship between the reported acts and the qualifications, functions, or duties of the business or profession for which the application is made.

Subdivision (a)(7)
The Bureau proposes adopting a new subdivision (a)(7) stating "A certification, signed by the applicant under penalty of perjury under the laws of the State of California, that all statements made in the application and all supporting documents provided by the applicant to the Bureau are true and correct."

The purpose of this subdivision is to establish that the applicant will certify under penalty of perjury that they confirm all the information provided in and with their application is true and correct.

This subdivision is necessary to ensure that applicants provide true and correct information and documentation to the Bureau in support of their application for licensure so the Bureau can have all the information necessary to make an accurate decision regarding licensure.

Additionally, BPC section 9884(b)(5) requires an application to include this statement. Certifications under penalty of perjury help to ensure that the documentation contains "truthful factual representation[s] . . . made in good faith." (See e.g., *In re Marriage of Reese & Guy* (1999) 73 Cal.App.4th 1214, 1222 (citation omitted; "The whole point of permitting a declaration under penalty of perjury, in lieu of a sworn statement, is to help ensure that declarations contain a truthful factual representation and are made in good faith."). (*Id*. at 1216.)) Accordingly, certification under penalty of perjury helps ensure applicants submit truthful and accurate information to the Bureau.

In addition to certification under penalty of perjury helping ensure the reliability of the statements to the Bureau (because certifying under penalty of perjury can have a deterrent effect on those who consider providing untrue, inaccurate, or incomplete information), it provides the Bureau with the option of seeking sanctions and referring the matter to law enforcement in the event that such information is not true, complete, or accurate. "The oath or declaration must be in such form that criminal sanctions of perjury might apply where material facts so declared to be

true, are in fact not true or are not known to be true." (*In re Marriage of Reese & Guy* (1999) 73 Cal.App.4th 1214, 1222.)

Subdivision (b)

The Bureau proposes adopting a new subdivision (b) stating "The abandonment date for an application that has been returned to the applicant as incomplete shall be 12 months from the date of returning the application in accordance with Section 142 of the Code. An applicant who abandons an application must submit a new application to obtain Bureau licensure as a vehicle safety systems technician."

The purpose of this subdivision is to establish an application abandonment date, which is 12 months from the date when an application is returned to the applicant as incomplete (if the applicant does not thereafter submit a completed application to the Bureau). Furthermore, the section specifies that is the application is abandoned, the applicant must submit a new application to start the process again.

This subdivision is necessary to ensure a timely application process, and to require the submission of a new application when an application has been abandoned. BPC section 142(b) provides that "[n]otwithstanding any other provision of law, the abandonment date for an application that has been returned to the applicant as incomplete shall be 12 months from the date of returning the application." The Bureau recites that requirement here so applicants can find the requirements for renewal and application abandonment in one place.

Subdivision (c)

The Bureau proposes adopting a new subdivision (c) stating "Vehicle safety systems technician licenses shall expire two years from the date of issuance unless renewed in accordance with the requirements in section 3314.1 of this Article. No person shall engage in the activities of a vehicle safety systems technician unless the person holds a current license and is employed at a licensed vehicle safety systems inspection station."

The purpose of this section is to establish the renewal process for when a vehicle safety systems technician license expires and to establish the requirement that, when the license expires, the technician is not permitted to perform vehicle safety systems inspections.

This subdivision is necessary to ensure that only licensed technicians are performing inspections. Additionally, this subdivision is necessary to introduce the renewal requirements and process, and that a vehicle safety systems technician license shall only be valid for two years from the date of issuance, which is consistent with the Bureau's smog check inspector and repair technician licenses. The specialized licensing process for existing brake and lamp adjusters to transition to the new vehicle safety systems licenses, pursuant to BPC section 9888.5(c)(2), ends 6 months after the implementation of the vehicle safety systems inspection program, as recorded in subdivision (j). This means that when those who received

their technician license through the specialized licensing process recorded in this section need to renew their licenses, they must do so as detailed in proposed CCR section 3314.1(f).

Pursuant to BPC 9888.5, vehicle safety systems inspections shall only be performed in licensed vehicle safety systems inspection stations by licensed vehicle safety systems technicians. Additionally, without a current and active license, the technician cannot access BAR-SIS and they will not be capable of performing vehicle safety systems inspections. If a technician's license expires, they will not be able to perform inspections until they renew their license or reapply, or if the delinquency has extended more than 30 days after the license expiration, once they are issued a new vehicle safety systems inspection license.

Subdivision (d)
The Bureau proposes adopting a new subdivision (d) stating "A vehicle safety systems technician shall notify the Bureau in writing of any changes to the information submitted to the Bureau under subdivision (a)(2) of this section within fourteen (14) days of the date of making any changes, or receiving notice of any change in the case of criminal convictions and disciplinary matters referenced in subdivisions (a)(3) and (a)(5) of this section."

The purpose of this subdivision is to require that the Bureau be notified of any informational changes within fourteen days of the change, including disclosure of any criminal convictions and disciplinary actions.

This subdivision is necessary to ensure the Bureau is fully informed of any information that could impact the licensure determination. This is also necessary to describe the information a technician must provide when notifying the Bureau of a material change as described in subdivision (a). That information includes a description of the change and the date the change occurred, so that the Bureau can verify the timeliness of the notification and Bureau records can be updated accordingly. In the case of a criminal conviction or a disciplinary action, such as reproval, suspension, revocation, probation, or any other form of restriction against the technician, that information also includes the date the notice or change was received. The date is necessary to determine the recency of the criminal conviction or disciplinary action and verify the timeliness of the notification. Additionally, the Bureau needs this information to evaluate whether any new information regarding disciplinary actions or criminal actions impacts its licensure determination.

Subdivision (e)
The Bureau proposes adopting a new subdivision (e) stating "In addition to any of the applicable grounds provided in section 9889.2 of the Code, an application for licensure as a vehicle safety systems technician may be denied for any of the following reasons:".

The purpose of this subdivision is to introduce and provide the basis on which the Bureau may deny a license.

This subdivision is necessary to set forth the reasons, in addition to those found in BPC section 9889.2, that a vehicle safety systems technician application may be denied.

Subdivision (e)(1)
The Bureau proposes adopting a new subdivision (e)(1) stating “For denial of an application for licensure of a vehicle safety systems inspection station or technician, any grounds for denial authorized by section 480 of the Code;”.

The purpose of this subdivision is to inform applicants where they can find information about the basis for denying a vehicle safety systems technician license application.

This subdivision is necessary to make applicants aware that grounds for denying a vehicle safety systems technician license application can be found in BPC section 480, such as a prior disciplinary action against the applicant by a licensing board in or outside of California, or a criminal conviction that is substantially related to the qualification, functions, or duties of a vehicle safety systems technician. (BPC section 480(a)).

Subdivision (e)(2)
The Bureau proposes to adopt a new subdivision (e)(2) to state, “Noncompliance with any provision in this Article; or”.

The purpose of the subdivision is to establish the Bureau may deny a vehicle safety systems technician license if they fail to comply with the provisions in this Article.

This subdivision is necessary to ensure compliance with the provisions of this Article by establishing that failure to comply with the provisions in this Article 2.5, such as failing to perform inspections in accordance with the Bureau established inspection criteria and standards, may result in denial of an application for licensure or disciplinary action against a vehicle safety systems technician. Failing to comply with these regulations demonstrates a provider is not suitable for licensure because they are unwilling or unable to follow Bureau regulations.

Subdivision (e)(3)
The Bureau proposes adopting a new subdivision (e)(3) stating “Providing any false or misleading information to the Department or Bureau.”

The purpose of the subdivision is to establish that providing any false or misleading information to the Department or the Bureau provides BAR a ground for denying an application or a request to renew a license, or for revoking a license.

This subdivision is necessary to introduce another reason for denial—providing false information to the Bureau or the Department is a ground for denying an application or a request to renew a license. (This can also result in the Bureau revoking a license.) Providing false information indicates the station is unable or unwilling to follow Bureau regulations, and it undermines the Bureau's trust in the station to provide accurate information and conduct thorough inspections according to the set standards and criteria.

Subdivision (f)
The Bureau proposes adopting a new subdivision (f) stating "For the purposes of this section, "pending disciplinary action" means an Accusation that has been filed by the Bureau and served on the applicant in accordance with the Administrative Procedure Act (commencing with Government Code, section 11340)."

The purpose of this subdivision is to establish a definition for "pending disciplinary action".

This subdivision is necessary to define the term "pending disciplinary action", used in subdivision (a) as an accusation filed with the Attorney General's Office, so technicians and stations understand the term when they read it in the regulations.

Subdivision (g)
The Bureau proposes adopting a new subdivision (f) stating "This section shall become inoperative on [OAL insert date that is one year from the date of filing with the Secretary of State]."

The purpose of this subdivision is to specify that section 3314.1.1 will become inoperative one year after the adoption of the proposed regulations.

The subdivision is necessary to sunset this section one year after the adoption of the regulations, thereby concluding the specialized application process for those existing brake and lamp stations to transition to the new vehicle safety systems licenses, pursuant to BPC section 9888.5(c)(2).

(9) Adopt section 3314.2. Vehicle Safety Systems Inspection Technician Biometric Enrollment and Identity Verification Requirement; Process.

Subdivision (a)
The Bureau proposes adopting a new subdivision (a) stating "Vehicle safety systems technicians shall have their biometric data collected and identity verified as specified in (b)(2) of this section at a Bureau field office or other Bureau-designated facility prior to biometric use during inspections, in accordance with this section. For purposes of this section, "biometric data" means data collected from a scan of the technician's hand(s). During initial biometric data collection and annually, vehicle

safety systems technicians shall review the Notice on Collection of Personal Biometric Information and Its Use (for Vehicle Safety Systems Technician Licenses) (New 1/2023) and the Biometric Data Collection Consent Statement (for Vehicle Safety Systems Technician Licenses) (New 1/2023), which are hereby incorporated by reference, and agree to their terms as described in the form. When prompted by the BAR-SIS software, the vehicle safety systems technician shall authenticate their identity, for purposes of authorizing their access to the BAR-SIS, using a biometric device model specified in Chapter 9 of the Vehicle Safety Systems Inspection Manual, referenced in section 3311.1 of this Article. If, at the time of enrollment, the biometric system is unable to collect sufficient data necessary to create a uniquely identifiable profile from the technician's hand(s), the Bureau shall allow access to the BAR-SIS using a Bureau-assigned access code. If the Bureau determines that the reason for which the uniquely identifiable profile could not be collected is temporary, the Bureau shall establish a 30-day window during which the vehicle safety systems technician may access the BAR-SIS using a Bureau-assigned access code, after the conclusion of which the vehicle safety systems technician would need to return to the Bureau field office or other Bureau-designated facility to enroll, which shall include the establishment of another 30-day window, if the biometric system is unable to collect sufficient data necessary to create a uniquely identifiable profile from the technician's hand(s). If, after enrollment, a vehicle safety systems technician encounters circumstances in which the biometric scanner is unable to collect the data required to permit the technician to perform a vehicle safety systems inspection, the technician shall return to the Bureau field office or other Bureau-designated facility for enrollment based on the changed circumstances."

The purpose of this subdivision is to establish the requirement and process for vehicle safety systems technicians to be biometrically enrolled.

This subdivision is necessary to inform technicians of the biometric enrollment process and requirements.

Criminal prosecution of fraud requires positive identification of the accused beyond a reasonable doubt. The Bureau believes the collection of biometric data supports proving identity in a criminal action; however, the ultimate test of the merits of the use of biometric data will be in court. The current username and password process used to allow smog check inspectors to access the Bureau's Online Inspection System (BAR-OIS) by itself is not enough to conclusively identify who performed a fraudulent inspection. When the perpetrator cannot be positively identified, the case must proceed administratively rather than criminally. Unfortunately, administrative disciplinary cases fail to discourage illegal behavior for many operators and do not have the same deterrent effect as a criminal case. Therefore, the Bureau needs a more conclusive means of establishing the identity of the individuals performing fraudulent vehicle safety systems inspections. Without the deterrent of criminal prosecution, many technicians will perform fraudulent inspections. When fraudulent

inspections occur, vehicles that would not pass the vehicle safety systems inspection end up registered and on California roadways, endangering all motorists.

The subdivision begins with a clear statement that participation in the Bureau's biometric data system is an eligibility requirement for vehicle safety systems inspection technicians. While the remaining text of this subdivision implies that participation is required, a clear statement of this requirement improves the readability of this subdivision for licensees.

The Bureau will positively identify technicians when enrolling them for biometric use, and requires biometric technician verification before they can access the inspection equipment and issue certificates of compliance (though there is an alternative method for BAR-SIS use if biometric enrollment does not work, as described below). Biometric identification will improve security by preventing unlicensed users from performing inspections. Biometrics are body measurements and calculations related to human characteristics; however, in this section, the Bureau is clarifying that the Bureau will only collect data from a scan of the licensees' hand(s).

To ensure qualified users who are incompatible with the biometric data system can use the testing system, this proposed rulemaking allows for the use of a traditional password-based login. Incompatibility may, for example, be caused by poor blood flow to the extremities due to diabetes or other issues, lack of hands, or extremely heavy callouses that prevent a biometric device from reading the inspector's palm.

Subdivision (b)
The Bureau proposes adopting a new subdivision (b) stating "The procedure for the enrollment process is as follows:".

The purpose of this subdivision is to establish the list of criteria included in the enrollment process. This is necessary to provide technicians with information about the enrollment process and how it works.

(1) Subdivision (b)(1) stating "Enrollment at a Bureau field office or a Bureau-designated facility shall begin on [OAL insert date that is six months from the date of OAL's filing with the Secretary of State]. The Bureau will inform vehicle safety systems technicians of the mandatory enrollment start date at least 30 days prior to [OAL insert date that is six months from the date of OAL's filing with the Secretary of State] with a requirement that the technician enroll no later than 30 calendar days thereafter. Vehicle safety systems technicians licensed after [OAL insert date that is six months from the date of OAL's filing with the Secretary of State] shall enroll as outlined in subdivision (a) of this section prior to being allowed to perform any vehicle safety systems inspections. The Bureau will provide written notice to all vehicle safety systems technicians of the mandatory enrollment

deadlines specified in this section at least 30 days prior to the start date."

The purpose of this subdivision is to establish the list of criteria included in the enrollment process. This is necessary to provide technicians with information about the enrollment process and how it works.

The Bureau requires vehicle safety systems technicians to visit a Bureau field office for biometric enrollment and, where resources are available, continue to offer scheduled onsite station enrollment.

(2) Subdivision (b)(2) stating "The Bureau will verify a vehicle safety systems technician's identity using two forms of identification. One must be a valid, government-issued photo identification, other than a Bureau issued license badge (e.g., driver license, passport, or military identification). The second identification must have the enrollee's signature and legal name (e.g., social security card or credit card). If the enrollee is licensed with a name other than the enrollee's legal name, the enrollee shall correct the name with the Bureau to match their legal name prior to enrolling by contacting the Bureau's Licensing Program in writing and requesting to change their licensed name to their legal name."

The purpose of this subdivision is to establish the list of criteria included in the enrollment process. This is necessary to provide technicians with information about the enrollment process and how it works.

At each of the Bureau's twelve field offices, Bureau representatives will verify the enrolling inspectors' identity by requiring government-issued ID as proof. The inspector will scan their left and right hands to enroll. A photo will be taken of the technician and will be used to update the last photo on record. Later, when performing an inspection, the inspector will bar code scan their Bureau issued inspector badge or manually enter their technician license number and scan either hand to verify they are the person who matches the license. A scan will be required at the beginning and end of inspection. If the hand does not match the licensed technician badge, the inspection will not be allowed to continue.

(3) Subdivision (b)(3) stating "Enrollees shall review and agree to the Notice on Collection of Personal Biometric Information and Its Use (for Vehicle Safety Systems Technician Licenses) (New 1/2023) and the Biometric Data Collection Consent Statement (for Vehicle Safety Systems Technician Licenses) (New 1/2023). Acknowledgement and consent to collection of the applicant's biometric data shall be demonstrated by the enrollee providing their palm for scanning."

The purpose of this subdivision to require the vehicle safety system technicians to review the notice of collection, and biometric data consent forms, which are incorporated by reference, and provide acknowledgment and consent by having their palm scanned.

This is necessary to ensure the technicians are fully informed about the biometric data collection before consenting to the collection.

(4) Subdivision (b)(4) stating "Information collected during enrollment will include a photograph of the enrollee's face and a biometric scan of the enrollee's hand(s)."

The purpose of this subdivision is identifying that the only biometric information collected will be from the technician's hand(s).

This is necessary to ensure the technicians are fully informed about the extent of biometric data collection.

Subdivision (c)

The Bureau proposes adopting a new subdivision (c) stating "A vehicle safety systems technician who is also licensed as a smog check inspector pursuant to section 3340.29 of this Chapter and has completed the biometric enrollment specified in section 3340.41(f) of this Chapter shall forego the biometric enrollment outlined in subdivision (a) of this section."

The purpose of this subdivision is to prevent biometrically enrolled smog check inspectors who later become vehicle safety systems technicians from enrolling again.

This subdivision is necessary to prevent the collection of duplicative information. Vehicle safety systems technicians that are also smog check inspectors who have already biometrically enrolled pursuant to CCR section 3340.41(f) from trying to biometrically enroll again. The biometric data collected for smog check inspectors who later become vehicle safety systems technicians is automatically transferred to the new license type, therefore, a second biometric enrollment in unnecessary.

VIII. Amendments to Article 3, Chapter 1, Division 33, Title 16, California Code of Regulations.

(1) Amend section 3315. Classes of Official Lamp Adjusting Stations.

Subdivision (c)

The Bureau proposes adding a new subdivision (c) stating "This section shall become inoperative on [OAL insert inoperative date that is six months from the date of OAL's filing with the Secretary of State]."

The purpose of this subdivision is to establish that all regulations within section 3315 become inoperative six months after adoption of the proposed regulations.

This addition is necessary to sunset the brake and lamp inspection programs. Six months after the adoption of these proposed regulations, section 3315 will become inoperative, and the brake and lamp inspection programs will be superseded by the vehicle safety systems inspection program as detailed in the new Article 2.5 (commencing with section 3311.1) as required by BPC section 9888.5(d).

(2) Amend section 3316. Lamp Adjusting Station Operation and Equipment Requirements.

Subdivision (f)
The Bureau proposes adding a new subdivision (f) stating "This section shall become inoperative on [OAL insert inoperative date that is six months from the date of OAL's filing with the Secretary of State]."

The purpose of this subdivision is to establish that all regulations within section 3316 become inoperative six months after adoption of the proposed regulations.

This addition is necessary to sunset the brake and lamp inspection programs. Six months after the adoption of these proposed regulations, section 3316 will become inoperative, and the brake and lamp inspection programs will be superseded by the vehicle safety systems inspection program as detailed in the new Article 2.5 (commencing with section 3311.1) as required by BPC section 9888.5(d).

IX. Amendments to Article 4, Chapter 1, Division 33, Title 16, California Code of Regulations.

(1) Amend section 3320. Classes of Official Brake Adjusting Stations.

Subdivision (d)
The Bureau proposes adding a new subdivision (d) stating "This section shall become inoperative on [OAL insert inoperative date that is six months from the date of OAL's filing with the Secretary of State]."

The purpose of this subdivision is to establish that all regulations within section 3320 become inoperative six months after adoption of the proposed regulations.

This addition is necessary to sunset the brake and lamp inspection programs. Six months after the adoption of these proposed regulations, section 3320 will become inoperative, and the brake and lamp inspection programs will be superseded by the vehicle safety systems inspection program as detailed in the new Article 2.5 (commencing with section 3311.1) as required by BPC section 9888.5(d).

(1) Amend section 3321. Brake Adjusting Station Operation and Equipment Requirements.

Subdivision (e)
The Bureau proposes adding a new subdivision (e) stating "This section shall become inoperative on [OAL insert inoperative date that is six months from the date of OAL's filing with the Secretary of State]."

The purpose of this subdivision is to establish that all regulations within section 3321 become inoperative six months after adoption of the proposed regulations.

This addition is necessary to sunset the brake and lamp inspection programs. Six months after the adoption of these proposed regulations, section 3321 will become inoperative, and the brake and lamp inspection programs will be superseded by the vehicle safety systems inspection program as detailed in the new Article 2.5 (commencing with section 3311.1) as required by BPC section 9888.5(d).

Underlying Data

Technical, theoretical, or empirical studies, reports, or documents relied upon:

1. Bureau of Automotive Repair BAR Advisory Group Meeting – January 27, 2022
   A. Notice of Meeting:
   https://www.bar.ca.gov/bar-advisory-group/2022-january

   B. Power Point Presentation:
   https://www.bar.ca.gov/pdf/bag/202201/ab-471.pdf

2. Bureau of Automotive Repair BAR Public Workshop – April 20, 2022
   A. Notice of Meeting:
   https://www.bar.ca.gov/public-workshops/202204-vehicle-safety-inspection

   B. Power Point Presentation:
   https://www.bar.ca.gov/pdf/workshops/202204-vehicle-safety-inspection/presentation.pdf

3. Bureau of Automotive Repair BAR Public Workshop – July 21, 2022
   A. Notice of Meeting:
   https://www.bar.ca.gov/public-workshops/202207-vehicle-safety-inspection

   B. Power Point Presentation:
   https://www.bar.ca.gov/pdf/workshops/202207-vehicle-safety-inspection/presentation.pdf

4. Bureau of Automotive Repair BAR Advisory Group Meeting – October 20, 2022
   A. Notice of Meeting:
   https://www.bar.ca.gov/bar-advisory-group/2022-october

B. Power Point Presentation:
https://www.bar.ca.gov/pdf/bag/202210/AB471.pdf

5. Bureau of Automotive Repair BAR Public Workshop – April 27, 2023
   A. Notice of Meeting:
   https://www.bar.ca.gov/public-workshops/202304-vehicle-safety inspection

   B. Power Point Presentation:
   https://www.bar.ca.gov/pdf/workshops/202304-vehicle-safety-inspection/presentation.pdf

6. Brake Adjuster License Application Instructions R-2A (Rev. 10/14)

7. Lamp Adjuster License Application Instructions R-2B (Rev. 10/14)

ECONOMIC IMPACT ASSESSMENT

The Bureau has determined that this regulatory proposal will have the following effects:

- This regulatory proposal will not create or eliminate jobs within the State of California because the vehicle safety systems inspections program will replace the existing brake and lamp program, and the licensees in the existing program will transition to the new program.

- This regulatory proposal will not create or eliminate existing businesses within the State of California because it will implement the vehicle safety systems inspections program for ARDs, and businesses that were part of the existing program will transition to the new program.

- This regulatory proposal will not affect the expansion of businesses currently doing business within the State of California because it will implement the vehicle safety systems inspections program for ARDs, and make the inspections, conducted by currently existing businesses, more comprehensive.

- This regulatory proposal will have a positive impact on the health and welfare of California citizens to the extent the vehicle safety systems inspections program implements a more comprehensive inspection program to increase safety for consumers on the roadway. In addition, the program implements new security measures that will assist with vehicle identification. This will help prevent and detect unlicensed and fraudulent activity, further protecting consumers.

- This regulatory proposal may have a positive impact on worker safety to the extent the vehicle safety system inspections program promotes safer inspections and repair methods by providing an inspection manual, and

recommended additional resources, technicians should refer to during inspections.

- This regulatory proposal has no effect on the environment, as it does not involve the environment.

Business Impact:

The Bureau has made an initial determination the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including small businesses and the ability of California businesses to compete with businesses in other states.

The proposed regulations establish the vehicle safety system inspection program to replace the Bureau's existing brake and lamp inspection programs to better enhance consumer safety by updating inspection requirements related to the modern fleet.

The Bureau notes, license, exam, and inspection certificate fees will not be increased from current levels. However, because this proposal establishes a new program and to be thoroughly transparent, the Bureau is opting to report the full costs of the vehicle safety inspection program with impacts identified as either:

1) Non-Add – No change from current program costs, includes:
    i. License fees (station and technician) – Initial and renewal
    ii. Exam fees (one-time) – Technician
    iii. Inspection Certificate fees (consumer)

2) New Cost – New business costs of compliance, includes:
    i. Equipment (one-time)

Station and Technician Costs (Non-Add and New): The Bureau estimates 800 existing licensed brake and lamp stations and 650 licensed brake and lamp technicians will opt to transition to the appropriate vehicle safety systems inspection license type with license fees of $20 for stations and $10 for technicians.

Of these 800 current licensees, the Bureau anticipates 140 stations will be required to purchase and install new equipment with one-time costs of $1,500 per station.

Beginning in year-two of implementation, the Bureau estimates up to 120 stations per year will apply and pay $20 for initial licensure, of which 20 stations will be required to purchase and install equipment with estimated one-time costs of $1,500. Additionally, up to 130 individuals are projected to pay $44 to take and pass the technician examination, as well as apply and pay $10 for initial licensure per year ongoing.

The Bureau anticipates license renewals to be consistent with historical averages with 800 stations and 650 technicians applying for annual license renewal per year and paying renewal fees of $20 for stations and $10 for technicians.

The total costs (non-add and new) to applicants and licensees is estimated to be $232,500 in year-one of implementation, $61,920 annually thereafter, and up to $789,780 over a ten-year period as follows:

Bureau of Automotive Repair
Vehicle Safety Systems Inspection - Economic Impact (Business Costs: Non-Add & New)

Stage	Registration Type	Costs	Applicants Per Year	Years Ongoing 1*	2	3	4	5	6	7	8	9	10	Total	Impact
Transition (Current)	Initial License (Station - Current B&L)	$20	800	$16,000	-	-	-	-	-	-	-	-	-	$16,000	Non-Add
Transition (Current)	**Equipment (Station - Current B&L)**	**$1,500**	**140**	**$210,000**										**$210,000**	**New Cost**
Transition (Current)	Initial License (Technician - Current B&L)	$10	650	$6,500	-	-	-	-	-	-	-	-	-	$6,500	Non-Add
Ongoing (Initial)	Initial License (Station - New VSSI)	$20	120	-	$2,400	$2,400	$2,400	$2,400	$2,400	$2,400	$2,400	$2,400	$2,400	$21,600	Non-Add
Ongoing (Initial)	**Equipment (Station - Current B&L)**	**$1,500**	**20**		$30,000	$30,000	$30,000	$30,000	$30,000	$30,000	$30,000	$30,000	$30,000	$270,000	**New Cost**
Ongoing (Initial)	Exam (Technician - New VSSI)	$44	130	-	$5,720	$5,720	$5,720	$5,720	$5,720	$5,720	$5,720	$5,720	$5,720	$51,480	Non-Add
Ongoing (Initial)	Initial License (Technician - New VSSI)	$10	130		$1,300	$1,300	$1,300	$1,300	$1,300	$1,300	$1,300	$1,300	$1,300	$11,700	Non-Add
			Sub-Total:	$232,500	$39,420	$39,420	$39,420	$39,420	$39,420	$39,420	$39,420	$39,420	$39,420	$587,280	-
Ongoing (Renewal)	Renewal License (Station)	$20	800	-	$16,000	$16,000	$16,000	$16,000	$16,000	$16,000	$16,000	$16,000	$16,000	$144,000	Non-Add
Ongoing (Renewal)	Renewal License (Technician)	$10	650	-	$6,500	$6,500	$6,500	$6,500	$6,500	$6,500	$6,500	$6,500	$6,500	$58,500	Non-Add
			Sub-Total:	-	$22,500	$22,500	$22,500	$22,500	$22,500	$22,500	$22,500	$22,500	$22,500	$202,500	-
			Total Costs:	$232,500	$61,920	$61,920	$61,920	$61,920	$61,920	$61,920	$61,920	$61,920	$61,920	$789,780	-

*Year-one: Transition existing Brake & Lamp stations (800) & technicians (650) with average historical application rates annually thereafter

The Bureau anticipates the number of automobile inspections will be consistent with historical averages, with up to 250,000 inspections completed per year. Under this proposal, the vehicle safety systems inspection certificate will not be increased and will remain $7.

Total consumer automobile inspection costs (non-add) are estimated at $1.75 million per year and up to $17.5 million over a ten-year period as follows:

Bureau of Automotive Repair
Vehicle Safety Systems Inspection - Economic Impact (Consumer Costs - Non-Add)

Certificate Type	Fee Amount	Applicants Per Year	Years Ongoing 1	2	3	4	5	6	7	8	9	10	Total
VSSI Certificate	$7	$250,000	$1,750,000	$1,750,000	$1,750,000	$1,750,000	$1,750,000	$1,750,000	$1,750,000	$1,750,000	$1,750,000	$1,750,000	$17,500,000
		Total Costs:	$1,750,000	$1,750,000	$1,750,000	$1,750,000	$1,750,000	$1,750,000	$1,750,000	$1,750,000	$1,750,000	$1,750,000	$17,500,000

Note: Consumers currently pay $7 for Brake & Lamp certificates

Fiscal Impact Assessment:

The Bureau anticipates 800 existing licensed brake and lamp stations and 650 licensed brake and lamp technicians will transition to the appropriate vehicle safety systems inspection license type. The Bureau estimates 120 (new) stations and 130 (new) individuals will seek initial licensure per year thereafter, and 800 stations and 650 technicians renewing licensure per year ongoing.

Inspection & Licensing Workload Costs (Non-Add and New): The Bureau will inspect stations prior to initial licensure, incur workload initial and renewal licensing costs, and issue a license badge to technicians with costs including:

1) Non-Add – No change from current program costs, includes:
    i. Inspection (station) – No additional training or site visit costs
    ii. License (station and technician) – Initial and renewal

2) New Cost – New workload costs, includes:
   i. Badge (one-time) – Issuance

Total inspection and licensing workload and costs (non-add and new) are projected to range from $111,500 to $693,035 per year and up to approximately $5.7 million over a ten-year period as follows:

Bureau of Automotive Repair
Vehicle Safety Systems Inspection - Fiscal Impact (Workload Costs: Non-Add & New)

Stage	Registration Type	Costs	Applicants Per Year	Years Ongoing**										Impact
				1*	2	3	4	5	6	7	8	9	10	Total	
Transition (Current)	Inspection (Station - Current B&L)	$94	800	$75,200	-	-	-	-	-	-	-	-	-	$75,200	Non-Add
Transition (Current)	Intial License (Station - Current B&L)	$21	800	$16,800	-	-	-	-	-	-	-	-	-	$16,800	Non-Add
Transition (Current)	Initial License (Technician - Current B&L)	$21	650	$13,650	-	-	-	-	-	-	-	-	-	$13,650	Non-Add
Transition (Current)	**Badge (Technician - Current B&L)**	**$9**	**650**	$5,850	-	-	-	-	-	-	-	-	-	$5,850	**New Cost**
Ongoing (Initial)	Inspection (Station - New VSSI)	$94	120	-	$11,618	$11,967	$12,326	$12,696	$13,077	$13,469	$13,873	$14,289	$14,718	$118,033	Non-Add
Ongoing (Initial)	Initial License (Station - New VSSI)	$287	120	-	$34,440	$35,473	$36,537	$37,634	$38,763	$39,925	$41,123	$42,357	$43,628	$349,880	Non-Add
Ongoing (Initial)	Initial License (Technician - New VSSI)	$287	130	-	$37,310	$38,429	$39,582	$40,770	$41,993	$43,253	$44,550	$45,887	$47,263	$379,036	Non-Add
Ongoing (Initial)	**Badge (Technician - New VSSI)**	**$9**	**130**	-	$1,170	$1,205	$1,241	$1,278	$1,317	$1,356	$1,397	$1,439	$1,482	$11,886	**New Cost**
			Sub-Total:	$111,500	$84,538	$87,075	$89,687	$92,377	$95,149	$98,003	$100,943	$103,972	$107,091	$970,335	-
Ongoing (Renewal)	Renewal License (station)	$319	800	-	$255,200	$262,856	$270,742	$278,864	$287,230	$295,847	$304,722	$313,864	$323,280	$2,592,604	Non-Add
Ongoing (Renewal)	Renewal License (technician)	$319	650	-	$207,350	$213,571	$219,978	$226,577	$233,374	$240,375	$247,587	$255,014	$262,665	$2,106,491	Non-Add
			Sub-Total:	-	$462,550	$476,427	$490,719	$505,441	$520,604	$536,222	$552,309	$568,878	$585,945	$4,699,095	-
			Total Costs:	$111,500	$547,088	$563,501	$580,406	$597,818	$615,753	$634,225	$653,252	$672,850	$693,035	$5,669,429	-

*Year-one: Transition existing Brake & Lamp stations (800) & techicians (650) with average historical application rates annually thereafter
**Includes 3 percent annual growth rate factor

The Bureau notes, this proposal's inspection and licensing workload is consistent with the current brake and lamp inspection programs. As a result, no additional training or other operational costs are anticipated. The only additional (new) workload and costs are related to the issuance of the technician's badge, which is not issued under the current brake and lamp inspection programs.

Development Costs (One-Time - New): The Bureau estimates one-time costs related to information technology (IT) software development of $547,000 and IT application development of $133,000, as well as workload costs of $44,000 to update the Vehicle Safety Systems Inspection Manual as follows:

BAR VSSI
Fiscal Impact (One-Time Costs - New)

Equipment	Costs
IT Software Development	$547,000
IT App Development	$133,000
VSSI Manual Development	$44,000
Total:	**$724,000**

The Bureau indicates any costs related to this proposal will be absorbed within existing resources.

Revenues (Non-Add): The Bureau estimates initial and renewal license fee revenues of $22,500 in year one of implementation, $26,200 annually thereafter, and up to $258,300 over a ten-year period as follows:

Bureau of Automotive Repair Vehicle Safety Systems Inspection - Fiscal Impact (License Fee Revenues: Non-Add)														
Stage	Registration Type	Costs	Applicants Per Year	Years Ongoing**										
				1	2	3	4	5	6	7	8	9	10	Total
Transition (Current)	Initial License (Station - Current B&L)	$20	800	$16,000	-	-	-	-	-	-	-	-	-	$16,000
Transition (Current)	Initial License (Technician - Current B&L)	$10	650	$6,500	-	-	-	-	-	-	-	-	-	$6,500
Ongoing (New)	Initial License (Station - New VSSI)	$20	120	-	$2,400	$2,400	$2,400	$2,400	$2,400	$2,400	$2,400	$2,400	$2,400	$21,600
Ongoing (New)	Initial License (Technician - New VSSI)	$10	130	-	$1,300	$1,300	$1,300	$1,300	$1,300	$1,300	$1,300	$1,300	$1,300	$11,700
			Sub-Total:	$22,500	$3,700	$3,700	$3,700	$3,700	$3,700	$3,700	$3,700	$3,700	$3,700	$55,800
Ongoing (Renewal)	Renewal License (Station)	$20	800	-	$16,000	$16,000	$16,000	$16,000	$16,000	$16,000	$16,000	$16,000	$16,000	$144,000
Ongoing (Renewal)	Renewal License (Technician)	$10	650	-	$6,500	$6,500	$6,500	$6,500	$6,500	$6,500	$6,500	$6,500	$6,500	$58,500
			Sub-Total:	-	$22,500	$22,500	$22,500	$22,500	$22,500	$22,500	$22,500	$22,500	$22,500	$202,500
			Total Costs:	$22,500	$26,200	$26,200	$26,200	$26,200	$26,200	$26,200	$26,200	$26,200	$26,200	$258,300

*Year-one: Transition existing Brake & Lamp stations (800) & technicians (650) with average historical application rates annually thereafter

The Bureau will also receive Vehicle Safety Systems Inspection certificate revenues from consumers of $1.75 million per year, and up to $17.5 million over a ten-year period as follows:

Bureau of Automotive Repair Vehicle Safety Systems Inspection - Fiscal Impact (Consumer Certificate Revenues: Non-Add)													
Certificate Type	Fee Amount	Applicants Per Year	Years Ongoing										
			1	2	3	4	5	6	7	8	9	10	Total
VSSI Certificate	$7	$250,000	$1,750,000	$1,750,000	$1,750,000	$1,750,000	$1,750,000	$1,750,000	$1,750,000	$1,750,000	$1,750,000	$1,750,000	$17,500,000
		Total Costs:	$1,750,000	$1,750,000	$1,750,000	$1,750,000	$1,750,000	$1,750,000	$1,750,000	$1,750,000	$1,750,000	$1,750,000	$17,500,000

Note: Consumers currently pay $7 for Brake & Lamp certificates

The regulations do not result in savings or costs in federal funding to the state.

Specific Technologies or Equipment:

This regulation mandates the use of specific technologies or equipment. Such mandates or prescriptive standards are required for the following reasons:

- Biometric palm reader device
    - The palm vein reader will allow BAR to positively identify a (and which) licensed vehicle safety systems technician initiated the inspection and authorized a certificate of compliance to be issued.

    - As referenced in subchapter 1.2 “Licensed Technician Access to BAR-Safety Inspection System (BAR-SIS)”, the Fujitsu brand, model FAT13FPS01 was chosen as the best biometric technology, given its intended use and environment. The Bureau evaluated several technologies and found this palm vein reader to be a robust solution. The model FAT13FPS01 has a higher operating temperature than other Fujitsu models, making it more suitable in a hot station’s operating environment.

- Computer
    - A computer is necessary to provide a platform to run the BAR-SIS software, input and obtain vehicle identifying information, input inspection results, and communicate that information through an internet connection to the VID.

    - The computer itself is not a certified piece of equipment. However, the computer must run a BAR tested and approved version of Microsoft

operating system software to run the BAR-SIS software and the other BAR-SIS components. Additionally, the Microsoft operating system software must be currently supported by Microsoft. A supported operating system is provided with updates and patches to correct bugs and security issues from the operating system provider. Once the system is unsupported, these bugs and security issues will go uncorrected and compound over time, leaving the network, and information transmitted through it, vulnerable.

- Bar Code Scanner
    - A bar code scanner is the first method of entry for vehicle's equipped with a bar code, and for DMV registration documents. This requirement is intended to make inputting vehicle identifying information into the BAR-SIS easier and more accurate. A vehicle's VIN is a 17-digit alpha-numerical sequence and can be time consuming and challenging to input manually into a computer.

    - The bar code scanner itself is not a certified piece of equipment. However, it must be compatible with the Microsoft operating system so that it can function and be able to read linear type bar codes. A station has the option of having the bar code scanner "hard-wired" or wirelessly connected to the BAR-SIS computer, depending on the needs of their individually approved testing area. Additionally, the station may choose to have a bar code scanner that can also read square type bar codes for later model year vehicles.

- Printer
    - A printer is necessary to print the VSR at the completion of the safety systems inspection for presentation to the consumer.

    - The printer itself is not a certified piece of equipment. However, the printer must be compatible with the Microsoft operating system so that it can function and print using 8 ½ x 11-inch paper as that is how the software requires the VSR to be printed. Additionally, a station has the option of having the printer "hard-wired" or wirelessly connected to the BAR-SIS computer, depending on the needs of their individually approved inspection area.

- Web Camera
    - There are many poorly performing web cameras on the market, and without minimum performance requirements, stations might use them to save money and to prevent the Bureau from experiencing quality audio and video. The listed requirements are based on Logitech C925 and C930 cameras, which are widely available for about $150 from many retailers. The Bureau obtained and tested this camera, and it performed well under conditions typical of a shop environment.

- The requirements were written generically to allow use of other camera brands and models, as long as the camera meets the same requirements. Autofocus is necessary so the camera will adjust to properly show detail. The camera must also be able to provide a usable image in poor lighting conditions, like a view of the vehicle's under dash data connector. A built in noise canceling microphone is necessary to reduce ambient noise typical in a shop environment and allow clearer audio communication with the Bureau. USB 3.0 compliance is necessary so the camera will work with currently available computers typically used with BAR-OIS systems. Having the full HD (1920 x 1080) at 30 frames per second is necessary to ensure a high-quality video image capable of displaying detail, and to ensure a minimum screen rate to show motion. The H.264 video compression is necessary so the video signal can be transmitted to the Bureau over the station's existing internet connection. Without it, the station may have to upgrade to a faster internet connection at added cost. The extension cable note is included because technicians might be asked during an inspection to move the camera to show, for example, the under hood or interior vehicle items, and hard wired cameras might not extend as far as needed. A hardwire connection is required for reliability in a shop environment, where electronic interference is commonplace.

- BAR certified DAD
  - A DAD is a Bureau certified piece of equipment that is verified to meet the specifications incorporated by reference into Title 16 CCR section 3340.17(b). The DAD is currently used in the performance of smog check inspections on 2000 model-year and newer vehicles, and is capable of obtaining the required vehicle identifying information from the vehicle's control unit.

- Light aiming equipment
  - The station is required to inspect and ensure the vehicle's headlights are aimed correctly. There are three acceptable light aiming equipment set ups:
    - An aiming screen may be used on all headlights. A station can purchase an aiming screen, or build their own with the specifications provided in Appendix A.
    - An optical type headlight aimer may be used on all headlights, and can be an option for a station that does not have either the room for an aiming screen or the desire to build one.
    - A mechanical type headlight aimer is only used for headlights that have aiming pads molded into the headlight lens. Vehicles equipped with headlight aiming pads are typically from the late 1980s to early 2000s.

- Tire tread depth gauge
    - A tire tread depth gauge is necessary to measure the tire tread depth. Tire tread depth is measured in 1/32 inch increments; therefore, the tread depth gauge must have 1/32 inch increments.

- Tire pressure gauge
    - A tire pressure gauge is necessary to check the air pressure in a tire. The required 120 psi range is necessary to cover the large variety of tire pressures that can be present in different vehicle types.
- Tire pressure inflator
    - A tire pressure inflator is required to inflate a tire to the correct pressure when appropriate. The 120 psi range is necessary to cover the large variety of tire pressures that can be present in different vehicle types.

- Brake drum diameter gauge
    - A drum diameter gauge, or drum micrometer, is necessary to measure the diameter of a drum to ensure that it is not greater than the maximum diameter specification.

- Disc brake rotor thickness gauge
    - A rotor thickness gauge, or rotor micrometer, is necessary to measure the thickness of a rotor to ensure that it does not exceed the minimum thickness specification.
- Disc brake rotor runout gauge/dial indicator
    - A rotor runout gauge, or dial indicator, is necessary to determine if a rotor has excessive lateral run-out. This specification is provided in either 0.001 inch or 0.01 mm.
    - Additionally, the dial indicator is required during the steering and suspension inspection, detailed in Chapter 6.2 “Physical Inspection”, for measuring a ball joint that is suspected to have failed, prior to condemning it.
- Brake lining gauges
    - A brake lining gauge is necessary to measure the brake shoe friction material to ensure that is greater than or equal to the service limits.
- Torque wrenches
    - A torque wrench is necessary, when the wheels are reinstalled after the brake inspection, to ensure the lug nuts are tightened to the correct specification.
- BAR VID
    - The vehicle identifying information is downloaded through the DAD and stored in the California VID. When vehicle identifying information does not match the test record for a vehicle inspected, disciplinary action may be taken against the licensed station and technician.

- BAR-SIS
    - The BAR-SIS is computer software owned and developed by BAR, which is housed with BAR's online inspection system (BAR-OIS), for use by licensees to report safety systems inspection findings. It also allows stations to purchase certificates of compliance to provide to consumers and the DMV upon successful completion of an inspection.
    - To order certificates of compliance though the BAR-SIS, the station shall sign up with the BAR authorized electronic transmission (ET) contractor to obtain an Automated Clearing House (ACH) electronic debit account. The ACH debit transaction is the banking process that allows the station to authorize a debit of the station's bank account to purchase certificates electronically through the BAR-SIS.
    - The BAR-SIS shall command the DAD to access and obtain the VIN, communication protocol, and parameter identifications, as well as all information related to the vehicle safety systems, and relay that information to the VID.
    - Used to received electronic transmission blasts containing important industry/program information.

Consideration of Alternatives:

No reasonable alternative considered or that has otherwise been identified and brought to the attention of the Bureau would be either more effective in carrying out the purpose for which the action is proposed or as effective (in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific) and less burdensome to affected private persons or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the adopted regulation.

Set forth below are the alternatives the Bureau considered and the reason the Bureau rejected the alternatives:

Alternative 1: No Vehicle Safety Systems Inspection

The Bureau considered taking no action. However, if the Bureau were to take no action, it would be out of compliance with the statutory requirements of the BPC and AB 471. The Bureau would also miss an opportunity to enhance the current brake and lamp adjuster programs, thereby failing to create a more comprehensive inspection program to evaluate vehicles returning to the roadways after being deemed a total loss. Taking no action would leave the Bureau out of compliance with current statutory requirements, and would negatively impact the safety of consumers on the roadways.

Description of reasonable alternatives to the regulation that would lessen any adverse impact on small business:

No such alternatives have been proposed, however, the Board welcomes comments from the public.