

**Department of Consumer Affairs,  
Bureau of Automotive Repair**

Title 16, California Code of Regulations  
Division 33, Bureau of Automotive Repair  
Chapter 1, Article 6.1, Section 3351.7.3 and Article 8, Section 3361.1

**SECTION 100. CHANGE WITHOUT REGULATORY EFFECT**

Pursuant to Title 1, Division 1, Chapter 1, Article 2 section 100(b)(3) of the California Code of Regulations, the Department of Consumer Affairs' (DCA) Bureau of Automotive Repair (BAR or Bureau) hereby submits this written statement explaining why the proposed amendments to section 3351.7.3 of Article 6.1 and section 3361.1 of Article 8, Chapter 1, Division 33, Title 16, California Code of Regulations (CCR) do not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any California Code of Regulations provision.

Subject to the approval of the Office of Administrative Law, the Bureau would add to, revise, or delete text published in the California Code of Regulations as follows:

1. Section 3351.7.3

- (a) In subsection (a), delete the reference to "that is not considered a minor service per Business and Professions Code section 9880.1(e)." The reference to minor services outlined in Business and Professions Code (BPC) 9880.1(e) was amended in Assembly Bill 3141 (Low, Statutes of 2018, Chapter 503) by eliminating the language relating to repair of motor vehicles, specifically relating to minor services and defining commercial business agreements. This statutory section no longer references minor services and hence, the amendment in regulation is necessary to clean up the section to avoid any confusion and incorrect reference to the reader. Due to the amendment of statute in 2018, it is necessary delete the statutory reference from section 3351.7.3.
- (b) Delete the reference to BPC section 9880.1 from the "Note" section under "Reference cited" as that code section no longer references minor services since it has been amended to refer to commercial business agreements. This is no longer authority to reference the applicability of minor services.

2. Section 3361.1

Subsection (a) incorrectly references section 3353(d) when describing what a shop must do prior to removing a transmission. Section 3353(d) used to be "teardown estimates" however as a result of regulatory renumbering in the 2018 regulation package called "Electronic Documentation and Authorization" (OAL Matter No. 2018-0801-05) the reference was renumbered to 3353(c), however it was not amended in this particular section. Currently section 3353(d) is referencing "sublet disclosure" which makes section 3352(a) inaccurate and the reference within subsection(a) does not correctly capture what the regulatory requirement is for compliance. As such it is necessary to replace

section 3353(d) with section 3353(c) to correct the error and confusion and maintain consistency with the 2018 renumbering of regulations for this program.

**Benefits of the Proposal:**

The proposed amendment would make necessary changes to correct cross-reference errors and other non-substantive changes to provide clarity and accuracy with statute and regulations. The changes being proposed do not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any California Code of Regulations provision.