

TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
Division 33
Chapter 1

DEPARTMENT OF CONSUMER AFFAIRS

BUREAU OF AUTOMOTIVE REPAIR
FINAL STATEMENT OF REASONS

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

Updated Information

The Informative Digest and Initial Statement of Reasons are included in the rulemaking file and incorporated as though set forth herein.

The Board noticed the regulation proposal on November 10, 2023, and gave the public forty-five (45) days to provide public comment ending on December 26, 2023.

The Bureau prepared modified text. On February 21, 2024, the Bureau issued a 15-day notice of availability of modified text containing the amendments discussed below. This comment period closed on March 8, 2024, and the Bureau did not receive any comments.

Underlying Data

The Bureau added the existing brake and lamp license forms (R2-A and R2-B) to the underlying data.

Non-Substantiative Changes Made Throughout

1. Deletion of oxford commas in authority cited sections.

The Bureau amended the punctuation in the authority cited sections in order to maintain consistent punctuation in existing regulations.

Non-Substantial Changes

2. 3303.2(i)

The Bureau amended the capitalization of the word “Chapter” in subdivision (i) in order to remain consistent when referencing existing regulatory text.

3. 3309

The Bureau amended the word “subdivision” to “subsection” in the introduction paragraph in order to remain consistent when referencing existing regulatory text.

4. 3316(c)(1)

The Bureau amended the capitalization of the word “Chapter” in subdivision (c)(1) in order to remain consistent when referencing existing regulatory text.

5. 3321(a)(2)

The Bureau deleted the “.” after “mercury” in order to maintain punctuation in existing regulations.

6. 3321(b)(1)

The Bureau amended the word “subdivision” to “subsection” in the introduction paragraph in order to remain consistent when referencing existing regulatory text.

3311.1

7. The Bureau amended subdivision (a) from 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.” to state “This Article shall supersede the provisions related to lamp and brake adjusting stations and adjusters in Articles 2, 3, and 4 of this Division on [OAL insert date that is six months from the date of OAL’s filing with the Secretary of State].”

When the regulatory text was originally noticed the language was written pursuant to Assembly Bill (AB) 471 (Low, Chapter 372, Statutes of 2021) in which the Vehicle Safety Systems Inspection Program immediately replaced the current brake and lamp program upon adoption. However, since AB 1263 (Berman, Chapter 281, Statutes of 2023) was chaptered and become effective in January 2024, the Bureau needed to amend the regulatory language so that the current brake and lamp program would sunset six months after the adoption of the Vehicle Safety Systems Inspection Program.

3312.1.1

8. Deletion of “date that is six months from” in subdivision (a).

The originally proposed language would have created a six month cutoff date for existing brake and lamp stations to apply for the Vehicle Safety Systems Inspection program. The Bureau amended the language to allow any existing brake and lamp station to apply for transition to a Vehicle Safety Systems Inspection station, taking into consideration station licensing processing time allotted to any submitted application that was found incomplete and given a year to complete prior to being abandoned.

9. Addition of “An application submitted prior to [OAL insert date that is one year from the date of OAL’s filing with the Secretary of State] that is found incomplete and is not abandoned pursuant to subdivision (b) will be processed pursuant to this section.” to subdivision (j).

The Bureau amended the language to clarify that any application for an existing brake and lamp station to become a licensed Vehicle Safety Systems Inspection station, that was found to be incomplete would have one year from the adoption date of the regulations to rectify the deficiency. The amendment adds clarity to subdivision (b) of this section.

3313.1

10. Deletion of “Vehicle Safety Systems Inspection Station logo and”, addition of “BAR Vehicle Safety Systems Inspection Station Sign – 24” x 30” – (02/2024), deletion of “s” from the word “graphics”, and addition of “which is hereby incorporated by reference and shall be supplied by the Bureau.” in subdivision (a)(3).

The Bureau amended the language to set forth the requirement that Vehicle Safety Systems Inspection station signs contain a specific logo and incorporate that logo file by reference. The amendment was made to make specific the exact logo that would be displayed on stations signs.

3314.1.1

11. Deletion of “that is six months from the date” from subdivision (a).

The originally proposed language would have created a six month cutoff date for existing brake and lamp stations to apply for the Vehicle Safety Systems Inspection program. The Bureau amended the language to allow any existing brake and lamp station to apply to transition to a Vehicle Safety Systems Inspection station, taking into consideration station licensing processing time allotted to any submitted application that was found incomplete and given a year to complete prior to being abandoned.

12. Addition of “An application submitted prior to [OAL insert date that is one year from the date of OAL’s filing with the Secretary of State] that is found incomplete and is not abandoned pursuant to subdivision (b) will be processed pursuant to this section.” to subdivision (g).

The Bureau amended the language to clarify that any application for an existing brake and lamp station to become a licensed Vehicle Safety Systems Inspection station, that was found to be incomplete would have one year from the adoption date of the regulations to rectify the deficiency. The amendment adds clarity to subdivision (b) of this section.

Local Mandate

A mandate is not imposed on local agencies or school districts.

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.

Objections or Recommendations/Responses

There were no objections or recommendations regarding the proposed action.

Summary of Comments Received During the 45-day Notice Period

No comments received.

Summary of Comments Received During the 15-day Notice Period

No comments received.

Documents Incorporated by Reference

The following documents are incorporated by reference: BAR Vehicle Safety Systems Inspection Station Sign - 24" x 30" - (02/2024), Notice of Collection of Personal Biometric Information and Its Use (for Vehicle Safety Systems Technician Licenses) (January 2023), Biometric Data Collection Consent Statement (for Vehicle Safety Systems Technician Licenses) (January 2023), Vehicle Safety Systems Inspection Manual (September 2023). It would be cumbersome, unduly expensive, or otherwise impractical to publish these documents in full in the California Code of Regulations, as the manual and forms contain formatting elements that would be difficult to fully describe in plain text.

Incorporated documents regarding this proposal were made available for public inspection online at <https://bar.ca.gov/regulatory-actions> or by contacting the persons referenced in the notice.