

**BUREAU OF AUTOMOTIVE REPAIR  
PROPOSED LANGUAGE**

**AUTOMOTIVE REPAIR DEALER REGISTRATION APPLICATION REQUIREMENTS**

Legend:        Added text is indicated by underlining.  
                 Deleted text is indicated by ~~strike~~through.  
                 Omitted text is indicated by (\* \* \* \*).

**(1) Amend Sections 3303, Article 1, Chapter 1, Division 33 of Title 16 of the California Code of Regulations**

§ 3303. Definitions

In this chapter, unless the context otherwise requires:

(\* \* \* \*)

(r) “Nationally Recognized and Industry-Accepted Educational Certification” means a diploma, certificate of completion, or a degree as defined in section 94830 of the Education Code obtained after successful completion of any training on automotive repair, the diagnosis and repair of a motor vehicle, automotive technology, automotive service technology, or customer service related to automotive repair and/or testing provided by any of the following: a vehicle manufacturer, the Inter-Industry Conference on Automotive Collision Repair (I-CAR), the National Institute for Automotive Service Excellence (ASE), or by an educational institution accredited by an accrediting agency recognized by the U.S. Department of Education.

Note: Authority cited: Sections 9882, 9884, 9884.9, 9884.19 and 9887.1, Business and Professions Code. Reference: Sections 9880.1(a), 9880.1(f), 9880.1(k), 9882, 9884.7(a)(2), 9884.9, 9889.50, 9889.51 and 9889.52, Business and Professions Code.

**(2) Amend Sections 3351, Article 6, Chapter 1, Division 33 of Title 16 of the California Code of Regulations**

§ 3351. Registration of Automotive Repair Dealers.

(a) Any person or entity (“applicant”) seeking Bureau registration as an automotive repair dealer shall submit a completed application that includes all of the following:

(1) The nonrefundable application fee set forth in section 3351.1 for each location or each vehicle pursuant to section 3351.7.3.

(2) The following identifying information:

- (A) The legal name of the applicant. An individual must apply using their full legal name: ((Last Name) (First Name) (Middle Name) and/or (Suffix)). A business entity must apply using the business' legal name.
- (B) 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.
- (C) Form of business organization (sole proprietorship (individual), partnership, limited partnership, corporation, or limited liability company (LLC)).
  - (i) If the business is a corporation, the corporate number assigned by the California Secretary of State.
  - (ii) If the business is an LLC, the domestic or foreign LLC number assigned by the California Secretary of State.
- (D) Federal employer identification number (FEIN), if the applicant is a partnership, or the applicant's social security number for all other applicants. If the applicant is a corporation or LLC, the applicant shall submit the social security numbers of its controlling individuals.
- (E) If the applicant is a business entity, the full legal name, title, business address and telephone number of each controlling individual.
- (F) Physical address of the location operated by the applicant ("location").
- (G) Applicant's mailing address ("address of record"), if different than the physical address.
- (H) Applicant's telephone number.
- (I) Applicant's email address, if any.
- (J) The applicant's retail seller's permit number, if a permit is required under the Sales and Use Tax Law (Part 1 commencing with section 6001) of Division 2 of the Revenue and Taxation Code.

- (K) Whether the applicant intends to perform auto body repair work and possesses the applicable licenses or permits set forth in Section 9889.52 of the Code.
- (L) An optional designation of the services performed by the business.
- (M) Whether the business will be engaged in mobile automotive repairs. If the applicant answers affirmatively, they shall provide the vehicle license plate number for the vehicle used to perform mobile automotive repairs in accordance with Article 6.1 (commencing with section 3351.7.1).
- (N) Whether the business is in an area that, pursuant to local zoning ordinances, permits the operation of a facility for the repair of motor vehicles.
- (O) Whether the applicant or any controlling individual of the business, or any other person(s) employed at the business possess any applicable nationally recognized and industry-accepted educational certifications as defined in section 3303 and/or any bureau-approved educational certifications as provided in section 3395.6. If the applicant answers affirmatively, the applicant shall identify the individual by name who possesses the certification, the title of the certification, the name of the certification provider and the date of issuance of the certification(s).
- (P) Whether the applicant or any controlling individual of the business has ever been convicted of any crime or offense for which a license may be denied pursuant to section 480 of the Code, including:
- (i) A criminal conviction for a serious felony under Penal Code section 1192.7;
  - (ii) A criminal conviction that qualifies as a registerable offense under Penal Code section 290(d)(2) or (d)(3);
  - (iii) A criminal conviction that occurred within the seven years preceding the application date;
  - (iv) A criminal conviction for which the applicant or responsible managing individual is presently incarcerated; or,
  - (iv) Any conviction for which the applicant or responsible managing individual was released from incarceration within the preceding seven years.

(Q) Applicants are not required to disclose any of the following convictions pursuant to this subdivision:

- (i) Convictions dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425 of the Penal Code, or a comparable dismissal or expungement;
- (ii) Convictions for which the person has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code;
- (iii) Convictions for which the person has been granted clemency or a pardon by a state or federal executive;
- (iv) Any traffic infraction for which the fine imposed was \$1,000 or less;
- (v) Convictions that were adjudicated in the juvenile court; or,
- (vi) Convictions under California Health and Safety Code sections 11357(b), (c), (d), (e), or section 11360(b) which are two years or older.

(R) Whether the applicant or any controlling individual of the business 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 reproof, suspension, revocation, probation or any other form of restriction placed on the license, registration, or certification.

(S) If the applicant answers affirmatively to any of the items in subdivision (a)(2)(Q) or (a)(2)(R) the applicant shall provide a written statement explaining details regarding any criminal conviction or disciplinary action on a separate sheet of paper as provided in this subdivision. For criminal convictions, the statement shall include: the date and place of arrest, name of court, court case number, code section violated, brief explanation of the offense, and the sentence imposed. For discipline, the written statement shall include the date and nature of the disciplinary action, name and location of public agency, and the fine or sentence imposed.

(3) The following additional applicant identifying information to expedite the registration process:

(A) Whether the applicant is serving, or has previously served, in the United States Armed Forces.

- (B) 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.
- (C) 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 your spouse's/partner's military orders reflecting assignment to a California duty station; and proof of being licensed as a security guard in another state, or U.S. territory or district.
- (D) 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 and is seeking a 12-month temporary license. If the applicant affirmatively states they meet these criteria, they shall provide the following documentation along with the application to receive expedited review: a certificate of marriage, certificate of domestic partnership, or proof of other legal union; a copy of their spouse's/partner's military orders reflecting assignment to a California duty station; and proof of being licensed as an automotive repair facility in another state, or U.S. territory or district. This paragraph shall become operative on July 1, 2023.
- (E) 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:
- (i) 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;
  - (ii) Special Immigrant Visa that includes the "SI" or "SQ";
  - (iii) 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,

(iv) 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 per Section 135.4 of the Code.

(4) A statement signed by the applicant under penalty of perjury that the information provided in the application is true.

(b) 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 Bureau registration as an automotive repair dealer.

(c) For the purposes of this section, “controlling individual” means owners, directors, officers, partners, members, trustees, managers, and any other persons the applicant identifies who directly or indirectly control or conduct the business.

(d) An automotive repair dealer shall notify the Bureau in writing of any material changes to the information submitted to the Bureau under subsection (a)(2) within fourteen (14) days of the date of making any changes, or receiving notice of any change in the case of educational certifications, criminal conviction or disciplinary matters referenced in subsections (a)(2)(O), (a)(2)(Q) and (a)(2)(R). For the purposes of this section, “material” means any of the following:

(i) a change of ownership, as defined in Section 3306(c)(1) of these regulations,

(ii) a change to the legal or fictitious business name,

(iii) a change of address, as defined in section 3306(c)(2) of these regulations,

(iv) a change to controlling individuals,

(v) a change to any nationally recognized and industry-accepted educational certifications or bureau-approved educational certifications reported to the bureau as part of the application required by this section, including expiration of certification(s) or the addition of new certification(s).

(vi) a new report of a conviction by the automotive repair dealer or any of its controlling individuals as provided in section 490 of the code; or,

(vii) a new report of formal discipline against the automotive repair dealer or any of its controlling individuals by a licensing board.

(e) The notice of material changes required by subsection (d) 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 automotive repair dealer in the case of reporting the convictions or formal discipline described in subsection (d).

Note: Authority cited: Sections 9882 and 9884.4, Business and Professions Code.  
Reference: Sections 27, 30, 31, 114.5, 115.4, 115.5, 135.4, 141, 142, 480, 490, 9884, 9884.1, 9884.2, 9884.4, 9884.7 and 9889.52, Business and Professions Code.

**(2) Add Section 3395.6, Article 12, Chapter 1, Division 33 of Title 16 of the California Code of Regulations**

§ 3395.6. Bureau-Approved Educational Certifications.

(a) A “Bureau-Approved Educational Certification” under Section 9884(b)(4) of the Code means a certification issued after successful completion of training that has been evaluated and determined by the Bureau to be effective in educating the automotive repair industry on diagnosis and repair of a motor vehicle, the Bureau’s laws and regulations, or customer service related to automotive repair.

(b) In evaluating the effectiveness of training, the Bureau shall consider the following:

(1) How long the training provider has been performing the training to the California automotive repair industry;

(2) The training course content for each subject taught by the training provider along with any syllabus and the examination(s) with scoring criteria, if any examination is administered; and

(3) Over the last five years, the number of individuals in the California automotive repair industry who have attended and successfully completed the training.

(c) A training provider seeking Bureau approval of their educational certifications shall submit information relevant to the evaluation criteria in subdivision (b) to the Bureau for review. The Bureau’s determination about the effectiveness of the training shall be based upon the Bureau’s review of the information submitted by the training provider.

- (d) The Bureau will notify the training provider in writing within 60 days of the date of submission whether their educational certifications are approved or denied. The denial shall include the reasons for the denial, and notification the training provider may request reconsideration of the denial from the Bureau chief or their designee within 15 days of the date of the Bureau's written notice of denial.
- (e) A training provider whose educational certifications are approved by the Bureau shall provide the Bureau access to student attendance records for the purpose of verifying the authenticity of any certification they issue within 30 days from the date a request is made.
- (f) If a training provider whose educational certifications are approved by the Bureau fails to provide access to student attendance records in accordance with subdivision (e), is found to have inaccurately documented student attendance for training, or is found to have engaged in conduct constituting fraud, the Bureau shall revoke that approval.
- (g) The Bureau will notify the training provider in writing that their educational certifications approval has been revoked pursuant to subdivision (f). The notification shall include the reasons for the revocation and shall inform the training provider of the option to request reconsideration of the revocation from the Bureau chief or their designee within 15 days of the date of the Bureau's written notice of revocation.
- (h) A training provider seeking Bureau approval of their educational certifications after having that approval revoked, shall submit to the Bureau for review information relevant to the evaluation criteria in subdivision (b), including measurers taken by the training provider to ensure that the cause of the revocation does not reoccur.

Note: Authority cited: Section 9882, Business and Professions Code. Reference: Sections 9884, and 9884.2, Business and Professions Code.