BUREAU OF AUTOMOTIVE REPAIR

ORDER OF ADOPTION

The Bureau of Automotive Repair hereby adopts the following regulation in Article 11 of Division 33 of Title 16 of the California Code of Regulations as follows:

(1) Amend Section 3394.3 of Article 11, Chapter 1, Division 33, Title 16, California Code of Regulations, to read as follows:

§ 3394.3. State Assistance Limits.

An applicant determined to be eligible under the Consumer Assistance Program may receive the following assistance:

(a) Under the Vehicle Retirement option, payment up to one thousand dollars ($1,000) for each vehicle retired from operation at a dismantler operating under contract with the Bureau of Automotive Repair.

(b) Under the Repair Assistance option, a vehicle owner that has not previously participated in or received repair assistance pursuant to the Consumer Assistance Program for the same vehicle will receive up to five hundred dollars ($500) in emissions-related diagnostic and repair services performed at a licensed smog check test-and-repair station operating under contract with the Bureau of Automotive Repair. Once the station has initiated any diagnostic or repair work on the vehicle, the owner's eligibility status or associated co-payment as specified in section 3394.4 shall not change.

Note: Authority cited: Sections 44001.3, 44001.5 and 44002, Health and Safety Code. Reference: Sections 44001.3, 44015, 44017, 44037.1, 44062.1, 44091, 44092, 44093, 44094 and 44095, Health and Safety Code.

(2) Amend Section 3394.4 of Article 11, Chapter 1, Division 33, Title 16, California Code of Regulations, to read as follows:

§ 3394.4. Eligibility Requirements.

(a) In order to participate in the Consumer Assistance Program, a person must meet the following requirements, as applicable:

(1) Be the registered owner of an eligible vehicle who has paid all appropriate registration fees for the vehicle with the Department of Motor Vehicles.

(2) Under the Repair Assistance option, the vehicle owner has not previously received financial assistance for the repair of the same vehicle.

(3) Under ~~a~~ the Repair Assistance option ~~which~~ that is based on a person's income level:

(A) ~~i. Until December 31, 2008, h~~Have a household income that is less than or equal to two hundred twenty-five percent (225%) of the federal ~~P~~poverty ~~G~~guidelines, as published annually by the United States Department of Health and Human Services; and

~~ii. Beginning January 1, 2009, have a household income that is less than or equal to one hundred eighty-five percent (185%) of the federal Poverty Guidelines, as published by the United States Department of Health and Human Services; and~~

(B) Spend a minimum co-payment of twenty dollars ($20) on emissions-related repairs at a licensed smog check test-and-repair station. Money spent to correct tampered emissions control systems or to make a vehicle testable shall not be included in the co-payment.

~~(3)~~(4) Under ~~a~~ the Repair Assistance option ~~which~~ that is based on a person's vehicle being directed to a Test-Only or Gold Shield station to have its smog check inspection, as indicated on the Department of Motor Vehicles' registration renewal notice, spend a minimum co-payment of one hundred dollars ($100) on emissions-related repairs at a licensed smog check test-and-repair station. Money spent to correct tampered emissions control systems or to make a vehicle testable shall not be included in the co-payment.

~~(4)~~(5) Under the Vehicle Retirement option:

(A) Not have retired another vehicle through the Smog Check Consumer Assistance Program within a preceding twelve-(12) month period; and

(B) A vehicle owner who is a joint owner of a vehicle may not ~~sell~~ retire more than two (2) vehicles ~~to~~ through the Consumer Assistance Program within a twelve-(12) month period.

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Note: Authority cited: Sections 44001.3, 44001.5 and 44002, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 44005, 44010.5, 44011, 44012, 44014.7, 44015, 44017, 44017.1, 44037.1, 44062.1, 44091, 44092, 44093, 44094, 44095 and 44125, Health and Safety Code.

(3) Amend Section 3394.6 of Article 11, Chapter 1, Division 33, Title 16, California Code of Regulations, to read as follows:

§ 3394.6. Application and Documentation Requirements for the Consumer Assistance Program.

(a) In order to participate in the Consumer Assistance Program, the applicant shall meet the requirements pursuant to 3394.4 et seq. and submit a completed application, 08_022 CAP/APP (~~07~~08/10), which is hereby incorporated by reference, and required documentation to the Department or its designee with original signature(s).

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Note: Authority cited: Sections 44001.5, 44002, 44091 and 44094, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 44001.3, 44005, 44010.5, 44011, 44012, 44014, 44014.2, 44015, 44017, 44017.1, 44062.1, 44092, 44093, 44094 and 44095, Health and Safety Code.

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Bureau of Automotive Repair