

BUREAU OF AUTOMOTIVE REPAIR

SPECIFIC LANGUAGE OF PROPOSED REGULATIONS

Legend: Deleted text is indicated by ~~strikethrough~~.

Added text is indicated by underlining.

Omitted text is indicated by (* * * *).

(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 five hundred dollars (~~\$1,000~~ \$1,500) for each vehicle retired from operation for vehicle owners that meet the household income level requirements listed in subdivision (a)(2)(A) of Section 3394.4 All other eligible vehicle owners shall receive one thousand dollars (\$1,000) for each vehicle retired from operation. All vehicles shall be retired from operation at a dismantler operating under contract with the Bureau of Automotive Repair. The Consumer Assistance Program cannot change the vehicle owner's eligibility status or the amount paid to a vehicle owner once the dismantler has purchased the vehicle.

(b) Under the Repair Assistance option, a vehicle owner that has not previously participated in or received repair assistance from 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. The Consumer Assistance Program cannot change the vehicle owner's eligibility status or associated co-payment specified in section 3394.4 once the station has initiated any diagnostic or repair work on the vehicle.

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 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;

~~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) 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) Under the Repair Assistance option, the vehicle owner has not previously participated in or received repair assistance from the Consumer Assistance Program for the same vehicle.

(5) Under the Vehicle Retirement option:

(A) Obtain a Revivable Junk Receipt from the Department of Motor Vehicles after receiving written confirmation from the Bureau of Automotive Repair on program eligibility;

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

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

(6) Under the Vehicle Retirement option that is based on a vehicle owner's income level, have a household income that is less than or equal to two hundred twenty-five percent (225%) of the federal poverty guidelines, as published annually by the United States Department of Health and Human Services.

* * * *

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 and 44095, 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.

(a) In order to participate in the Consumer Assistance Program, an applicant must submit a completed application, PPD 08-022 CAP/APP (~~02 04/08-09~~), which is hereby incorporated by reference, to the Department or its designee with original signature(s).

* * * *

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