

Department of Consumer Affairs
Bureau of Automotive Repair

Legislation and Regulations Update

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BAR Advisory Group Meeting

April 21, 2016

Legislation

- AB 873: Automotive Repair
- AB 1174: Consumer Complaints
- AB 1691: Vehicle Retirement
- AB 1965: Vehicle Retirement and Replacement
- AB 2167: Towed Vehicles
- SB 778: Oil Changes
- SB 1239: Smog Check Exemptions

AB 873 (Jones)

Automotive Repair

- Status: Passed out of Assembly on 5/7/15 (77 to 0). In Senate Business, Professions, and Economic Development Committee. Last amended 4/13/15.
- Date of Hearing: Not scheduled
- Summary:
 - Removes current exemption from ARD registration for certain repairs and requires BAR to adopt regulations defining “minor” automotive repair services that are exempt.

AB 1174 (Bonilla)

Consumer Complaints

- Status: Last amended 3/7/16 to current subject and re-referred to Senate Business, Professions, and Economic Development.
- Date of Hearing: Not scheduled
- Summary:
 - Requires the Bureau, upon completion of each investigation of a consumer complaint, to post on its website:
 - The findings of the investigation
 - The name, business address, and, if applicable, registration type and number, of the investigated ARD, technician, or ARD employee, partner, officer, or member.

AB 1691 (Gipson and Garcia)

Vehicle Retirement

- Status: Passed out of Assembly Committee on Transportation on 4/18/16 (13 to 0). Last amended 4/12/16.
- Date of Hearing: Not scheduled
- Summary:
 - Requires ARB, in consultation with BAR, to adopt an element of the EFMP program which provides for voluntary retirement of passenger vehicles and light-duty and medium-duty trucks that are high polluters, specifically focused in disadvantaged communities. The goal would be to annually replace 10,000 vehicles from disadvantaged communities with the lowest income levels.
 - Requires this program element to commence on July 1, 2017. 5

AB 1965 (Cooper)

Vehicle Retirement and Replacement

- Status: Passed out of Assembly Committee on Transportation on 4/11/16 (12 to 3). Last amended 3/16/16.
- Date of Hearing: Not scheduled
- Summary:
 - Beginning in 2016-17 FY, requires ARB, in consultation with BAR, to annually set specific goals for retirement and replacement of high polluter vehicles.
 - Requires ARB, in consultation with BAR, to update EFMP guidelines, no later than July 1, 2017, to expand availability of program and increase outreach to disadvantaged communities.
 - Allows ARB to allocate monies for the expansion of the vehicle replacement component of the program from the Enhanced Fleet Modernization Subaccount, the High Polluter Repair or Removal Account, or the Vehicle Inspection and Repair Fund.

AB 2167 (Achadjian) Towed Vehicles

- Status: Passed out of Assembly Committee on Transportation on 4/18/16 (15 to 0) to Appropriations Consent Calendar. Last amended 4/12/16.
- Date of Hearing: Not scheduled
- Summary:
 - Retains requirement that a business taking possession of a vehicle from a tow truck must document certain the identifying information on the tow truck; however, allows tow truck operators to provide, in lieu of their driver's license number, their driver's identification number issued by a motor club, as defined by Section 12142 of the Insurance Code, or other government-authorized unique identifier of the tow truck operator.
 - Allows businesses accepting towed vehicles to collect the specified information from the towing company the next *business* day.

SB 778 (Allen)

Oil Changes

- Status: At Assembly Desk; passed out of Senate on 1/25/16 (22 to 12). Last amended 1/4/16.
- Date of Hearing: Not scheduled
- Summary:
 - Seeks to reduce oil waste by requiring ARDs to notify oil change customers of the oil drain interval, oil grade, and viscosity specified in the vehicle owner's manual.
 - Provides if an ARD makes a recommendation to the customer regarding the oil change interval, they follow the owner's manual, unless the customer chooses a different oil than the one specified in the manual.

SB 1239 (Gaines)

Smog Check Exemptions

- Status: In Senate Transportation and Housing Committee
- Date of Hearing: April 12 and 19, 2016
- Summary:
 - Extends existing exemption from biennial smog inspection to all motor vehicles manufactured prior to 1981.

Pending BAR Regulations

- Disciplinary Guidelines
- Bureau-Certified Institutions and Instructors
- Windshield Replacement
- Mobile ARD Advertising
- Electronic Documents and Authorizations
- BAR-97 Specifications
- STAR Regulations Clean-up
- Brake and Lamp Handbooks
- Repair Assistance Program

Disciplinary Guidelines

- Purpose: To (1) apply enforcement authority to licenses re-designated as a result of BAR's 2012 license restructure; (2) add or amend statutory violations and factors which aggravate or mitigate discipline; and (3) provide a new probationary registration process
- Status: DCA review of final package including FSOR
- Next Step: File rulemaking with OAL

Bureau-Certified Institutions and Instructors

- Purpose: To (1) update the requirements for certification of Smog Check training providers in order to create consistency with current licensing requirements; (2) provide for training on compliance with laws and regulations
- Status: On hold pending Disciplinary Guidelines regulations
- Next Step: Completion of DCA formal review

Windshield Replacement

- Purpose: To establish standards for the installation of replacement windshields
- Status: 15-day re-notice of modified text ended March 3, 2016.
- Next Step: Comment received during 15-day re-notice period under consideration.

Mobile ARD Advertising

- Purpose: To establish advertising standards for mobile automotive repair dealers
- Status: Public hearing held on March 14, 2016
- Next Step: Regulation on hold pending outcome of AB 873

Electronic Documents and Authorizations

- Purpose: To (1) allow for electronic authorization and transmission of repair transaction documents; and (2) reorganize and clarify written estimate, work order, and invoice provisions
- Status: Under informal review at DCA
- Next Step: Begin formal review at DCA

BAR-97 Specifications

- Purpose: Modernizes BAR-97 equipment standards for Smog Check stations by (1) removing dedicated analog phone line requirement and (2) updating minimum computer standards
- Status: Under development at BAR
- Next Step: DCA informal review

STAR Regulations Clean-Up

- Purpose: To (1) delete outdated Gold Shield Program provisions; (2) amend STAR eligibility criteria; and (3) revise STAR suspension process to be consistent with statutes
- Status: DCA informal review
- Next Step: Begin formal review at DCA

Brake and Lamp Handbooks

- Purpose: To update BAR handbooks for licensed brake and lamp adjusters and stations
- Status:
 - Filed Section 100 with OAL that adopts minor changes
 - More substantive changes under development at BAR
- Next Step: Begin informal review at DCA

Repair Assistance Program

- Purpose: Modify program eligibility requirements to allow more consumers to obtain financial assistance for repairs of their vehicle emissions systems
- Status: Under development at BAR
- Next Step: Begin informal review at DCA

Questions and Comments

Submit additional questions and/or comments to:

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