

BUREAU OF AUTOMOTIVE REPAIR

PROPOSED LANGUAGE OF REGULATIONS

Consumer Assistance Program - Administrative Terms and Participation Eligibility

Legend: Added text is indicated by underlining.
Deleted text is indicated by ~~striketrough~~.
Omitted text is indicated by (* * * *).

(1) Amend Section 3394.2 of Title 16 of the California Code of Regulations as follows:

§ 3394.2. Consumer Assistance Program Administration.

The Consumer Assistance Program shall be administered by the Bureau of Automotive Repair through ~~contracts with dismantlers, agreements with~~ licensed smog check test-and-repair stations holding valid STAR certification, and contracts with dismantlers or other entities as necessary.

Note: Authority cited: Sections 44000, 44001.3, 44001.5 and 44002, Health and Safety Code.
Reference: Sections 44010.5, 44014.2, 44037.1, 44037.2, 44062.1, 44062.3, 44091, 44092, 44093, 44094 and 44095, Health and Safety Code.

(2) Amend Section 3394.3 of Title 16 of the California Code of Regulations 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 of one thousand five hundred dollars (\$1,500) for each vehicle retired from operation for vehicle owners that meet income eligibility requirements. All other 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.

(b) Under the Repair Assistance option, vehicle owners that meet income eligibility requirements will receive up to five hundred dollars (\$500) in emissions-related repair services performed at a licensed smog check test-and-repair station holding valid STAR certification and operating under contract an agreement with the Bureau of Automotive Repair.

Note: Authority cited: Sections 44001.3, 44001.5, ~~and 44002~~, and 44062.3, Health and Safety Code.
Reference: Sections 44001.3, 44014.2, 44015, 44017, 44037.1, 44062.1, 44062.3, 44091, 44092, 44093, 44094 and 44095, Health and Safety Code.

(3) Amend Section 3394.4 of Title 16 of the California Code of Regulations as follows:

§ 3394.4. Eligibility Requirements.

(a) In order to participate in the Repair Assistance option of the Consumer Assistance Program, ~~a person must meet~~ the following requirements must be met:

(1) The applicant must ~~Be~~ be the registered owner of the vehicle with vehicle title issued in their name.

(2) ~~The vehicle must be currently registered as operable and all registration fees paid to the Department of Motor Vehicles.~~

~~(32) The vehicle owner has~~ applicant must not have previously participated in the Repair Assistance option for the same vehicle.

~~(43) The applicant must H~~ have a household income that is less than or equal to two hundred twenty-five percent (225%) of the federal poverty level, as published in the Federal Register by the United States Department of Health and Human Services.

~~(54) The applicant must P~~ pay the total cost of testing and diagnosing the emissions-related failure as co-payment for participating in the Repair Assistance option. The co-payment shall be paid directly to the station that performs the state subsidized emissions-related repair work under agreement with the bureau.

~~(6) A vehicle must have failed its biennial Smog Check inspection (aborted, manual mode, and training mode tests do not qualify):~~

(5) At the time of application, the vehicle must:

(A) Have failed its biennial Smog Check inspection. Aborted, manual mode, and training mode tests do not qualify.

(B) Be currently registered with the Department of Motor Vehicles with a valid and unexpired registration sticker, or have all fees paid to the Department of Motor Vehicles and not have a registration that has been expired more than 120 days.

(C) Have been continuously registered in California with the Department of Motor Vehicles without substantial lapse during the two consecutive years preceding the current registration expiration date, such that it has not experienced breaks in registration totaling more than 120 days.

~~(b) In order to participate in the Vehicle Retirement option of the Consumer Assistance Program, a person must meet~~ the following requirements must be met:

(1) The applicant must N ~~not~~ have retired another vehicle through the ~~Smog Check~~ Consumer Assistance Program within a ~~preceding~~ twelve (12) month period.

(2) A joint owner of a vehicle may not retire more than two (2) vehicles through the Consumer Assistance Program within a twelve (12) month period.

(3) The applicant must B ~~be~~ the registered owner of the vehicle with vehicle title issued in their name.

(4) An applicant vehicle owner who meets household income level requirements listed in paragraph ~~(43)~~ of subdivision (a) of this section shall receive one thousand five hundred dollars (\$1,500) for each vehicle retired.

(5) An applicant vehicle owner who does not meet household income level requirements listed in paragraph ~~(43)~~ of subdivision (a) of this section shall receive one thousand dollars (\$1,000) for each vehicle retired from operation.

~~(6) The vehicle must be currently registered as operable and all registration fees paid to the Department of Motor Vehicles:~~

(76) At the time of application, a ~~the~~ vehicle must:

(A) Be currently registered with the Department of Motor Vehicles; or, Have failed its most recent Smog Check inspection for causes other than an ignition timing adjustment or a non-functioning gas cap. Aborted, manual mode, and training mode tests do not qualify.

(B) Be currently operating under a repair cost waiver or economic hardship extension issued by the Bureau of Automotive Repair; or, Be a passenger vehicle, truck, sports utility vehicle (SUV), or van, with a gross vehicle weight rating of 10,000 pounds or less.

~~(C) Be currently operating under a Temporary Operating Permit issued by the Department of Motor Vehicles. Be currently registered with the Department of Motor Vehicles with a valid and unexpired registration sticker, or have all fees paid to the Department of Motor Vehicles and not have a registration that has been expired more than 120 days.~~

~~(D) Have been continuously registered in California with the Department of Motor Vehicles without substantial lapse during the two consecutive years preceding the current registration expiration date, such that it has not experienced breaks in registration totaling more than 120 days.~~

~~(8) Notwithstanding paragraph (7) of subsection (b), at the time of application, a vehicle must:~~

~~(A) Have been continuously registered as an operable vehicle with the Department of Motor Vehicles for twenty-four (24) months prior to the postmark date of the application; or~~

~~(B) Vehicle is placed in non-operational status pursuant to Vehicle Code Section 4604, et seq., for a total of 60 or fewer days during the previous 24 month registration period, and occurring at least 90 days prior to the postmark date of the application; or~~

~~(C) Vehicle registration has lapsed for less than 121 days during the previous 24 month registration period, provided that the vehicle is registered for at least 90 days prior to the postmark date of the application.~~

~~(9) A vehicle must have failed the most recent smog check inspection (aborted, manual mode, and training mode tests do not qualify) and such failure is for causes other than an ignition timing adjustment or a failed gas cap functional test.~~

~~(10) Be a passenger vehicle, truck, sports utility vehicle (SUV) or van, with a gross vehicle weight rating of 10,000 pounds or less.~~

~~(11) Pass a visual inspection conducted by the Bureau or its representative verifying that:~~

~~(A) All doors are present.~~

~~(B) The hood lid is present.~~

~~(C) The dashboard is present.~~

~~(D) The windshield is present.~~

~~(E) At least one side window glass is present.~~

~~(F) The driver's seat is present.~~

~~(G) At least one bumper is present.~~

~~(H) The exhaust system is present.~~

~~(I) All side and/or quarter panels are present.~~

~~(J) At least one headlight, one taillight, and one brake light are present.~~

~~(127) After approval of an application and prior to being accepted for retirement, the vehicle must pass an operational inspection conducted by the Bureau or its representative verifying that:~~

~~(A) The vehicle is driven under its own power to an approved dismantler site.~~

~~(B) The vehicle's engine starts readily through ordinary means without the use of starting fluids or external booster batteries.~~

~~(C) The drivability of the vehicle is not affected by any body, steering, or suspension damage.~~

~~(D) The vehicle is able to drive forward a minimum distance of ten (10) yards under its own power.~~

(E) The interior pedals are operational.

(8) After approval of an application and prior to being accepted for retirement, the vehicle must pass a visual inspection conducted by the Bureau or its representative verifying that:

(A) All doors are present.

(B) The hood lid is present.

(C) The dashboard is present.

(D) The windshield is present.

(E) At least one side window glass is present.

(F) The driver's seat is present.

(G) At least one bumper is present.

(H) The exhaust system is present.

(I) All side and/or quarter panels are present.

(J) At least one headlight, one taillight, and one brake light are present.

(c) This section does not apply to the Enhanced Fleet Modernization Program.

Note: Authority cited: Sections 44001.3, 44001.5, ~~and 44002,~~ and 44062.3, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 44005, 44010.5, 44011, 44012, ~~44014.2,~~ 44014.7, 44015, 44017, 44017.1, 44037.1, 44062.1, ~~44062.3,~~ 44091, 44092, 44093, 44094, 44095 and 44125, Health and Safety Code.