
LEGISLATION & REGULATIONS UPDATE

DEPARTMENT OF CONSUMER AFFAIRS



Bureau of Automotive Repair

HOLLY O'CONNOR
EXECUTIVE OFFICE
BAR ADVISORY GROUP MEETING
JULY 18, 2019

LEGISLATION

- AB 142 (Garcia, Carrillo, & Santiago): Lead-Acid Batteries
- AB 161 (Ting): Electronic Proofs of Purchase
- AB 210 (Voepel): Smog Check Exemption
- AB 390 (Frazier & Grayson): Notice to Correct Violations
- AB 596 (Grayson): Service Bulletins and Consumer Electronic Authorization
- AB 755 (Holden): California Tire Fee
- AB 949 (Medina): Unsafe Used Tires Installation
- AB 1359 (Santiago): Towing Companies
- AB 1538 (Weber): Automobile Collision Coverage
- SB 59 (Allen): Automated Vehicle Technology
- SB 460 (Beall): Biennial Registration

* Disclaimer: Though every effort is made to ensure information provided on these slides is the most current, given the nature of the legislative process, hearing dates or bill summaries shown here may not reflect the latest updates. Please be sure to check www.leginfo.legislature.ca.gov for the most current bill information.

AB 142: LEAD-ACID BATTERIES

- Status: Introduced in Assembly by Garcia, Carrillo, and Santiago on December 13, 2018.
- Hearing: None currently scheduled, Senate Appropriations Committee.
- Summary:
 - Effective April 1, 2022, the manufacturer fee on lead-acid batteries shall be increased from \$1 to \$2.
 - This bill would provide, on and after January 1, 2020, if a new motor vehicle dealer sells or leases to a person a used vehicle into which the new motor vehicle dealer has incorporated a replacement lead-acid battery, that the California battery fee does not apply to the person with regard to that replacement lead-acid battery.
 - This bill would require the Department of Toxic Substances Control to establish a Lead-Acid Battery Recycling Facility Investigation and Cleanup Program.

AB 161: ELECTRONIC PROOFS OF PURCHASE

- Status: Introduced in Assembly by Ting on January 7, 2019.
- Hearing: August 12, 2019, Senate Appropriations Committee.
- Summary:
 - This bill would require a business to provide a paper proof of purchase to a consumer only at the consumers request and would prohibit a business from printing a paper proof of purchase if the consumer opts not to receive a paper proof of purchase, unless required by state or federal law.

AB 210: SMOG CHECK EXEMPTION

- Status: Introduced in Assembly by Voepel on January 14, 2019. This is designated as a two-year bill and will be revisited in January 2020.
- Summary: This bill would exempt from the Smog Check Program all motor vehicles, including diesel-powered vehicles, manufactured prior to the 1983 model-year. (Current law exempts vehicles manufactured prior to the 1976 model-year.)

AB 390: NOTICE TO CORRECT VIOLATIONS

- Status: Introduced in Assembly by Frazier and Grayson on February 5, 2019. This is designated as a two-year bill and will be revisited in January 2020.
- Summary:
 - Vehicle Code sections 27150 and 27151 require that all vehicles be equipped with an adequate muffler to prevent exhaust noise from exceeding 95 decibels.
 - Assembly Bill 1824 (Committee on Budget, Chapter 38, Statutes of 2018) changed the way that noise citations work and “fix-it tickets” are no longer issued. BAR can still inspect cited vehicles and issue a certificate if it passes; however, receiving a certificate may not necessarily remedy the violation and the court could still issue a fine.
 - This bill would again permit the issuance of a “fix-it ticket” for violations of Vehicle Code sections 27150 and 27151.

AB 596: SERVICE BULLETINS AND CONSUMER ELECTRONIC AUTHORIZATION

- Status: Introduced in Assembly by Grayson on February 14, 2019.
- Hearing: None currently scheduled, Senate Judiciary Committee.
- Summary:
 - Existing law requires a motor vehicle dealer to provide specified conspicuous notice to prospective purchasers and lessees on how to get copies of service bulletins describing any defects in their vehicles from the manufacturer or the National Highway Traffic Safety Administration (NHTSA). This bill would remove the provision stating that copies may be obtained from NHTSA.
 - This bill would also permit a new motor vehicle dealer to receive electronic authorization from consumers for any repair of a manufacturer recall.

AB 755: CALIFORNIA TIRE FEE

- Status: Introduced in Assembly by Holden on February 19, 2019. Ordered to inactive file at the author's request on May 29, 2019.
- Summary:
 - Existing law, until January 1, 2024, requires that \$0.75 per tire on which the California tire fee (\$1.75) is imposed be deposited in the Air Pollution Control Fund for use by the State Air Resources Board.
 - This bill would increase the California tire fee by \$1.50. The bill would deposit the additional moneys in the Stormwater Permit Compliance Fund, which would be established by the bill, and would make the moneys available to the State Water Resources Control Board.

AB 949: UNSAFE USED TIRES INSTALLATION

- Status: Introduced in Assembly by Medina on February 20, 2019.
- Hearing: None currently scheduled, Senate Business and Professions Committee.
- Summary: This bill would prohibit an automotive repair dealer from installing an unsafe used tire, as specified, on a motor vehicle for use on a highway. This bill would require an automotive repair dealer to use a visual inspection to determine whether a tire meets the criteria of an unsafe used tire.

AB 1359: TOWING COMPANIES

- Status: Introduced in Assembly by Santiago on February 22, 2019. This is designated as a two-year bill and will be revisited in January 2020.
- Summary: This bill would require the Department of the California Highway Patrol to convene an advisory working group to study the feasibility of developing and maintaining a registry of towing companies operating in the state. The bill would require the advisory working group to report its findings and recommendations, and any appropriations that may be necessary to implement those recommendations, to the Assembly and Senate Committees on Transportation on or before May 1, 2021.

AB 1538: AUTOMOBILE COLLISION COVERAGE

- Status: Introduced in Assembly by Weber on February 22, 2019. Enrolled on July 9, 2019 and awaiting signature or veto by the Governor.
- Summary:
 - Existing law requires an insurer issuing an automobile collision policy or a policy for comprehensive coverage for a motor vehicle to make the payment in a specified manner if the automobile is damaged and the insurer elects to have the vehicle repaired.
 - This bill would make that requirement apply to a policy for automobile physical damage coverage, instead of comprehensive coverage, and would state that these provisions do not limit the right of an insured to select the auto body repair shop or other repair facility to repair the damaged vehicle, or to decide not to have the vehicle repaired.
 - An insurer may require that a damaged vehicle be repaired as a condition for payment if the damage is sufficiently serious that safety features of the vehicle's operating systems are compromised.

SB 59: AUTOMATED VEHICLE TECHNOLOGY

- Status: Introduced in Senate by Allen on December 19, 2018.
- Hearing: None currently scheduled, Assembly Appropriations Committee.
- Summary:
 - This bill would establish state policy relating to automated vehicles, to ensure these vehicles support the state's efforts to, among other things, reduce greenhouse gas emissions and encourage efficient land use.
 - Requires the Governor's Office of Planning and Research to convene an automated vehicle interagency working group of specified state agencies to guide policy development for automated vehicle technology.

SB 460: BIENNIAL REGISTRATION

- Status: Introduced in Senate by Beall on February 21, 2019. Placed in Senate suspense file on April 29, 2019.
- Summary: This bill would authorize the Department of Motor Vehicles, on or after January 1, 2020, to establish a biennial registration period for a vehicle, rather than the current annual registration period.

BAR REGULATIONS

- STAR Program Clean-Up
- Licensing Forms Updates
- Rehabilitation/Substantial Relationship Criteria for Licensure
- Certified Training Institutions/Instructors
- Brake/Lamp Stations and Adjusters
- Repair Assistance

STAR PROGRAM CLEAN-UP

- Purpose: (1) Delete outdated Gold Shield Program provisions; (2) amend STAR eligibility criteria; and (3) revise STAR suspension process to be consistent with statute.
- History: Public workshop held on July 21, 2016. Rulemaking package submitted to DCA for formal review on May 22, 2018.
- Status: BAR revised the package based on DCA Legal review and resubmitted on June 12, 2019.
- Next Steps: Complete DCA formal review; file with OAL to begin 45-day public comment period.

LICENSING FORMS UPDATES

- Purpose: (1) Update application review times under certain circumstances; and (2) unincorporate BAR's licensing applications and list application components in regulation.
- Status: BAR submitted the regulation package for DCA Legal informal review on February 15, 2019.
- Next Steps: Complete DCA Legal informal review; submit for DCA formal review; file with OAL to begin 45-day public comment period.

AB 2138: REHABILITATION/SUBSTANTIAL RELATIONSHIP CRITERIA FOR LICENSURE

- Purpose: Pursuant to AB 2138 (Chapter 995, Statutes of 2018), establish: (1) criteria for determining rehabilitation of an applicant or licensee when considering denial, suspension, or petition for reinstatement of a license due to a criminal conviction; (2) criteria for determining when a crime is substantially related to the qualifications, functions and duties of a licensee.
- Status: BAR is preparing the regulation package for DCA Legal formal review.
- Next Steps: Complete DCA Legal formal review; file with OAL to begin 45-day public comment period.

CERTIFIED TRAINING INSTITUTIONS/INSTRUCTORS

- Purpose: (1) Make requirements for certification of Smog Check training providers consistent with current licensing requirements; (2) authorize training for compliance with laws and regulations; and (3) make conforming changes to Disciplinary Guidelines.
- History: Public workshops held on January 9, 2014 and October 21, 2015. Submitted for DCA formal review on December 1, 2017.
- Status: BAR is revising the rulemaking package based on DCA Legal review.
- Next Steps: Complete DCA formal review; file with OAL to begin 45-day public comment period.

BRAKE/LAMP STATIONS AND ADJUSTERS

- Purpose:
 - Revise: (1) identification numbers for licensing applications; (2) license renewal and equipment requirements; (3) handbooks on inspection procedures for brake and lamp systems; and (4) brake and lamp certificates of adjustment/compliance.
 - Eliminate the Gross Vehicle Weight Rating (GVWR) restriction of vehicles to be inspected and certified by Class C stations.
- History: Public workshop held on October 20, 2016. Submitted rulemaking package to DCA Legal for informal review on March 30, 2018.
- Status: BAR revising rulemaking package based on DCA Legal informal review.
- Next Steps: Complete DCA Legal informal review, submit for DCA formal review; file with OAL to begin 45-day public comment period.

REPAIR ASSISTANCE

- Purpose: Increase Smog Check repair assistance participation by: (1) providing higher repair contributions based on vehicle model year; (2) reducing high pre-repair diagnostic fees for low-income vehicle owners; and (3) removing unnecessary eligibility restrictions pertaining to vehicle registration.
- History: Public workshop held on January 17, 2019.
- Status: BAR submitted the regulation package for DCA Legal informal review on April 17, 2019.
- Next Steps: Complete DCA Legal informal review; submit for DCA formal review; file with OAL to begin 45-day public comment period.

QUESTIONS AND COMMENTS

Submit questions and/or comments to:

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