

Repair Reporter



CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS

FALL 2000

New Legislation Changes the Way Automotive Repair Shops Do Business

Legislation that is effective January 1, 2001, mandates that more information be made available to consumers on the use of aftermarket parts in their vehicles, and brings automotive repair authorization into the electronic age.

“It’s high time for consumers to be allowed to use the information highway to facilitate their vehicles’ repair,” said BAR Chief Doug Laue. “The additional consumer disclosure requirements will allow for more informed input on the part of consumers regarding the autobody parts on their vehicles.”

Assembly Bill 1778 (Lowenthal, Chapter 336) requires automotive repair dealers to indicate both on the customer’s estimate and on the final

invoice if the autobody parts used to repair the vehicle are Original Equipment Manufactured (OEM) or non-OEM aftermarket autobody parts. Aftermarket parts that were salvaged from another vehicle would also have to be disclosed on the invoice and the estimate.

The goal of the bill is to enhance existing disclosure requirements to better alert consumers to the use of aftermarket crash parts. If presented with an estimate that includes the use of aftermarket parts, consumers retain the right to refuse to have the repairs performed. In these situations, consumers can negotiate with their insurance companies.

The legislation also allows consumers to approve additional repairs on their vehicles by facsimile transmis-

sion or electronic mail. It’s important to note that the change to e-mail or fax only applies to *additional* repairs proposed by the repair shop. The consumer must still physically sign the original estimate.

BAR is authorized by the new law to adopt regulations to detail the proper approval process and has held public workshops as the first step in the regulation process. If you wish to be notified about upcoming public hearings on these regulations, please ask to be placed on BAR’s “interested parties” list by calling Jim Allen at (916) 255-4300 or by writing him at 10240 System Parkway, Sacramento, CA 95827. ❖

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HAPPY NEW LAWS!

New Rules in the New Year for Automotive Repair Dealers

Following is a brief summary of new legislation relating to auto repair dealers. Most take effect on January 1, 2001. If you would like further information on any of the bills, contact your legislator or visit www.leginfo.ca.gov.

Assembly Bill 1471 (Havice, Chapter 449) prohibits the installation, reinstallation, distribution, or sale of previously deployed airbags. Violations of this new vehicle code statute will be considered misdemeanors. This bill was signed in 1999 and took effect January 1, 2000.

Assembly Bill 2729 (Wesson, Chapter 641) increases the punishment for a towing service to offer or accept any award for referral of business to a specific autobody shop or repair dealer to include the suspension of their DMV license and/or the impounding of their tow truck. Vehicle Code section 12110 already prohibits auto repair dealers from offering or accepting any award for business referrals from towing services. This bill also increases the misdemeanor penalties

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CAP CAMPAIGN A SUMMER SUCCESS!

More complete repairs lead to cleaner air

The Bureau of Automotive Repair (BAR) launched its new and improved Consumer Assistance Program (CAP) in July 2000, and Californians are revved up about this new path to help clean the air. The program provides emission repair assistance and retires smog-spewing clunkers.

The number of CAP applications sent out by DCA's Consumer Information Center (CIC) went from 63 on June 30, the day before the new program was launched, to 3,753 on July 21 alone! The CIC has been inundated with telephone calls from throughout the state, with CIC operators answering as many as 3,000 CAP-related calls each day and sending more than 30,000 applications during July. At the same time, thousands of consumers downloaded the CAP application from BAR's website.

"We knew that this program to cap pollution by capping costs to consumers would be popular," said BAR Chief Doug Laue. "CAP is the most wildly successful program I've been associated with in my years of state government."

Media coverage was nationwide and welcoming. Network affiliated television stations in every major market in California covered the CAP story, and newspapers filled numerous columns. CNN told the CAP story, as well as Univision's nationwide morning show, and Brazilian television called for video footage. The nationwide

media coverage was supplemented by a "putting the blue back in California skies" advertising campaign that ran in newspapers and on radio and television during July and August.

CAP allows consumers whose cars fail their biennial smog tests to voluntarily retire their clunker for \$1,000. CAP's repair payments are also much more consumer friendly. Motorists whose vehicles are directed to Test-Only stations contribute just \$100 for needed repairs when the cars don't meet California clean-air standards. CAP pays the rest, up to \$500. And income-eligible consumers whose cars fail a biennial Smog Check pay just \$20 for emissions-related repairs, while California pays up to \$500.

To find out if your customers qualify for voluntary retirement or repair assistance, pick up a CAP application from BAR's website at www.smogcheck.ca.gov. All CAP repairs must be performed at CAP contracted Smog Check stations, which are selected by BAR from designated Gold Shield stations.

If your customers have questions about the program, have them call (800) 622-7733. A station interested in becoming a CAP station should call (916) 445-2010. ❖

Vehicle Safety Defects ... Who Ya Gonna Call?

The Ford/Firestone tire recall is a timely reminder of the importance of notifying the Department of Transportation's National Highway Traffic Safety Administration (NHTSA) of safety-related defects. Shop owners or consumers who believe they have discovered deficiencies are urged to call the NHTSA hotline at "DASH-2-DOT" (888-327-4236).

The hotline specializes in gathering information about safety problems in motor vehicles and equipment. In operation since 1975, the DOT Auto Safety Hotline is the Agency's single point of contact, where information can be obtained not only on vehicle safety defects, but also on child safety seats, air bags, vehicle importation and certification, and motor vehicle safety.

The NHTSA and BAR recently teamed up to assist consumers with auto safety and repair concerns. A jointly developed consumer flyer contains information on both agencies, how to report automobile defects, as well as referrals to other agencies that may assist with automobile-related concerns.

For a free copy of the flyer, write to the California Department of Consumer Affairs, 401 S Street, Suite 100, Sacramento, CA 95814-6200. To order posters, flyers and other complimentary literature, visit www.nhtsa.dot.gov/hotline and click on "Outreach Program." ❖

Firestone Tire Tips

Consumer help is now just one mouse click away for California motorists wanting more information on the Ford/Bridgestone/Firestone tire recall. New details are emerging almost daily in news stories from across the country and around the world, some of them involving deaths and lawsuits right here in California. So the California Department of Consumer Affairs is stepping in to help consumers with “The Top Twelve Tire Tips for the Ford/Firestone Recall” on its website.

“The good news for California is that we are one of the first states to get replacement tires under the recall plan,” says Consumer Affairs Director Kathleen Hamilton.

Besides specific information on the tire recall, the website includes reminders that Californians are protected under the California Automotive Repair Act, even for a no-cost recall job. If a shop tries to sell any products or services, consumers are entitled to a written estimate and to authorize the repairs before the work begins. Consumers are also entitled to a written invoice when the repairs are completed detailing the parts and services the vehicle has received.

Visit the Department’s website at www.dca.ca.gov to view the Ford/Firestone tire recall information. ❖

NEW BRAKE AND LAMP ADJUSTER EXAMS PREMIERED!

For several years, the Bureau of Automotive Repair has renewed Brake Adjuster and Lamp Adjuster licenses for a term of two years without requiring the licensees to pass another exam. Because the exam had not changed in several years, the renewal candidates would have been taking the same exam they took previously.

Initial license candidates have continued to be required to pass the applicable exams. However, Brake/Lamp adjuster exams were not available between January and July 2000 while BAR changed to a new examination administration contractor, and developed new exams. During this time, we continued to renew licenses without passage of an exam. Candidates for initial licenses had to wait for the new exams to be available. Experior Assessments began administering adjuster exams on August 1, 2000. BAR gave priority to initial applicants who had been waiting since last year to take exams.

Starting with renewal applications postmarked after December 31, 2000, licensed adjusters will be required to pass the applicable exam to renew their license. Licenses renewed by passing the new examination will be valid for four years. Licensees should apply for renewal *eight to ten weeks* before their licenses expire. This will allow enough time for BAR to process the application and for the licensee to attempt the exam at least once before the current license expires.

Adjuster License renewal applications postmarked through December 31, 2000, will be renewed for only two years if the exam is not taken. If a licensee applies before December 31, 2000, and wants to take the exam (and receive a four-year license), they should write, “EXAM REQUESTED” across the top of the application and initial it.

To prepare for the exam, obtain a copy of the Brake and Lamp Adjuster Licensing Exams Candidate Handbook, along with a license application. The Candidate Handbook lists the knowledge needed to pass each exam. The reference materials used when writing examination questions are listed as well. Most of the technical manuals listed in the Candidate Handbook are the same reference materials BAR requires licensed stations to have available.

A significant part of each exam covers the California Vehicle Code sections and regulations that pertain to brake and lighting systems. These are included in BAR’s Laws and Regulations Handbook. You can request copies of the Candidate Handbook, application form, and Laws and Regulations by calling the Consumer Information Center at (800) 952-5210. The Candidate Handbook and License Application are posted on BAR’s website under Publications and Forms. BAR field offices also have these items available at their public counters. ❖

Disciplinary Actions

Acc U Tune & Brake aka Precision Tune Auto Care—Sunnyvale

Edward K. Woltz, President

Order: ARD registration permanently invalidated, Smog Check Station license revoked. (5/22/00)

Chuck's Transmission—North Hollywood

Kraival Ungamrung, aka, Nick Ungamrung

Order: ARD registration revoked. (5/22/00)

Chuck's Transmission—Pomona

Kraisilp Ungamrung, aka Chuck Ungamrung

Order: ARD registration revoked. (5/22/00)

G.T. Trans, Inc. dba G.T. Trans—Richmond

Earnest Mason Anderson, President

Order: Application for ARD registration denied. (5/24/00)

Hankook Auto Group, Inc., dba H.K. Auto Body & Repair Center—Los Angeles

William C. Kang, President

Order: ARD registration revoked. (5/22/00)

Herrera Auto Repair—Santa Rosa

Jose D. Herrera, Owner

Order: ARD registration revoked, stayed, placed on five years' probation on the following terms and conditions: ARD registration suspended for five days, post sign indicating dates of and reason for suspension, comply with laws and regulations, pay BAR \$6,000 for cost of investigation, pay \$1,428 restitution to consumer, report to BAR on prescribed schedule, report financial interest in any other auto repair facility, and provide BAR representatives unrestricted access to inspect all vehicles and records. (5/22/00)

Ko Ko Transmissions—Los Angeles

Soo Young Chun, President

Order: ARD registration revoked. (5/22/00)

Laser Body Shop—Arcata

Robert Lewis Ornelas, Owner

Order: ARD registration permanently invalidated. (5/22/00)

Lincoln Auto Repair & Mufflers—Santa Monica

Wassim Y. Boustani, aka Wassim Y. Boostani, Owner

Order: ARD registration permanently invalidated. (5/22/00)

Mike's Auto Repair—Whittier

Mir Kiani, Owner; Luis A.

Mangiaterra, E.A. Technician

Order: ARD registration permanently invalidated, Smog Check Station license revoked, pay \$30,633.68 for costs of investigation. E.A. license revoked. (5/22/00)

Potrero Service Station, Inc.—San Francisco

Gerald Lin, President, Adjuster, E.A. Technician

Order: ARD registration revoked, stayed, placed on three years' probation, obey laws and regulations, pay \$5,000 for cost of investigation, report to BAR quarterly, report any financial interest in any other auto repair facility. Official Lamp and Brake station licenses revoked, Brake and Lamp adjuster licenses revoked. (5/22/00)

Purrfect Auto Service #33—Hemet

Teresa C. Brown, President

Order: ARD registration, permanently invalidated. (5/22/00)

Purrfect Auto Service #55—Panorama City

Latifa Nawabi, aka Salma Nawabi, Owner

Order: ARD registration revoked. (5/22/00)

Purrfect Auto Service #71—Arcadia

Aziz Virani, President

Order: ARD registration permanently invalidated. (5/22/00)

The Carburetor Shop—Vista

Michael Allen McQuown, Owner

Order: ARD registration permanently invalidated. (5/22/00)

Two Brothers Auto Body & Paint—Sacramento

Andres E. Claro, aka Andy Claro, Owner

Order: ARD registration revoked. (5/22/00)

Zeus Investments, Inc. dba Purrfect Auto Service #82—Sacramento

Christopher Lee Brown, President

Order: ARD registration revoked and Smog Check Station license revoked. (5/8/00) ❖



Smog Check Program Enhanced in September— More Repairs Will Be Required

Tighter Smog Measures Needed as Noted by Program Evaluation

Based on the results of an evaluation of the Smog Check Program, enhancements to the program began to be implemented statewide in mid-September.

“The good news is that California’s air is healthier and cleaner,” said Bureau of Automotive Repair Chief Doug Laue. “The even better news is that additional Program enhancements are already in place that will help us all breathe even easier.”

More stringent inspection standards for oxides of nitrogen (NOx) were implemented on September 13, 2000, and again on October 25, 2000. Since the allowable emission “cutpoints” were tightened, the number of vehicles needing repairs has increased. NOx is one of the

pollutants responsible for a number of serious health-related air quality issues in California.

“We need to lower the ‘cutpoints’ so our air can be a cut above what it is now,” added Laue.

The Air Resources Board (ARB) submitted a program evaluation report to the United States Environmental Protection Agency (USEPA) this summer, detailing the progress of California’s Enhanced Smog Check Program. The ARB’s report revealed that the Golden State’s air is healthier and cleaner, yet smog reduction levels that state officials set six years ago haven’t been met.

The report measured the effectiveness of the Smog Check Program during the key evaluation period of

November 1998 through October 1999. It compared the results to the legal targets set by the California State Implementation Plan (SIP).

ARB experts concluded that the current program is more effective than the one in place in the summer of 1999. The program has now reached about 60 percent of the emission reductions targeted in the SIP.

The report identified several options that could increase the Smog Check Program’s effectiveness and help the state to meet its SIP goals. One of the options was to adopt more stringent inspection standards (cutpoints) for NOx.

The report is available on the ARB’s website, www.arb.ca.gov. ❖

New Laws *(continued from page 1)*

for offenses by tow truck drivers and auto repair dealers from \$1,000 fine and/or six months in jail to a \$5,000 fine and/or six months in jail.

Assembly Bill 1778 (Lowenthal, Chapter 336) requires auto repair dealers to specify on the written estimate and invoice whether any crash (autobody) parts will be “OEM” or aftermarket. It also permits the use of fax or e-mail as an approved method of obtaining a customer’s authorization for repairs in excess of the original estimate. The proper approval methods will be determined by regulation.

Assembly Bill 2517 (Shelley, Chapter 258) prohibits car dealers and lienholders from inserting “gag” clauses into any reacquisition or buy-back agreement, judgment, decree, arbitration award or settle-

ment agreement, preventing the buyer or lessee from disclosing the problems with the vehicle to anyone.

Senate Bill 1146 (Burton, Chapter 1077) requires the Air Resources Board to adopt regulations requiring auto manufacturers to make available to all auto repair shops, the same emission-related diagnostic and repair information that they supply to their franchised dealerships, including information for OBDII-equipped vehicles. Requires ARB/BAR to make annual reports on how the release of this information affects the auto repair marketplace.

Senate Bill 1718 (Sher, Chapter 679) creates a “safety defect” lemon law presumption that applies after the vehicle has been subject to repair two times (rather than four) within

the first 18 months or 18,000 miles. The new law also expands lemon law coverage to vehicles used primarily for business purposes.

Senate Bill 1988 (Speier, Chapter 867) enacts the Anti-Auto Theft and Insurance Fraud Act of 2000. Among other things, it requires the Department of Consumer Affairs, through BAR, to conduct a two-year pilot project to inspect vehicles that have recently received autobody (collision) repairs, and to investigate autobody fraud and report to the Legislature on solutions to protect consumers. The legislation requires the project to be completed by 6/30/03 with a report due to the Legislature by 9/1/03. The new law also requires insurers to provide policyholders with an autobody “Bill of Rights.” ❖



State of California
Gray Davis, Governor

Department of Consumer Affairs
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Bureau of Automotive Repair
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BAR FIELD OFFICE PHONE NUMBERS

Bakersfield (661) 833-6304
Canoga Park (818) 596-4400
Culver City (310) 410-0024
Fresno (559) 445-5015
Fullerton (714) 680-7851
Oceanside (760) 439-0942
Richmond (510) 243-9410
Riverside (909) 782-4250
Sacramento (916) 255-4200
San Jose (408) 277-1860
South El Monte (626) 575-6934

DCA Cashiering (916) 322-7002
DCA Licensing (916) 255-3145

Consumer Assistance and
Referee Centers... (800) 622-7733

DCA HOTLINE (800) 952-5210

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Popular Pamphlet Available

The ever-popular *Write it Right for Autobody* pamphlet is available once again. Updated in spring 2000, the initial order of 10,000 copies was quickly depleted.

“We’re gratified that those in the autobody business are doing their best to follow the rules,” said BAR Chief Doug Laue. “*Write it Right* is a tool every autobody repair person should have to help them meet legal responsibilities.”

The pamphlet provides information on proper disclosure and documentation, from the initial estimate to the final invoice.

Proper documentation is more important than ever, as autobody fraud will continue to receive public and legislative scrutiny. For example, new legislation (AB 1778) requires autobody shops to specify on the initial estimate whether crash parts will be “OEM” or aftermarket. Recent legislation (SB 1988) also requires BAR to conduct a two-year pilot project to investigate autobody fraud. (See related stories in this issue).

The Automotive Repair Act requires autobody and auto repair shops to follow sound business practices in dealing with customers. These practices can be summed up in four rules:

- ❖ Keep the customer informed.
- ❖ Do only work that has been authorized.
- ❖ Keep a written record of all work.
- ❖ Give copies of estimates and invoices to the customer.

To obtain a free copy, please visit the Bureau’s website at www.smogcheck.ca.gov, or call the toll-free hotline at (800) 952-5210, or write to the Department of Consumer Affairs Publications, 401 S Street, Suite 100, Sacramento, CA 95814-6200. ❖