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# LEGISLATION & REGULATIONS UPDATE



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EXECUTIVE OFFICE  
BAR ADVISORY GROUP MEETING  
JANUARY 23, 2020

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# IMPORTANT DATES

- January 6: Legislature reconvened
- January 17: Last day for policy committee hearings for bills introduced in 2019
- January 24: Last day for ANY committee to hear and report to the floor regarding bills introduced in 2019. Last day to submit bill requests to Office of Legislative Counsel
- January 31: Last day to pass bills introduced in the first house in 2019
- February 21: Last day to introduce bills for 2020

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# LEGISLATIVE BILLS

- AB 161 (Ting): Electronic Proofs of Purchase
- AB 210 (Voepel): Smog Check Exemption
- AB 390 (Frazier & Grayson): Exhaust Noise Violations
- AB 755 (Holden): California Tire Fee

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# LEGISLATIVE BILLS (CONTINUED)

- AB 1263 (Low): Consumer Complaints
- AB 1359 (Santiago): Towing Companies
- AB 1616 (Low): Expunged Convictions
- 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](http://www.leginfo.legislature.ca.gov) for the most current bill information.

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# AB 161: ELECTRONIC PROOFS OF PURCHASE

- Status: Held in Senate Appropriations Committee on August 30, 2019.
- 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.

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# AB 210: SMOG CHECK EXEMPTION

- Status: Held in Assembly Transportation Committee on February 13, 2019.
- 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.)

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# AB 390: EXHAUST NOISE VIOLATIONS

- Status: Re-referred to Assembly Appropriations Committee on March 26, 2019.
- 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.

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# AB 755: CALIFORNIA TIRE FEE

- Status: Placed in Assembly inactive file on January 13, 2020.
- 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.



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# AB 1263: CONSUMER COMPLAINTS

- Status: Author amended language on January 6, 2020; re-referred to Assembly Appropriations Committee on January 15, 2020. Hearing scheduled for January 23, 2020.
- Summary: This bill would prohibit a licensee from including language in a contract for a consumer service limiting the consumer's ability to file a complaint with the licensing agency, including DCA Boards/Bureaus, or participate in a agency's investigation into licensee.
  - Violation of this section by licensee will constitute unprofessional conduct subject to discipline by the licensing agency.
  - Any waiver of the proposed provision will be considered void and unenforceable.

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# AB 1359: TOWING COMPANIES

- Status: Re-referred to Assembly Transportation Committee on April 9, 2019.
- 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.

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# AB 1616: EXPUNGED CONVICTIONS

- Status: Author amended language on January 6, 2020; re-referred to Assembly Appropriations Committee on January 14, 2020. Hearing scheduled for January 23, 2020.
- Summary: This bill would require DCA Boards/Bureaus to do the following when a person's license is revoked due to a criminal conviction and the person has obtained an expungement:
  - If the person reapplies for licensure or has been relicensed, post notification of expungement order on Board/Bureau website.
  - If the person is not currently licensed and does not apply for relicensure, remove the initial website posting of the license revocation.

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# SB 59: AUTOMATED VEHICLE TECHNOLOGY

- Status: Held in Assembly Appropriations Committee on August 30, 2019.
- 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.

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# SB 460: BIENNIAL REGISTRATION

- Status: Held in Senate Appropriations Committee on May 16, 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.

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# BAR REGULATORY PROPOSALS

- Rehabilitation Criteria for Licensure
- Laws & Regulations Training
- STAR Program Updates
- Smog Check Repair Assistance
- Licensing Applications
- Smog Check Training Providers
- Brake/Lamp Stations and Adjusters

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# REHABILITATION 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. Must be adopted and implemented by July 2020.
- History: Submitted to DCA for formal review on July 24, 2019.
- Status: Undergoing DCA formal review process.
- Next Steps: Complete DCA formal review; publish Notice with OAL to begin 45-day public comment period.

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# LAWS & REGULATIONS TRAINING

- Purpose: Amend the Bureau's Disciplinary Guidelines and establish laws and regulations training as a rehabilitative option for respondents who have demonstrated an insufficient understanding of the laws and regulations protecting consumers in repair transactions. Specifically, administrative law judges and the Bureau would have the option to require, as a condition of probation or relicensure, training in compliance with the Automotive Repair Act.
- History: Submitted to DCA for formal review on October 21, 2019.
- Status: Undergoing DCA formal review process.
- Next Steps: Complete DCA formal review; publish Notice with OAL to begin the 45-day public comment period.



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# STAR PROGRAM UPDATES

- Purpose: (1) Delete outdated Gold Shield Program provisions; (2) amend STAR eligibility criteria; and (3) provide STAR suspension process consistent with statute.
- History: Submitted to DCA for formal review on November 1, 2019.
- Status: Undergoing DCA formal review process.
- Next Steps: Complete DCA formal review; publish Notice with OAL to begin the 45-day public comment period.

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# SMOG CHECK REPAIR ASSISTANCE

- Purpose: Increase Smog Check repair assistance participation by: (1) providing higher repair contributions based on vehicle model year; (2) reducing 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. Submitted to DCA for formal review on November 27, 2019.
- Status: Undergoing DCA formal review process.
- Next Steps: Complete DCA formal review; publish Notice with OAL to begin the 45-day public comment period.

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# LICENSING APPLICATIONS

- Purpose: (1) Update application review timeframes; and (2) unincorporate BAR's licensing applications and list application components in regulation.
- History: Submitted for DCA Legal informal review on May 13, 2019.
- Status: Undergoing DCA Legal informal review process.
- Next Steps: Complete DCA Legal informal review; submit to DCA for formal review.

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# SMOG CHECK TRAINING PROVIDERS

- Purpose: Make requirements for certification of Smog Check training providers consistent with current licensing requirements.
- History: Submitted for DCA Legal informal review process on December 10, 2019.
- Status: Undergoing DCA Legal informal review.
- Next Step: Complete DCA Legal informal review; submit to DCA for formal review.

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# 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.
- Status: Under development at BAR.
- Next Steps: Conduct public workshop on draft regulations; finalize and submit to DCA Legal for informal review.

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# QUESTIONS AND COMMENTS

Submit questions and/or comments to:

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