
LEGISLATION AND REGULATIONS UPDATE



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EXECUTIVE OFFICE
BAR ADVISORY GROUP MEETING
JANUARY 28, 2021

LEGISLATION IMPORTANT DATES

- **December 7, 2020** – The 2020-2021 Regular Session convenes for Organizational Session
- **January 1, 2021** – Most chaptered bills from CY 2020 take effect, unless another date set
- **January 11, 2021** – Legislature reconvenes
- **January 22, 2021** – Last day to submit bill requests
- **February 19, 2021** – Last day for bills to be introduced

CHAPTERED LEGISLATION

- SB 346 (Kehoe, Statutes of 2010): Motor Vehicle Brake Friction Materials

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SB 346 (Kehoe): Motor Vehicle Brake Friction Materials

- Status: Chaptered on September 27, 2010.
- Summary: Beginning January 1, 2021, this bill prohibits the sale of motor vehicle brake friction materials containing more than 5% copper by weight. Beginning January 1, 2025, this bill would prohibit the sale of motor vehicle brake friction materials exceeding 0.5% copper by weight. A violation of these provisions would be subject to a civil fine of up to \$10,000.
- Department of Toxic Substances Control will provide a presentation later in the agenda.

2021 LEGISLATIVE BILLS

- AB 220 (Voepel): Smog Check Exemption
- AB 294 (Santiago): Vehicle Towing and Storage Act

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AB 220 (Voepel): Smog Check Exemption

- Status: Introduced on January 11, 2021.
- Summary: This bill amends exempts all motor vehicles manufactured prior to 1983 from Smog Check.
 - Exemption currently applies to pre-1976 vehicles.

AB 294 (Santiago): Vehicle Towing and Storage Act

- Status: Introduced on January 21, 2021.
- Summary:
- This bill does the following:
 - Establishes a 9-member Vehicle Storage and Tow Board (VTSB) within DCA to:
 - Issue permits (upon payment of annual fee) to any business that tows and stores a vehicle;
 - Maintain a public database of permit holders;
 - Resolve disputes and make determinations (including assessment of penalties) associated with the tow and storage of vehicles; and
 - Exceptions: (1) tow/storage charges for tows initiated by motor clubs holding a certificate of authority pursuant to Insurance Code; and (2) tow/storage charges based on a written agreement between vehicle owner and the business.
 - Enforce the Act's provisions.
 - Repeals existing law that deems storage fees reasonable if they are comparable to storage-related rates and fees charged by other facilities in the same locale.
 - Instead, towing and storage fees are deemed reasonable if they do not exceed those fees and rates charged for similar services provided in the same geographical organization area established by the CHP in response to requests from a public agency.
 - Adds VTSB authority information to the current *Towing and Storage Fees and Access Notice*.
 - Notice (and permit) must be posted in plain view of the public (with copies of Notice readily available) at facilities that charge for towing and/or storage.
 - ARDs that do not provide towing services are exempt from the Notice posting requirements.
 - Establishes penalties up to \$10,000 for each violation.

BAR REGULATION PROPOSALS

- Rehabilitation Criteria for Licensure
- Smog Check Equipment Security and Fraud Prevention
- STAR Program Updates
- Smog Check Repair Assistance
- Laws and Regulations Training
- Application Updates
- BAR-Certified Training Providers
- Brake/Lamp Certification Programs
- Auto Body Equipment and Supplemental Restraint Systems

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.
- Status: This regulation package and Final Statement of Reasons is currently under review at OAL.
- Next Steps: Adoption by OAL.

SMOG CHECK EQUIPMENT SECURITY AND FRAUD PREVENTION

- Purpose:
 - Require the use of biometric and web camera devices when performing a Smog Check.
 - Require that Smog Check stations allow BAR access whenever inspections are being performed, even if the inspections occur outside normal business hours.
 - Require that Smog Check inspectors allow BAR staff remote access to the inspection process, via the internet, when prompted by the BAR-OIS software.
- History: Submitted to DCA Legal for informal review on February 3, 2020. Public workshop held on October 22, 2020.
- Status: Undergoing DCA informal review.
- Next Steps: Complete DCA formal review; publish Notice with OAL to begin the 45-day public comment period.

STAR PROGRAM UPDATES

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

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: Emergency regulation was approved by OAL and became effective on August 31, 2020.
- Status: Under E.O. N-40-20 and E.O. N-66-20, BAR has until June 28, 2021 to adopt as permanent via regular rulemaking. Submitted to DCA for formal review on January 5, 2021.
- Next Steps: Complete DCA formal review; publish Notice with OAL to begin the 45-day public comment period.

LAWS AND REGULATIONS TRAINING

- Purpose: Amend BAR Disciplinary Guidelines to establish laws and regulations training as a rehabilitative option for respondents. Administrative law judges and BAR would have the option to require, as a condition of probation or relicensure, training in compliance with the Automotive Repair Act and regulations.
- History: Submitted to DCA for formal review on October 21, 2019. Submitted to Agency for review January 13, 2021.
- Status: Undergoing initial formal review.
- Next Steps: Complete DCA formal review; publish Notice with OAL to begin the 45-day public comment period.

APPLICATION UPDATES

- Purpose: (1) Remove from regulation BAR's licensing and Consumer Assistance Program applications and instead list the application components in regulation; and (2) update application review timeframes.
- History: Submitted to DCA Legal for informal review on May 13, 2019.
- Status: BAR is working to address DCA Legal issues.
- Next Steps: Complete DCA Legal informal review; submit to DCA for formal review.

BAR-CERTIFIED TRAINING PROVIDERS

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

BRAKE/LAMP CERTIFICATION PROGRAMS

- 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 is working to address DCA Legal issues.
- Next Steps: Conduct public workshop on draft regulations; finalize and submit to DCA Legal for informal review.

AUTO BODY EQUIPMENT AND SUPPLEMENTAL RESTRAINT SYSTEMS

- Purpose:
 - Require autobody repair shops to have access to all repair, testing, and measuring equipment and current reference materials necessary to diagnose, section, replace, or repair structural damage.
 - Require that all auto body repair equipment meets current trade standards for the work being performed
 - Adopt the following components to the definition of supplemental restraint system: airbag modules, airbag sensors, computer modules, inflatable restraint systems, seatbelts, seatbelt pre-tensioners, seat structural components, and steering columns.
- History: Internal workgroup established November 2018. BAG workshop held April 18, 2019. Submitted to DCA for informal review on January 15, 2021.
- Status: Undergoing DCA informal review.
- Next Steps: Complete DCA Legal informal review; submit to DCA for formal review.

QUESTIONS AND COMMENTS

Submit questions and/or comments to:

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