

**BUREAU OF AUTOMOTIVE REPAIR
MODIFIED TEXT**

AUTOMOTIVE REPAIR DEALER REGISTRATION APPLICATION REQUIREMENTS

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

Changes to the originally proposed language are shown by double underline for new text and underline with ~~double strikeout~~ for deleted text.

(1) Amend Sections 3303, Article 1, Chapter 1, Division 33 of Title 16 of the California Code of Regulations

§ 3303. Definitions

In this chapter, unless the context otherwise requires:

(* * * *)

(r) “Nationally Recognized and Industry-Accepted Educational Certification” means a diploma, certificate of completion, or a degree as defined in section 94830 of the Education Code obtained after successful completion of any training on automotive repair, the diagnosis and repair of a motor vehicle, automotive technology, automotive service technology, or customer service related to automotive repair and/or testing provided by any of the following: a vehicle manufacturer, the Inter-Industry Conference on Auto Collision Repair (I-CAR), the National Institute for Automotive Service Excellence (ASE), or by an educational institution accredited by an accrediting agency recognized by the U.S. Department of Education.

Note: Authority cited: Sections 9882, 9884, 9884.9, 9884.19 and 9887.1, Business and Professions Code. Reference: Sections 9880.1(a), 9880.1(f), 9880.1(k), 9882, 9884, 9884.7(a)(2), 9884.9, 9889.50, 9889.51 and 9889.52, Business and Professions Code.

(2) Amend Sections 3351, Article 6, Chapter 1, Division 33 of Title 16 of the California Code of Regulations

§ 3351. Registration of Automotive Repair Dealers.

~~An application for registration as an automotive repair dealer shall be filed on an application form prescribed and provided by the Bureau. The application shall be accompanied by the registration fee and such evidence, statements or documents as~~

~~therein required. No separate registration shall be required for the mobile emergency road service or towing equipment of a registered automotive repair dealer.~~

(a) Any person or entity ("applicant") seeking Bureau registration as an automotive repair dealer shall submit a completed application that includes all of the following:

(1) The nonrefundable application fee set forth in section 3351.1 for each location or each vehicle pursuant to section 3351.7.3 unless the applicant meets the requirements for waiver of the fee specified in subsection (g).

(2) The following identifying information:

(A) The legal name of the applicant. An individual must apply using their full legal name: (Last Name) (First Name) (Middle Name) and/or (Suffix) and provide information from a government issued photo identification including issuing authority, document title, and number. A business entity must apply using the business' legal name.

(B) If the business is to be carried out under a fictitious name (i.e., the applicant intends to operate under a name other than their legal name), the fictitious name shall be provided.

(C) Form of business organization (sole proprietorship (individual), partnership, limited partnership, corporation, or limited liability company (LLC)).

(i) If the business is a corporation, the corporate number assigned by the California Secretary of State.

(ii) If the business is an LLC, the domestic or foreign LLC number assigned by the California Secretary of State.

(D) Federal employer identification number (FEIN), if the applicant is a partnership, or the applicant's Social Security Number, or individual taxpayer identification number (ITIN) for all other applicants. If the applicant is a corporation or LLC, the applicant shall submit the Social Security Numbers of its controlling individuals.

(E) If the applicant is a business entity, the full legal name, title, business address, telephone number, and information from a government issued photo identification including issuing authority, document title, and number for each controlling individual.

- (F) Physical address of the location operated by the applicant (“location”).
- (G) Applicant’s mailing address, if different than the physical address (“address of record”).
- (H) Applicant’s telephone number.
- (I) Applicant’s email address.
- (J) The applicant’s retail seller’s permit number, if a permit is required under the Sales and Use Tax Law (Part 1 commencing with section 6001) of Division 2 of the Revenue and Taxation Code.
- (K) Whether the applicant intends to perform auto body repair work and possesses the applicable licenses or permits set forth in Section 9889.52 of the Code.
- (L) A designation of the services performed by the business.
- (M) Whether the business will be engaged in mobile automotive repairs. If the applicant answers affirmatively, they shall provide the vehicle license plate number for the vehicle used to perform mobile automotive repairs in accordance with Article 6.1 (commencing with section 3351.7.1).
- (N) Whether the business is in an area that, pursuant to local zoning ordinances, permits the operation of a facility for the repair of motor vehicles.
- (O) Whether the applicant, or any controlling individual of the business, or any other person(s) employed at the business possesses any applicable nationally recognized and industry-accepted educational certifications as defined in section 3303 and/or any bureau-approved educational certifications as provided in section 3395.6. If the applicant answers affirmatively, the applicant shall identify the individual by name who possesses the certification, the title of the certification, the name of the certification provider and the date of issuance of the certification(s).
- (P) Whether the applicant or any controlling individual of the business has ever been convicted of any crime or offense for which a license may be denied pursuant to section 480 of the Code.

(Q) Applicants and/or controlling individuals of the business are not required to disclose convictions under California Health and Safety Code sections 11357(b), (c), (d), (e), or section 11360(b) which are two years or older.

(R) Whether, within the preceding seven years from the date of application, the applicant or any controlling individual of the business has had a license, registration, or certification that was formally disciplined by a licensing board in or outside of California, including the Bureau, or any ~~program~~ board (as defined in Section 22 of the Code) in the Department of Consumer Affairs. "Discipline" for purposes of this section includes revocation, suspension, revocation, probation or any other form of restriction placed on the license, registration, or certification.

(S) Whether, within the preceding seven years from the date of application, the applicant or any controlling individual has previously been denied a registration or received a citation for committing acts prohibited by Section 9884.7 of the Code from a licensing board in or outside of California, including the Bureau, or any board (as defined in Section 22 of the Code) in the Department of Consumer Affairs.

(T) If the applicant or any controlling individual answers affirmatively to any of the items in subdivision (a)(2)(P), ~~or (a)(2)(R), or (a)(2)(S),~~ the applicant shall provide a written statement explaining details regarding any criminal conviction, ~~or disciplinary action, or citation~~ on a separate sheet of paper as provided in this subdivision. For criminal convictions, the statement shall include: the date and place of arrest, name of court, court case number, code section violated, brief explanation of the offense, and the sentence imposed. For discipline, the written statement shall include the type of license, effective date and type of disciplinary action, name and location of licensing board, and brief explanation of violations found by the licensing board. For citations, the written statement shall include the type of license, effective date, name and location of licensing board, and a brief explanation of violations cited by the licensing board.

(3) The following additional applicant-identifying information to expedite the registration process:

(A) Whether the applicant is serving, or has previously served, in the United States Armed Forces.

(B) Whether the applicant is an honorably discharged member of the United States Armed Forces. If the applicant affirmatively states they meet this criterion, they shall provide the following documentation with the application to receive expedited review: a certificate of release or discharge from active duty (DD-214) or other documentary evidence showing date and type of discharge.

(C) Whether the applicant is married to or in a domestic partnership or other legal union with an active duty member of the United States Armed Forces assigned to a duty station in California under official active duty military orders. If the applicant affirmatively states they meet this criterion, they shall provide the following documentation along with the application to receive expedited review: certificate of marriage; certificate of domestic partnership; a copy of the applicant's spouse's/partner's military orders reflecting assignment to a California duty station; and proof of currently being licensed as an automotive repair dealer in another state, or U.S. territory or district. Proof, for the purposes of this subdivision, shall mean the information required by subdivision (g)(3) of this section.

(D) Whether the applicant was admitted to the United States as a refugee, has been granted asylum by the Secretary of Homeland Security or the Attorney General of the United States, or has a special immigrant visa (SIV). If the applicant affirmatively states they meet any of these criteria, they shall provide any of the following items of documentation, as applicable, with the application to receive expedited review:

- (i) Form I-94, arrival/departure record, with an admission class code such as "RE" (refugee) or "AY" (asylee) or other information designating the person a refugee or asylee;
- (ii) Special Immigrant Visa that includes the "SI" or "SQ";
- (iii) Permanent Resident Card (Form I-551), commonly known as a "green card," with a category designation indicating that the person was admitted as a refugee or asylee; or,
- (iv) an order from a court of competent jurisdiction or other documentary evidence that provides reasonable assurances to the Bureau that the applicant qualifies for expedited licensure per Section 135.4 of the Code.

(4) A statement signed by the applicant under penalty of perjury that the information provided in the application is true.

(b) The abandonment date for an application that has been returned to the applicant as incomplete shall be 12 months from the date of returning the application in

accordance with Section 142 of the Code. An applicant who abandons an application shall submit a new application meeting the requirements of this section to obtain Bureau registration as an automotive repair dealer.

- (c) For the purposes of this section, “controlling individual” means owners, directors, officers, partners, members, trustees, managers, and any other persons who directly or indirectly control or conduct the business.
- (d) For the purposes of this section, “government issued photo identification” means an unexpired official document issued by a local, state, or federal agency, or a foreign government entity, which contains an applicant’s photograph, first and last name, document title, document number (if any), and date of birth.
- (e) An automotive repair dealer shall notify the Bureau in writing of any material changes to the information submitted to the Bureau under subdivision (a)(2) within thirty (30) days of the date of making any changes, or receiving notice of any change in the case of educational certifications, criminal conviction or disciplinary matters referenced in subsections (a)(2)(O), (a)(2)(P) and (a)(2)(R). For the purposes of this section, “material” means any of the following:
- (1) A change of ownership, as defined in Section 3306(c)(1) of these regulations,
 - (2) A change to the legal or fictitious business name,
 - (3) A change of address, as defined in section 3306(c)(2) of these regulations,
 - (4) A change to controlling individuals,
 - (5) A change to any nationally recognized and industry-accepted educational certifications or bureau-approved educational certifications reported to the bureau as part of the application required by this section, including expiration of certification(s) or the addition of new certification(s).
 - (6) A new report of a conviction of the automotive repair dealer or any of its controlling individuals as provided in section 490 of the Code; or,
 - (7) A new report of formal discipline against the automotive repair dealer or any of its controlling individuals by a licensing board.
- (f) The notice of material changes required by subdivision (e) shall include the following for each change: a description of the change and the effective date of each change, or the date that notice of the change was received by the automotive repair dealer in the case of reporting the convictions or formal discipline described in subdivisions (a)(2)(P) and (a)(2)(R).
- (g) The ~~Board~~ Bureau shall waive the fee specified in subsection (a)(1) for an applicant who meets the requirements set forth in Section 115.5 of the Code and submits the following satisfactory evidence with the application set forth in this section:

(1) Certificate of marriage or certified declaration/registration of domestic partnership filed with the California Secretary of State or other documentary evidence of legal union with an active-duty member of the Armed Forces.

(2) A copy of the military orders establishing their spouse or partner's duty station in California and,

(3) Written verification from the applicant's issuing agency/licensing jurisdiction that the applicant's license in another state, district or territory of the United States is current in that jurisdiction.

The verification shall include all of the following:

(A) The full legal name of the applicant and any other name(s) the applicant has used or has been known by,

(B) The license type and number issued to the applicant by the original licensing agency/entity,

(C) The name and location of the licensing agency/entity, and,

(D) The issuance and expiration date of the license.

NOTE: Authority cited: Section 9882, ~~and 9884.2,~~ and 9884.4, Business and Professions Code. Reference: Sections 27, 30, 31, 114.5, 115.4, 135.4, 141, 142, 480, 490, 9884, 9884.1, and 9884.2, 9884.4, 9884.7, and 9889.52, Business and Professions Code.

(3) Add Section 3395.6, Article 12, Chapter 1, Division 33 of Title 16 of the California Code of Regulations

§ 3395.6. Bureau-Approved Educational Certifications.

An educational certification shall be deemed a "bureau-approved educational certification" for the purposes of Section 9884(b)(4) of the Code and section 3351 when the certification is issued by a private postsecondary educational institution as defined in Education Code Section 94858 that is either approved by or has been issued a verification of exemption pursuant to the California Private Postsecondary Education Act of 2009 from the Bureau for Private Postsecondary Education (BPPE) after successful completion of training that includes any of the following subjects:

(a) The diagnosis and repair of a motor vehicle;

(b) The Automotive Repair Act and the regulations of this Division; or,

(c) Customer service related to automotive repair.

Note: Authority cited: Section 9882, Business and Professions Code. Reference: Sections 9884, and 9884.2, Business and Professions Code.