

**DEPARTMENT OF CONSUMER AFFAIRS
Title 16. BUREAU OF AUTOMOTIVE REPAIR
DIVISION 33.
BUREAU OF AUTOMOTIVE REPAIR**

**NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:
Biometric Device Updates**

NOTICE IS HEREBY GIVEN that the Bureau of Automotive Repair (Bureau) is proposing to take the rulemaking action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Bureau has not scheduled a public hearing on this proposed action. However, the Bureau will hold a hearing if it receives a written request for a public hearing from any interested person, or their authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under “Contact Person” in this notice.

WRITTEN COMMENT PERIOD

Written comments relevant to the action proposed, including those sent by mail, facsimile, or e-mail to the addresses listed under “Contact Person” in this Notice, must be received by the Bureau at its office no later than December 15, 2025, or must be received by the Bureau at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Business and Professions Code (BPC) sections 9882 and 9888.5 and Health and Safety Code (HSC) section 44002, to implement, interpret, and make specific BPC sections 9884.7, 9888.2 and 9888.5, and HSC sections 44002, 44003, 44005, 44010, 44011, 44011.3, 44012, 44012.1, 44013, 44014, 44014.5, 44014.7, 44015 and 44032, the Bureau proposes adopting the following changes to California Code of Regulations (CCR) Title 16, Division 33, Chapter 1, Articles 2.5 and 5.5.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department of Consumer Affairs (DCA), Bureau of Automotive Repair (BAR or Bureau), serves as the state agency responsible for licensing automotive repair dealers (ARDs), Smog Check stations, STAR stations, Vehicle Safety Systems Inspection (VSSI) stations, and their respective inspectors, repair technicians, and adjusters. The mission of both DCA and the Bureau—and therefore the main purpose of any regulatory proposal—is consumer protection, which includes ensuring “all Californians are informed, empowered, and protected.” (DCA, About Us <https://www.dca.ca.gov/about_us/index.shtml> [as of July 30, 2025].)

The Bureau administers and implements the Smog Check Program and the VSSI Program.

The Smog Check Program aims to reduce air pollution from mobile sources, including passenger vehicles, by requiring vehicles to meet specific Smog Check inspection standards. Licensed testing locations determine whether vehicles meet these standards through inspections that include an emissions test. Smog Check inspectors, who are also licensed through the Bureau, conduct these inspections.

Smog Check inspectors use one of two different inspection systems depending on a vehicle's age, weight, and fuel type. The BAR-97 Emissions Inspection System (BAR-97 EIS) primarily measures tailpipe emissions from model year 1999 and older vehicles. The On-Board Diagnostic Inspection System (BAR-OIS) primarily collects electronic emissions control system data from model year 2000 and newer vehicles.

Certified vendors build the BAR-97 EIS and BAR-OIS hardware and software to BAR's specifications, in accordance with Health and Safety Code section 44036 and 16 CCR section 3340.17. BAR certifies inspection equipment that passes its testing for use by Smog Check stations. Certified hardware for both systems includes a biometric component, specifically a palm vein scanner. This scanner prevents unauthorized use of inspection equipment and verifies the identity of the inspector conducting the inspection. Inspectors submit their biometric data to BAR at a station or a BAR field office. BAR encrypts this data immediately upon collection, in accordance with industry best practices, to prevent misuse. The Smog Check Manual requires a camera and biometric device for each BAR-97 EIS and BAR-OIS and lists the required model number for biometric equipment.

The VSSI Program verifies that vehicle safety systems operate as designed. According to the authorizing statute (AB 471, Low, Chapter 372, Statutes of 2021), the VSSI program "promote[s] the safe and uniform installation, maintenance, and servicing of vehicle safety systems and components". The program establishes inspection criteria and standards for specific vehicle safety systems and components, and the issuance of vehicle safety systems inspection licenses to stations and technicians who conduct these inspections.

The VSSI program also uses biometric security measures to prevent fraud. Technicians begin inspections by scanning their palm using a biometric scanner. As with the Smog Check inspection process, this step ensures that the licensed technician associated with the inspection is the individual who actually performs it. VSSI technicians submit their biometric data to the Bureau at a station or a Bureau field office. BAR encrypts the data upon collection, in line with industry best practices, to prevent unauthorized access or misuse.

Fujitsu, the manufacturer of the biometric palm vein scanner listed in the Smog Check Manual and VSSI Manual (Manuals), has developed a new model of the palm vein scanner. The model currently listed in the Manuals is no longer being manufactured.

The Bureau proposes amending the Manuals and existing sections 3311.1 and 3340.45 of Chapter 1 of Division 33 of Title 16 of the California Code of Regulations as follows:

- Update the Smog Check Manual and the VSSI Manual, incorporated by reference in the regulation sections, to read “Fujitsu palm vein scanner sensor model FAT13FPS01 or newer...”, which will allow for the use of both the existing/current model (no longer manufactured but still available and in use) and the new model, as well as the use of any subsequent models Fujitsu makes in the future.
- Amend the regulation sections (CCR sections 3311.1 and 3340.45) to update the version dates of the VSSI Manual and Smog Check Manual, both of which are incorporated by reference.

Documents Incorporated by Reference

- Vehicle Safety Systems Inspection Manual, dated April 2025
- Smog Check Manual, dated April 2025

ANTICIPATED BENEFITS OF THE PROPOSED REGULATION

The Bureau has determined that this regulatory proposal will have the following benefits to the welfare of California residents:

By implementing these regulatory changes, Smog Check and VSSI stations will have the ability to use available approved palm vein scanner models to comply with the biometric equipment standards.

Existing stations will have the option to continue using the original model and will also be able to use a new model if their original one breaks and they are unable to obtain a replacement in the currently approved model, or if they just chose to upgrade to the new model. New stations will be able to choose which version to acquire based on station needs and preferences, as well as availability. The current model is still effective and available, but with the new release, BAR wants to ensure that stations have the option to use the new model as well as the currently approved model.

This regulatory proposal does not affect the health of California residents, worker safety, or the state’s environment.

Evaluation of Consistency and Compatibility with Existing State Regulations

During the process of developing this regulatory proposal, BAR has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

FISCAL IMPACT ESTIMATES

The Bureau has made the following determinations:

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None. The regulations do not result in a fiscal impact to the state.

The Bureau anticipates the implementation, administration, and enforcement of the proposed regulatory changes will have no fiscal impact.

The regulations do not result in costs or savings in federal funding to the state.

Nondiscretionary Costs/Savings to Local Agencies: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500 – 17630 Require Reimbursement: None.

Mandate Imposed on Local Agencies or School Districts: None.

Significant Effect on Housing Costs: None.

BUSINESS IMPACT ESTIMATES:

BAR made the initial determination that the proposed regulations will have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other States. This proposal is intended to ensure that Smog Check and VSSI stations are able to use the most up-to-date equipment.

Cost Impact on Representative Private Person or Business:

The Bureau is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

This proposal is intended to ensure that Smog Check and VSSI stations are able to use the most up-to-date equipment. The newer scanners cost the same as the original, so there will be no economic impact.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

BAR has determined that this regulatory proposal will not:

- (1) create jobs within California;

- (2) eliminate jobs within California;
- (3) create new businesses within California;
- (4) eliminate existing businesses within California; and,
- (5) expand businesses currently doing business in the State of California.

Benefits of Regulation:

The Bureau has determined that this regulatory proposal will have the following benefits to the welfare of California residents:

By implementing these regulatory changes, Smog Check and VSSI stations will have the ability to use available approved palm vein scanner models to comply with the biometric equipment standards.

Existing stations will have the option to continue using the original model and will also be able to use a new model if their original one breaks and they are unable to obtain an exact replacement, or if they just chose to upgrade to the new model. New stations will be able to choose which version to acquire based on station needs and preferences, as well as availability. The current model is still effective and available, but with the new release, BAR wants to ensure that stations have the option to use the new model as well as the currently approved model.

This regulatory proposal does not affect the health of California residents, worker safety, or the state's environment.

Business Reporting Requirements

The regulatory action does not require businesses to file a report with the Bureau.

EFFECT ON SMALL BUSINESS

The Bureau has determined that the proposed regulations will not adversely affect small businesses. Although small businesses owned by licensees of the Bureau may be impacted (positively), this proposal is not anticipated to result in increased workload or costs to small businesses.

This proposal is intended to ensure that Smog Check and VSSI stations are able to use the most up-to-date equipment. The newer scanners cost the same as the original, so there will be no economic impact.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), BAR must determine that no reasonable alternative to this proposed regulatory action it considered, or that has otherwise been identified and brought to its attention, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice,

or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may submit comments, relevant to the above determinations, to the Bureau in writing at 10949 North Mather Boulevard, Rancho Cordova, California 95670 during the written comment period, or at the hearing if one is scheduled or requested.

AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE

The Bureau has compiled a record for this regulatory action, which includes the Initial Statement of Reasons (ISOR), proposed regulatory text, and all the information on which this proposal is based. This material is contained in the rulemaking file and is available for public inspection upon request to the contact persons named in this notice.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, any document incorporated by reference, the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Bureau of Automotive Repair, 10949 North Mather Boulevard, Rancho Cordova, California 95670.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments, the Bureau, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal, with the modifications clearly indicated, will be available for review and written comment for 15 days prior to its adoption from the person designated in this Notice as the Contact Person and will be mailed to those persons who submit written comments or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AVAILABILITY AND LOCATION OF THE RULEMAKING FILE AND THE FINAL STATEMENT OF REASONS

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the person named below.

You may obtain a copy of the Final Statement of Reasons, once it has been prepared, by making a written request to the contact persons named below, or by accessing the website listed below.

CONTACT PERSONS

Inquiries or comments concerning the proposed administrative action may be addressed to:

Holly Helsing
Bureau of Automotive Repair
10949 North Mather Blvd.
Rancho Cordova, CA 95670
Telephone: (916) 403-8600
E-mail: Holly.Helsing@dca.ca.gov

The backup contact person is:

Tessa Miller
Bureau of Automotive Repair
10949 North Mather Blvd.
Rancho Cordova, CA 95670
Telephone: (916) 403-8600
E-mail: Tessa.Miller@dca.ca.gov

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications noted, as well as the Final Statement of Reasons when completed, and modified text, if any, can be accessed through the Bureau's website at [https://www.bar.ca.gov/About BAR/Regulatory Actions.aspx](https://www.bar.ca.gov/About%20BAR/Regulatory%20Actions.aspx).