

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. BUREAU OF AUTOMOTIVE REPAIR

ORDER OF ADOPTION
Mobile and Referral Automotive Repair Dealers

Legend:	Added text is indicated with an <u>underline</u> . Deleted text is indicated by strikeout . Omitted text is indicated by (* * * *)
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Amend sections 3351, 3351.7.1, 3351.7.2, and 3351.7.3 of Article 6.1 of Chapter 1 of Division 33 of Title 16 of the California Code of Regulations to read as follows:

§ 3351. Registration of Automotive Repair Dealers.

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(a)(2)(M) Whether the business will be engaged in mobile automotive repairs. If the applicant answers affirmatively, they shall provide the following:

(i) V~~ve~~hicle license plate number for the vehicle used to perform mobile automotive repairs in accordance with California Code of Regulations, Title 16, Article 6.1 (commencing with section 3351.7.1).

(ii) Physical address where records are maintained and available for inspection and reproduction in accordance with section 3358 of this Chapter. P.O. Boxes, business mailbox services, and virtual mailbox addresses may not be used for this purpose.

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NOTE: Authority cited: Sections 9882, 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, 9884.2, 9884.4, 9884.7 and 9889.52, Business and Professions Code.

§ 3351.7.1. Scope.

(a) The provisions of this article shall apply to automotive repair dealers that engage in the business of mobile automotive repair and do not operate a currently registered place of business within a geographical radius of 50 miles of where the diagnosis or repair of motor vehicles is performed.

NOTE: Authority cited: Sections 9882 and 9884.19, Business and Professions Code. Reference: Sections 9880.1, 9884.6 and 9884.19, Business and Professions Code.

§ 3351.7.2. Definitions.

- (a) “Mobile automotive repair” means the repair of motor vehicles as defined in Business and Professions Code section 9880.1, ~~which relies on a motor vehicle to transport~~ performed by an automotive technician as defined in that same section who, and any along with the tools and equipment necessary, ~~to perform travels to the customer’s location to perform~~ the repair.

NOTE: Authority cited: Sections 9882 and 9884.19, Business and Professions Code. Reference: Section 9880.1, Business and Professions Code.

§ 3351.7.3. Requirements of Mobile Automotive Repair.

- (a) It is unlawful for any person to engage in the business of mobile automotive repair unless that person has registered as an automotive repair dealer in accordance with this chapter and that registration is currently valid.
- (b) A person engaged in the business of mobile automotive repair shall hold a unique registration number for each motor vehicle used to perform mobile automotive repair.
- ~~(c) A person engaged in the business of automotive repair shall clearly display in any Internet-based advertising the following:~~
- ~~(1) Firm Name. The dealer’s firm name as it appears on the State registration certificate as an automotive repair dealer;~~
- ~~(2) Registration Number. The number issued by the Bureau to the dealer as proof of registration as an automotive repair dealer.~~
- ~~(3) Telephone Number. The telephone number shall be the same as that listed for the dealer’s firm name in the Bureau’s records.~~
- ~~(cd)~~ A person engaged in the business of mobile automotive repair shall display, on each motor vehicle used to perform mobile automotive repair, the same information prescribed in ~~subsection (c)~~ section 3371.2(a). The firm name and registration number shall be in a clearly visible location in print type of at least 72 point font or three-quarters of an inch in height and width.
- ~~(de)~~ A person engaged in the business of mobile automotive repair shall provide to every customer, with a copy of the work order as required by Section 9884.7(a)(3) of the Business and Professions Code, a copy of the official automotive repair dealer’s sign that is worded as specified in § 3351.4(a)(1) and that meets the specifications of § 3351.3(b)(1)-(4).
- ~~(ef)~~ A person engaged in the business of mobile automotive repair is subject to

the customer estimate, work order, and invoice requirements of Article 7 and all other provisions of this chapter to the extent they do not conflict with the requirements set forth in this Article.

(1) When performing mobile automotive repair, the automotive repair dealer shall include on the final invoice the street address, city, and zip code, if identifiable, of the location where the repairs were performed if a physical address is available.

(2) If the repairs are performed at a location without a physical address, the automotive repair dealer shall include on the final invoice a description of the location, which may include, but is not limited to, the street and nearest cross-street, a landmark or mile-marker, or freeway on-ramp or off-ramp.

NOTE: Authority cited: Sections 9882 and 9884.19, Business and Professions Code. Reference: Sections 9884.6, 9884.19 and 17505, Business and Professions Code.

Amend section 3371.1 of Article 9 of Chapter 1 of Division 33 of Title 16 of the California Code of Regulations to read as follows:

§ 3371.1. Presumption as an Automotive Repair Dealer.

A person or entity shall be deemed to be an automotive repair dealer as defined by subdivision (a) of section 9880.1 of the Business and Professions Code when such person or entity does one or more of the following:

- (a) Solicits or advertises the repair of motor vehicles by telephone directory, newspaper, periodical, airwave transmission, the Internet, printed handbill, printed business card, printed poster, lettering on motor vehicles, or painted or electric sign, and repairs motor vehicles,~~or.~~
- (b) ~~m~~Maintains an establishment for the repair of motor vehicles where within or outside the establishment is a sign, poster, or other representation which might reasonably lead a member of the public to believe that such establishment performs the repair of motor vehicles,~~or.~~
- (c) ~~H~~Holds a retail sellers permit when such permit has been acquired for the purpose of, or has been used for, obtaining parts for the repair of motor vehicles,~~or.~~
- (d) ~~H~~Holds ~~himself or herself~~ themselves out to the public as an automotive repair dealer and receives a motor vehicle from the public and transmits or renders control of the motor vehicle to another for repair.

- (1) A person will be deemed to be holding ~~himself or herself~~ themselves out to the public as an automotive repair dealer within the meaning of subdivision (d) above when such person solicits such business in a manner which might reasonably lead the public to believe that such person is an automotive repair dealer, or when the person receiving the service is billed on such person's own invoice.

(e) Engages in the business of collecting compensation for automotive repair services that are referred or sublet to another person or entity to perform.

- (1) A person or entity is deemed to be collecting compensation for automotive repair services that are referred or sublet to another person or entity to perform within the meaning of subdivision (e) above when the person or entity:

(A) Is a referral, broker, or concierge service that collects payment for the repairs performed by another person or entity.

(B) Is an online retailer of automotive parts that, in addition to selling parts, arranges for the installation of the parts and the installation is part of the purchase transaction.

- (2) For purposes of this section, engaging in the business of collecting compensation shall mean any payment or other benefit provided to the person or entity that confers value, including discounts, rebates, or gift cards, unless such offer is made to members of the public.

NOTE: Authority cited: Sections 9882 and 9884.19, Business and Professions Code. Reference: Sections 9880.1, 9884.19, 17500 and 17505, Business and Professions Code.

Add section 3371.2 of Article 9 of Chapter 1 of Division 33 of Title 16 of the California Code of Regulations to read as follows:

§ 3371.2. Requirements for Advertising Automotive Repair.

- (a) A person or entity engaged in the business of automotive repair shall clearly display in any Internet-based advertising the following:

- (1) Firm Name. The dealer's firm name as it appears on the State registration certificate as an automotive repair dealer.
- (2) Registration Number. The number issued by the Bureau to the dealer as proof of registration as an automotive repair dealer.

(3) Telephone Number. The telephone number shall be the same as that listed for the dealer's firm name in the Bureau's records.

NOTE: Authority cited: Sections 9882 and 9884.19, Business and Professions Code. Reference: Sections 9884.6, 9884.19 and 17505, Business and Professions Code.