

**DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS DIVISION 33
BUREAU OF AUTOMOTIVE REPAIR**

Notice Of Proposed Regulatory Action Concerning Omnibus Clean Up of Related Regulations

NOTICE IS HEREBY GIVEN that the Bureau of Automotive Repair (“Bureau” or “BAR”) is proposing to take the 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 his or her 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 Monday, December 16, 2024**, or must be received by the Bureau at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 9882, 9884, 9884.4, 9884.7, 9884.9, 9884.19, 9887.1, and 9888.5 of the Business and Professions Code (BPC) and sections 44002 and 40034 of the Health and Safety Code (HSC), the Bureau is considering the following change to the California Code of Regulations (CCR): amending sections 3303, 3312.1, 3312.1.1, 3340.10, 3351, 3351.1, and 3395.8 of Title 16, Division 33, Chapter 1 of the CCR.

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

The Department of Consumer Affairs (DCA), Bureau of Automotive Repair is the state agency charged with licensing automotive repair dealers (ARDs), smog check stations, STAR stations, brake and lamp adjusting 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 Aug. 31, 2023])

In 2021, the Legislature passed Assembly Bill 471 (“AB 471”; Low, Chapter 372, Statutes of 2021), which modified the BPC (adding new sections, and amending or repealing existing sections), requiring the Bureau to develop regulations implementing a new vehicle safety

systems inspection program. This new program “promote[s] the safe and uniform installation, maintenance, and servicing of vehicle safety systems and components.” (BPC section 9888.5.) The program includes inspection criteria and standards for specific vehicle safety systems and components, and the issuance of vehicle safety systems inspection licenses to stations and technicians to conduct inspections of, and repair, vehicle safety systems. Additionally, AB 471 modified BPC section 9888.5(d) to include that these vehicle safety systems inspection licenses replace licenses issued pursuant to existing provisions—governing the licensure of brake and lamp adjusting stations and adjusters—that the bill repealed on the effective date of the new regulations. Modifications to the current regulations are necessary to comply with the requirements of AB 471 and the BPC.

In 2023, the Legislature passed Assembly Bill 1263 (“AB 1263”; Berman, Chapter 681, Statutes of 2023), which set provisions that allow to Bureau to sunset the outdated brake and lamp programs within six months of the new regulations’ effective date. As a result of these provisions, several effected sections regarding current brake and lamp regulations will become inoperative six months after the Vehicle Safety Systems Inspection Program regulations take effect. However, within those sunseting sections exist certain definitions that will still be applicable to the program and therefore need to be added back into regulations. Additionally, several sections that reference these definition sections will need to be amended to cross-reference the new sections where these definitions will be located.

Also, with updates to automotive repair dealer and vehicle safety system applications, it has become necessary to codify a definition for Responsible Managing Employee (RME), a term which has longstanding and critical use within the Bureau and across the industry.

Lastly, references to now-obsolete Health and Safety Code sections are being removed from regulation text.

ANTICIPATED BENEFITS OF PROPOSAL

By implementing these regulatory changes, the Bureau will reinstate definitions that are in CCR sections that will become inoperative six months after the effective date of the Vehicle Safety Systems Inspection program regulations, adding the definitions into existing and current regulation sections in order to provide definitions for terms used throughout BAR’s regulations. The Bureau will also add another definition for a term used in applications, and update cross-references (including removing references to outdated Health and Safety Code sections).

EVALUATION OF CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

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

INCORPORATION BY REFERENCE

None

DISCLOSURES REGARDING THIS PROPOSED ACTION

FISCAL IMPACT ESTIMATES

FISCAL IMPACT ON PUBLIC AGENCIES INCLUDING COSTS OR SAVINGS TO STATE AGENCIES OR COSTS/SAVINGS IN FEDERAL FUNDING TO THE STATE:

The regulations do not result in a fiscal impact to the state.

The amendments are intended to re-implement and clarify existing provisions related to the Vehicle Safety Systems Inspection Program, as specified.

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

The Bureau has determined this regulatory proposal would have no significant statewide adverse economic impact directly affecting businesses, including small businesses and the ability of California businesses to compete with businesses in other states.

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.

RESULTS OF ECONOMIC IMPACT ASSESSMENT / ANALYSIS

The Bureau has determined this regulatory proposal would have no significant statewide adverse economic impact directly affecting businesses, including small businesses and the ability of California businesses to compete with businesses in other states.

IMPACT ON JOBS / BUSINESSES

This regulatory proposal will not create or eliminate jobs within the State of California because it reinstates definitions, adds another definition, and updates cross-references.

This regulatory proposal will not create new business or eliminate existing businesses within the State of California because it reinstates definitions, adds another definition, and updates cross-references.

This regulatory proposal will not affect the expansion of businesses currently doing business within the State of California because it reinstates definitions, adds another definition, and updates cross-references.

BENEFITS OF REGULATION

This regulatory proposal does not affect the health and welfare of California residents, worker safety, or the state’s environment as this proposal is not related to any of those issues.

By implementing these regulatory changes, the Bureau will reinstate definitions that are in CCR sections that will become inoperative six months after the effective date of the Vehicle Safety Systems Inspection program regulations, putting them into existing and current regulation sections in order to provide definitions for terms used throughout BAR’s regulations. The Bureau will also add another definition for a term used in applications, and update cross-references (including removing references to outdated Health and Safety Code sections).

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 this regulatory proposal would have no effect on small businesses. This proposal simply reinstates definitions into current definitions CCR from sections that will become inoperative upon the effective date of the Vehicle Safety Systems Inspection Program regulations, adds another definition for a term used in applications, and update cross-references (including removing references to outdated Health and Safety Code sections).

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Bureau must determine that no reasonable alternative it considered to the regulation 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, 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—in writing to the Bureau at 10949 North Mather Boulevard, Rancho Cordova, CA 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 at 10949 North Mather Boulevard, Rancho Cordova, CA 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 FINAL STATEMENT OF REASONS AND RULEMAKING FILE

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 Person named below or by accessing the website listed below.

CONTACT PERSONS

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

Name: Kayla Shelton
Address: Bureau of Automotive Repair
10949 North Mather Boulevard
Rancho Cordova, CA 95670
Telephone No.: 279-260-2392
E-Mail Address: kayla.shelton@dca.ca.gov

The backup contact person is:

Name: Bill Thomas
Address: Bureau of Automotive Repair
10949 North Mather Boulevard
Rancho Cordova, CA 95670
Telephone No.: 279-260-2403
E-Mail Address: bill.thomas@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://bar.ca.gov/regulatory-actions>.