

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

PROPOSED REGULATORY LANGUAGE:

Decertification of Equipment Manufacturers

Legend:	Added text is indicated with an <u>underline</u> . Omitted text is indicated by (* * * *) Deleted text is indicated by strikeout .
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Amend section 3340.17.1 of Division 33 of Title 16 of the California Code of Regulations to read as follows:

§ 3340.17.1. Decertification of Equipment Manufacturesrs

(a) If the ~~b~~Bureau finds that a BAR-97 EIS or DAD manufacturer, hereinafter referred to as manufacturer, fails to furnish or install required software updates to the BAR-97 EIS or DAD, or to meet the specifications, standards, or requirements as provided in the BAR-97 Emissions Inspection System Specification or the BAR OBD Inspection System Data Acquisition Device Specification incorporated by reference in section 3340.17, the ~~b~~Bureau may decertify the manufacturer's BAR-97 EIS or DAD and prevent the use of the equipment in the California Smog Check Program.

(b) If the ~~b~~Bureau finds cause to decertify a manufacturer's BAR-97 EIS or DAD, the ~~b~~Bureau shall file and serve a notice in writing or by electronic mail to the manufacturer(s). The notice shall contain a summary of the facts and allegations that form the cause or causes for decertification and may be given in any manner authorized by Business and Professions Code Section 124.

(c) If the ~~b~~Bureau receives a written or electronic request for a hearing from the manufacturer within five (5) days from the date of service, a hearing shall be held as provided for as follows:

(1) The ~~b~~Bureau shall hold a hearing within ten (10) days of the date on which the ~~b~~Bureau received a timely request for a hearing and notify the manufacturer of the time and place of the hearing.

(2) The hearing shall be limited in scope to the time period, facts, and allegations specified in the notice prepared by the ~~b~~Bureau.

(d) The manufacturer shall be notified of the determination by the chief, or the chief's designee, who shall issue a decision and notify the manufacturer within ten (10) days of the close of the hearing.

(e) The manufacturer may request an administrative hearing in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code to contest the decision of the chief or the chief's designee within 30 days of the date of the determination by the chief, or the chief's designee.

Note: Authority cited: Section 44036, Health and Safety Code; and Section 124, Business and Professions Code. Reference: Sections 11340, 11370, 11500 and 11505, Government Code.