

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

STATEMENT OF CHANGES WITHOUT REGULATORY EFFECT:

Decertification of Equipment Manufacturers

The purpose of this document is to satisfy the requirements under California Code of Regulations (CCR), Title 1, section 100, subdivision (b)(1) by providing a written statement to the Office of Administrative Law (OAL) explaining why the following proposed regulatory changes to CCR, Title 16, section 3340.17.1 are without regulatory effect.

CCR, Title 1, section 100 (section 100) creates an exception to the formal rulemaking requirements of the Administrative Procedure Act (APA) for proposed regulatory changes that do not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provision. Section 100 provides a non-exhaustive list of regulatory changes that are without regulatory effect, including a regulatory change which revises structure, syntax, cross-reference, grammar, or punctuation (§100(a)(4)).

Pursuant to section 3340.17.1 of Article 5.5 of Chapter 1 of Division 33 of Title 16 of the California Code of Regulations, the Bureau of Automotive Repair (Bureau) can decertify Smog Check equipment and prevent its use in the Smog Check Program if the equipment manufacturer fails to furnish or install required software updates to the equipment, or to meet the specifications, standards, or requirements in section 3340.17. The section also details the process by which the Bureau will provide notice to the manufacturer if the Bureau finds cause to decertify equipment, and the procedures following a manufacturer's request for a hearing with the Bureau and for an administrative hearing.

The following proposed regulatory changes are without regulatory effect pursuant to section 100, subdivision (a)(4) and subject to the approval of OAL, the Bureau proposes revising text published in the CCR as follows:

1. Change the spelling of “Manufactures” to “Manufacturers”.

Editing the spelling of “Manufacturers” in the title of the regulation section is a grammatical change made as part of an effort to “[revise] structure, syntax, cross-reference, grammar, or punctuation” within the meaning of CCR section 100(a)(4).

2. Capitalize the “B” in the word “bureau”.

Capitalizing “Bureau” is a grammatical change made as part of an effort to “[revise] structure, syntax, cross-reference, grammar, or punctuation” within the meaning of CCR section 100(a)(4). “Bureau” is a term defined in CCR section 3340.1 and inconsistent capitalization may result in misinterpretation of the lower case “bureau”.

3. Remove comma.

Removing the comma after “chief” in subdivision (d) is a punctuation change made as part of an effort to “[revise] structure, syntax, cross-reference, grammar, or punctuation” within the meaning of CCR section 100(a)(4).

4. Remove comma and add apostrophe.

Removing the comma after “chief” and adding an apostrophe to change “chiefs” to “chief’s” in subdivision (e) are punctuation changes made as part of an effort to “[revise] structure, syntax, cross-reference, grammar, or punctuation” within the meaning of CCR section 100(a)(4).