

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. BUREAU OF AUTOMOTIVE REPAIR

INITIAL STATEMENT OF REASONS
Towing Authorization Requirement

Hearing Date: No hearing scheduled

Subject Matter of Proposed Regulations: Towing Authorization Requirement

Sections Affected: 3353 and 3356 of Article 7 of Chapter 1 of Division 33 of Title 16 of the California Code of Regulations (CCR)

Background and Statement of the Problem:

The Department of Consumer Affairs (DCA), Bureau of Automotive Repair (Bureau or BAR) is the state agency charged with licensing automotive repair dealers (ARD), Smog Check stations, STAR stations, Vehicle Safety Systems Inspection (VSSI) Stations, and their respective inspectors and repair technicians. Pursuant to Article 1 of Chapter 20.3 of Division 3 of the Business and Professions Code (BPC) (commencing with section 9880), the Bureau regulates automotive repair and has the authority to adopt, amend, and repeal rules and regulations as necessary. 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 [as of October 12, 2026].)

This proposal will amend existing regulations related to invoicing for towing services. The proposed revisions will require that 1) towing fees be explicitly authorized by the customer prior to a towing service being performed, 2) towing fee and repair authorizations be on separate documents for ARDs that maintain a motor carrier permit, and 3) storage-related and/or towing-related charges be listed as separate line items on an invoice.

The Bureau proposes amending sections 3353 and 3356 of Chapter 1 of Division 33 of Title 16 of the CCR as follows:

- If an ARD performs a towing service, or contracts with another party to perform a towing service, the amount of any towing fees the ARD will charge shall be disclosed to and authorized by the customer prior to the towing service being performed.
- An ARD that maintains a motor carrier permit pursuant to Vehicle Code section 34620 shall obtain any towing fee authorization from a customer on a document separate from any repair authorization.
- Invoices issued by the ARD shall list storage-related and towing-related charges as separate line items.

Anticipated benefits from this regulatory action:

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

- 1) Towing fees will be explicitly authorized by the customer prior to the towing service being performed—not merely before payment is received. This will promote transparency by ensuring there is no surprise billing.
- 2) If the ARD has a motor carrier permit, the towing fee authorization shall be documented on a separate form from the repair authorization. This will prevent hidden or bundled charges inside a repair authorization and ensure the customer understands towing is a distinct service, not automatically included with repairs.
- 3) Invoices issued by the ARD shall list storage-related and/or towing-related charges as separate line items. This promotes transparency, as customers can see exactly what they are being charged for and makes it easier to identify overcharges.

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

Specific purpose of, and rationale for, each adoption, amendment, or repeal:

Amend subdivision (e) of section 3353 as follows:

- 1. Change “provides” to “performs a towing service” and change “for” to “with another party that performs”.**

Purpose: Include more clarifying terms to make the regulation less ambiguous.

Rationale: The term “provides” can be ambiguous and may be interpreted to exclude situations where the dealer directly performs the tow. “Performs” makes clear that the provision applies when the dealer physically conducts the towing service.

The changes are necessary to clarify that the requirement applies both when the ARD directly performs the towing service and when the dealer arranges for another party to perform the towing service, and thereby eliminates ambiguity and prevents circumvention based on how the service is characterized or structured.

- 2. Add “and the automotive repair dealer will charge the customer a fee(s) for that towing service”.**

Purpose: To make this section only apply when the ARD charges the customer for the towing service.

Rationale: This change is necessary to clarify that the authorization requirement applies only when the ARD intends to charge the customer for the towing service, thereby distinguishing this from circumstances in which no fee will be imposed and avoiding unnecessary authorization requirements where no charge is assessed.

3. Add “amount of any” towing fees and “the automotive repair dealer will charge”.

Purpose: To require that the ARD must inform the customer of the amount of any fees the ARD will charge.

Rationale: This change is necessary for transparency and to ensure disclosure of the specific dollar amount to be charged by the ARD, rather than the ARD making a general reference to fees, thereby ensuring clarity, transparency, and informed customer authorization prior to the towing service being performed.

4. Add “and authorized by”.

Purpose: To ensure that when an ARD performs or contracts for a towing service, the towing fee amounts to be charged are not only provided to the customer but are also explicitly authorized by the customer.

Rationale: This addition is necessary for transparency to consumers and to clarify that it is not sufficient for an ARD to simply present the amount of the towing fees to be charged to the customer; the customer must actively authorize the charges. A customer may choose to decline the towing service based on the cost. Therefore, any ARD that provides or contracts for a towing service shall obtain prior fee authorization from the customer.

5. Delete the dashes.

Purpose: Remove unnecessary dashes that could lead to confusion.

Rationale: This nonsubstantive change is necessary for clarity within the regulation.

6. Change “prior to receiving payment for those services” to “prior to the towing service being performed.”

Purpose: To require that towing fee amounts are both provided to and authorized by the customer prior to the towing service, rather than merely before the ARD receives payment.

Rationale: This is necessary to ensure transparency to consumers, and that the towing fees are provided to and authorized by the customer prior to the tow actually happening. If the original language remains, it could allow the tow to occur and fees to be presented only afterward, undermining consumer protection. Customers have the right to know

and authorize towing charges before the service takes place, not just after the service is completed.

7. Add/insert subdivision (2), to begin “Any towing fee authorization an automotive repair dealer that maintains a motor carrier permit under Vehicle Code section 34620 obtains from a customer shall be”.

Purpose: To clarify that the towing fee authorization shall be documented separately from the repair authorization only if the ARD maintains a motor carrier permit.

Rationale: This change is necessary to prevent hidden or bundled charges inside a repair authorization and ensures the customer understands towing is a distinct service, not automatically included with repairs.

8. Change “repair estimate or invoice” to “repair authorization.”

Purpose: To require that the towing authorization is separate from any repair authorization, not just from the repair estimate or invoice.

Rationale: This change is necessary to clarify that towing authorization must be separate from the repair authorization itself, ensuring customers independently authorize towing services and repairs.

9. Add the sentence: “This subdivision does not apply to a towing service necessary to transport the vehicle as part of a sublet repair pursuant to subdivision (f) of this section, or to transfer the vehicle to a different location for purposes of storage pursuant to section 3351.8.1(c) of this Chapter”.

Purpose: To clarify that this section does not apply if the tow is part of a sublet repair or the transfer of the vehicle to a different location for storage purposes.

Rationale: This addition is necessary so that the subdivision does not apply to towing services performed as part of a sublet repair because, pursuant to subdivision (f) of this section, an ARD shall include with the estimate a statement of any sublet repair to be performed on the vehicle.

This addition is also necessary so that the subdivision does not apply to transferring a vehicle for storage because, pursuant to section 3351.8.1(c), an ARD shall not charge the customer for moving the vehicle between locations unless the customer authorizes the charge to transfer the vehicle to a different location.

10. Delete “pursuant to Vehicle Code section 22651.07(a)(3) and the Towing and Storage Fees and Access Notice in Vehicle Code section 22651.07(e).”

Purpose: To remove statutory references that no longer align with the revised language.

Rationale: This Vehicle Code section refers specifically to an "invoice" which the proposed changes above remove. As such, the reference is no longer relevant or necessary under the updated regulatory framework and should be removed.

11. Delete the last sentence: "Authorization for towing fees shall be obtained separate and apart from any authorization for repair work."

Purpose: To remove a sentence that, following the proposed revisions, would be inconsistent with the proposed new regulatory language.

Rationale: The change is necessary to repeal language that would be inconsistent with the proposed regulatory language. The revised language establishes when separate authorization for towing is required—specifically, when the towing occurs prior to the start of any repair. As such, leaving in this sentence could result in confusion.

Amend subdivision (c) of section 3356 as follows:

1. Add a comma after the word "describe".

This change is non-substantive because it is a punctuation change as part of an effort to "[revise] structure, syntax, cross-reference, grammar, or punctuation" within the meaning of Title 1, California Code of Regulations section 100(a)(4).

2. Add subdivision (7) to state "Any storage-related charges".

Purpose: To ensure that customers will receive an invoice with storage services separately listed.

Rationale: This addition is necessary for transparency, ensuring consumers are informed of all storage-related charges by requiring these charges to be included as separate line items on invoices.

3. Add subdivision (8) to state "Any towing-related charges".

Purpose: To ensure that customers will receive an invoice with towing services separately listed.

Rationale: This addition is necessary for transparency, ensuring consumers are informed of all towing-related charges by requiring these charges to be included as separate line items on invoices.

4. Add Vehicle Code section 22561.07 to the reference note.

Vehicle Code section 22561.07 should be added as a reference because that section defines itemized invoice and refers to what is required on towing and storage invoices. This change is non-substantive because it is “changing an ‘authority’ or ‘reference’ citation for a regulation” within the meaning of Title 1, California Code of Regulations section 100(a)(5).

Underlying Data: None

Business Impact:

The Bureau has made the initial determination that 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.

This initial determination is based on the fact that the amendments are intended to provide additional clarity and promote transparency, consistent with current law and existing practice. The Bureau anticipates licensees will be able to comply with the proposed regulations within normal business operations and without incurring additional workload or costs.

Economic Impact Assessment:

The Bureau has determined that this regulatory proposal will not:

- (1) Create or eliminate jobs within California because the amendments will only modify existing regulations related to authorization and invoicing for towing services;
- (2) Create new businesses or eliminate existing businesses within California because the amendments will only modify existing regulations related to authorization and invoicing for towing services;
- (3) Expand businesses currently doing business in the State of California because the amendments will only modify existing regulations related to authorization and invoicing for towing services; or
- (4) Affect the health of California residents, worker safety, or the state’s environment because the amendments will only modify existing regulations related to authorization and invoicing for towing services.

The regulatory amendments will require that towing fees be explicitly authorized by the customer prior to a towing service being performed, towing fee and repair authorizations be on separate documents for ARDs that maintain a motor carrier permit, and storage-related and towing-related charges be listed as separate line items on an invoice.

Specific Technologies or Equipment:

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives:

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Bureau would be more effective in carrying out the purpose for which the regulation was proposed, as effective and less burdensome to affected private persons than the adopted regulation, or more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Set forth below is the alternative that was considered and the reason the alternative was rejected:

Alternative 1: The Bureau considered taking no action. However, with no action, towing fees wouldn't have to be explicitly authorized by the customer prior to a towing service being performed, towing fee and repair authorizations wouldn't be separate for ARDs that maintain a motor carrier permit, and storage-related and/or towing-related charges wouldn't be listed as separate line items on an invoice.

Description of reasonable alternatives to the regulation that would lessen any adverse impact on small business: No such alternatives have been proposed, however, the Bureau welcomes comments from the public.