
AUTOMOTIVE REPAIR DEALER CITATION PROGRAM



MATHEW GIBSON
ENFORCEMENT OPERATIONS BRANCH
REGULATORY WORKSHOP
JULY 15, 2021

PURPOSE OF REGULATIONS

- This proposed regulation would give BAR the ability to:
 - Create an Automotive Repair Dealer citation program that is consistent with existing citation programs for Smog Check licensees and Unlicensed Activity.
 - Address violations of the Automotive Repair Act that do not rise to the level of an administrative action through the issuance of a citation.
 - Define “Negligence” in automotive repair.
 - Make other minor clarifying changes.

PROPOSED REGULATION TEXT (1 OF 10)

ARTICLE 11.3 Administrative Citations and Fines for Automotive Repair Act Violations

CCR § 3394.50 Authority to Issue Citations, Fines, and Orders of Abatement to Automotive Repair Dealers

- (a) The bureau chief or his/her designee is authorized to determine when and against whom a citation will be issued and to issue citations containing orders of abatement and fines for a violation by licensees of Chapter 20.3 of Division 3 of the California Automotive Repair Act (Business and Professions Code section 9880, et seq.) or any regulation adopted by the Bureau.

PROPOSED REGULATION TEXT (2 OF 10)

- (b) Each citation shall be in writing and shall describe with particularity the nature and facts of the violation, including a reference to the statute or regulations alleged to have been violated. The citation shall be served upon the individual personally or by certified mail.

PROPOSED REGULATION TEXT (3 OF 10)

CCR § 3394.51 Administrative Fine Amounts, Orders of Abatement, and Citable Offenses for Licensed Auto Repair Dealer Violations

- (a) The Chief or his/her designee may issue a citation containing an order of abatement without issuing a fine for the first violation of any provision set forth below in subsection (b). A citation may include a fine from one hundred dollars (\$100) to five thousand dollars (\$5000). In assessing a fine or an order of abatement, the Bureau shall consider the following:
- (1) Gravity of the violation
 - (2) Good faith of the licensee
 - (3) Violation history
 - (4) “Factors in Aggravation and In Mitigation” of the “Guidelines For Disciplinary Orders and Terms of Probation” as referenced in section 3395.4

PROPOSED REGULATION TEXT (4 OF 10)

(b) The Chief or his/her designee may issue a citation for violation of any of the following provisions:

Trade Standards

CCR § 3360.2	Ball Joints
CCR § 3361.1	Automatic Transmissions
CCR § 3362.1	Engine Changes
B&P § 9882.14/ CCR § 3363.4	Ignition Interlock Devices
CCR § 3364	Vehicle Identification Information
CCR § 3365	Auto Body and Frame Repairs
CCR § 3365.1	Automotive Windshields
CCR § 3366	Automotive Air Conditioning

PROPOSED REGULATION TEXT (5 OF 10)

Trade Standards (continued)

CCR § 3367 Inflatable Restraint Systems; Airbags

CCR § 3368 Commissions, Considerations,
Inducements, or Referral Fees;
Towing Services

Equipment Requirements

CCR § 3351.5 Auto Body Repair Shops

CCR § 3351.6 Air Conditioning Repair Dealers

Negligence

CCR § 3351.7 (new)

Inaccurate Invoices

CCR § 3356.1 (new)

Maintenance of Records

B&P § 9884.11/CCR 3358

PROPOSED REGULATION TEXT (6 OF 10)

(c) A citation that lists multiple violations shall not exceed five thousand dollars (\$5000) as specified by Business and Professions Code section 125.9. A citation issued under this section shall be separate from and in addition to any other administrative, civil, or criminal remedies.

CCR section 3394.53 Contested Citations and Request for Formal Citation Hearing for Automotive Repair Dealers

(a) If a person cited wishes to contest the citation, that person shall, within 30 days after service of the citation, file in writing a request for an administrative hearing to the Bureau as specified by Business and Professions Code section 125.9.

(b) If a hearing is not requested pursuant to this section, payment of any fine shall not constitute an admission of the violation charged. Hearings shall be held pursuant to Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

PROPOSED REGULATION TEXT (7 OF 10)

CCR § 3356.1 Inaccurate Invoices

An automotive repair dealer shall not create an invoice that is inaccurate in the recording of service and repair work performed, and/or parts supplied.

PROPOSED REGULATION TEXT (8 OF 10)

CCR § 3351.7 Negligence

- (a) An automotive repair dealer shall not commit negligence in the maintenance of and/or repairs to a motor vehicle.
- (b) “Negligence” means deviation from an ordinary standard of care that could foreseeably result in injury or harm to a consumer, personal property, or the public during or as a result repairing a motor vehicle.

PROPOSED REGULATION TEXT (9 OF 10)

CCR § 3358 Maintenance of Records

Pursuant to Section 9884.11 of the Business and Professions Code, each automotive repair dealer shall maintain, in either written or electronic form, legible copies of the following records for at least three years:

* * * *

(d) All such records shall be open for reasonable inspection and/or reproduction by the Bureau or other law enforcement officials during normal business hours.

PROPOSED REGULATION TEXT (10 OF 10)

(1) Failure to maintain and make such records open for reasonable inspection and/or reproduction when requested by the Bureau as part of a consumer complaint investigation may be grounds for disciplinary action or issuance of a citation.

* * * *

QUESTIONS AND COMMENTS

Submit questions and/or comments to:

Mathew Gibson, Program Manager I

Bureau of Automotive Repair

10949 N. Mather Boulevard

Rancho Cordova, CA 95670

Phone: (916) 403-8060

Email: mathew.gibson@dca.ca.gov