
SMOG CHECK EQUIPMENT SECURITY AND FRAUD PREVENTION



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PROPOSED REGULATION CHANGES

- Adds a biometric security solution to a licensed Smog Check inspector's use of the BAR-97 EIS and BAR-OIS
 - Blocks unlicensed use of the Smog Check inspection equipment
 - Positively authenticates the licensed inspector and ties them to the inspection
- Adds remote access to the BAR-97 EIS and BAR-OIS
 - Allows BAR to interrupt and interact with the licensed inspector
 - Helps licensed station receive BAR assistance
 - Helps BAR investigate suspect activity

PROPOSED REGULATION CHANGES (Continued)

- Stations cannot have an electronic device or data source, also known as an on-board diagnostic (OBD) simulator
 - Simulators are used to substitute actual emissions control system data from the vehicle's computer that would otherwise cause the vehicle to fail an inspection
 - No legitimate business need for this type of device in a Smog Check station
- Allows BAR access to stations any time inspections are occurring

PROPOSED REGULATION BENEFITS

- Deters unauthorized usage of confidential access code information and positively connects the licensed inspector to the inspection
- Provides the evidence necessary to identify and prosecute individuals involved in the unauthorized and fraudulent use of Smog Check equipment
- Smog Check inspectors will be better protected from unauthorized use of their access information, as will station owners who can be held liable for unauthorized inspections occurring at their station
- Protects consumers by ensuring that only properly trained and licensed inspectors are inspecting vehicles at licensed stations

PROPOSED REGULATION TEXT

- **Amend Section 3340.15(g)**

(g) A Smog Check station shall afford the ~~the~~ Bureau or its representative reasonable access during normal business hours ~~to the station for the bureau's quality assurance efforts to evaluate the effectiveness of tests and/or repairs made to vehicles subject to the Smog Check Program.~~ and any time inspections and/or repairs are being performed for the purpose of performing an examination of the station pursuant to Health and Safety Code Section 44035(b).

- Provides BAR the authority to access any Smog Check Station when inspections are occurring

PROPOSED REGULATION TEXT (Continued)

- **Amend Section 3340.41(f)**

(f) Smog Check inspectors must have their biometric data collected and identity verified at a BAR field office or during a BAR station visit prior to biometric use during inspections. When prompted by the EIS or OIS software, the licensee shall authenticate their identity for purposes of authorizing their access to the EIS and OIS using a biometric device model specified in the Smog Check Manual. Upon proven incompatibility with the biometric system, BAR may allow the traditional use of the inspectors license number and access code.

- Requires inspector to enroll with BAR prior to biometric use
- Requires biometric use when performing BAR-OIS and BAR-97 EIS inspections

PROPOSED REGULATION TEXT (Continued)

- **Amend Section 3340.41(g)**

(g) When prompted by the EIS or OIS software, the BAR licensee shall permit BAR and/or a BAR designee remote access to view and record audio, video, pictures, and text relating to the inspection.

- Requires the station to allow BAR remote access to their BAR-OIS and BAR-97 web camera and microphone to investigate or help
- BAR can only access if prompt accepted

PROPOSED REGULATION TEXT (Continued)

- **Amend Section 3340.41(h)**

(h) No licensed station shall have on the premises at any time any electronic device or software that could be used for changing or replacing a vehicle's data. No licensed inspector shall use during a Smog Check inspection any electronic device or software for changing or replacing a vehicle's data.

- Device or software used for changing a vehicle's OBD data is not allowed in station
- Inspector shall not use a device or software to change or replace a vehicle's OBD data

PROPOSED REGULATION TEXT (Continued)

- **Amend Section 3340.41(i)**

(i) Failure to comply with section 3340.15(f) or subsections (b), (c), (g) or (h) of this section may result in disabling EIS or OIS communication to the VID and/or directing the vehicle to have its next inspection performed at a BAR Referee facility.

- BAR can disable analyzer for not using the biometric device, tampering the analyzer, false data entry, not allowing remote access, possessing a device used to change a vehicle's data

PROPOSED REGULATION TEXT (Continued)

- **Amend Section 3394.26**

Administrative fines with a minimum \$1,000 and maximum \$5,000 added for:

- 3340.41(g) failing to allow BAR remote access to the analyzer when prompted by the software
- 3340.41(h) having on the premises or using during a Smog Check inspection a device or software for changing or replacing a vehicle's data

PROPOSED REGULATION TEXT (Continued)

- **Amend Section 3340.45**

~~(a)~~ All Smog Check inspections shall be performed in accordance with requirements and procedures prescribed in the following:

~~(1)~~ Smog Check Manual, dated ~~2013~~October 2020, which is hereby incorporated by reference. ~~This manual became effective on or after January 1, 2013. This manual shall remain in effect until subparagraph (2) is implemented.~~

~~(2)~~ Smog Check Manual, dated ~~November 2, 2017~~, which is hereby incorporated by reference. ~~This manual shall become effective on August 2, 2018.~~

- Updates Smog Check Manual version from 2017 to 2020

PROPOSED SMOG CHECK MANUAL

Vehicle Identification

1.1.0 Inspector Access

~~Entering both an Inspector's license number and access code provide~~Use of a biometric device, as specified in the Required Equipment/Materials table in Section 1.8.0, provides access into the BAR-97 Emissions Inspection System (EIS) or OBD Inspection System (OIS) Smog Check inspection menu, as applicable. Follow the EIS or OIS prompts to access the Smog Check inspection mode.

- Requires specific model of a biometric device to be used in lieu of inspector's access code

PROPOSED SMOG CHECK MANUAL (Continued)

Vehicle Identification

1.1.0 Inspector Access

BAR or a BAR authorized representative shall use a biometric device to collect inspector biometric data and shall verify the identity using a government issued ID of an applicant or licensee for purposes of authorizing access to perform inspections using the EIS or OIS.

- Requires BAR to verify a licensee's identity and enroll them with a biometric device prior to their use of a biometric device when performing inspections
- BAR Referee may assist with enrollment as a "BAR authorized representative"

PROPOSED SMOG CHECK MANUAL (Continued)

Vehicle Identification and Access

Inspector Access 1.1.0

~~The~~ An access code is assigned by BAR and is unique to each licensed inspector. Upon proven incompatibility with the biometric system, BAR may allow an access to the BAR-97 EIS or BAR-OIS using the inspector's license number and BAR assigned access code. In such cases, ~~Each~~ each inspector must maintain the security of his or her access code. Disclosure of one's access code or use of another inspector's access code or license information is prohibited and such conduct will result in disciplinary action.

PROPOSED SMOG CHECK MANUAL (Continued)

Vehicle Identification

Inspector Access 1.1.0

If the security of an inspector's access code has been compromised, or they suspect another person is using their access code, they must contact their local BAR field office immediately.

- BAR can allow continued use of access code in lieu of the biometric device for proven need

PROPOSED SMOG CHECK MANUAL

(Continued)

1.7.4 Virtual Hands-On Inspection

BAR or its designee may remotely interrupt a BAR-97 EIS or BAR-OIS inspection and ask the user to permit access to the computer and web camera, as specified in the Required Equipment/Materials table in Section 1.8.0, to perform a virtual hands-on inspection for purposes of observing the inspection process. During the virtual hands-on inspection, BAR may record screen shots, still images, video, text chat, and audio.

- BAR may interrupt an inspection and ask for access.
- If denied, BAR may disconnect the analyzer or the inspector may be subject to fines ranging from \$1,000 to \$5,000 per occurrence

PROPOSED SMOG CHECK MANUAL (Continued)

1.8.0 Equipment and Reference Materials Table

- BAR Certified Equipment: OBD Inspection System (OIS) with hardware and software necessary to conduct OBD inspections.
- BAR Certified Equipment: Data Acquisition Device (DAD) with hardware and software necessary to conduct OIS inspections.
- Only the DAD portion of the OIS is considered BAR certified equipment

PROPOSED SMOG CHECK MANUAL (Continued)

1.8.0 Equipment and Reference Materials Table

Web Camera required in: STAR Test Only, Test Only, STAR Test and Repair, Test and Repair (all but Repair Only stations)

Web Camera required on both BAR-97 EIS and BAR-OIS

- Minimum web camera performance specifications:
 - External camera hardwired to the OIS computer
 - autofocus, automatic light correction,
 - built-in noise canceling microphone,
 - USB 3.0 compliant,
 - full HD (1920 x 1080 pixels) video recording and video calling at a minimum of 30 frames per second (FPS),
 - H.264 video compression.

Note: a single USB 3.0 extension cable is permitted to extend the camera's cable up to an additional 15 feet.

PROPOSED SMOG CHECK MANUAL (Continued)

1.8.0 Equipment and Reference Materials Table

- Web camera with built in microphone used with remote access software on BAR-OIS and BAR-97 EIS to allow BAR to communicate with inspectors.
- Camera meeting these requirements costs up to \$150
- No BAR-OIS software cost
- BAR-97 software cost unknown
 - depends on what type of software is needed, and whether the station leases or owns the equipment

PROPOSED SMOG CHECK MANUAL (Continued)

1.8.0 Equipment and Reference Materials Table

Biometric Device: For every OIS and EIS, Fujitsu palm vein scanner sensor model FAT13FPS01 with 2 meter long USB 2.0 (A) Male to (B) Micro - USB Cable

- Specific biometric device model with cable required
- Biometric kit with sensor, cable, hand guide costs about \$400
- No BAR-OIS software cost
- BAR-97 software cost unknown
 - depends on how the software is built (off the shelf or integrated into EIS), and whether the station leases or owns the equipment

PROPOSED SMOG CHECK MANUAL (Continued)

BAR Certified Equipment: Fuel cap, tester, adapters, and adapter guide.	✓	13	✓	13
<p>Web Camera: For every OIS and EIS, an external web camera hardwired to the OIS computer that meets the following requirements: autofocus, automatic light correction, built-in noise canceling microphone, USB 3.0 compliant, full HD (1920 x 1080 pixels) video recording and video calling at a minimum of 30 frames per second (FPS), H.264 video compression. Note: a single USB 3.0 extension cable is permitted to extend the camera's cable up to an additional 15 feet.</p>	✓	✓	✓	✓
Biometric Device: For every OIS and EIS, Fujitsu palm vein scanner sensor model FAT13FPS01 with 2 meter long USB 2.0 (A) Male to (B) Micro - USB Cable .	✓	✓	✓	✓

PUBLIC COMMENTS

QUESTIONS AND COMMENTS

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