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# LEGISLATION AND REGULATIONS UPDATE

DEPARTMENT OF CONSUMER AFFAIRS

**BAR**

Bureau of Automotive Repair

HOLLY O'CONNOR  
BAR EXECUTIVE OFFICE  
BAR ADVISORY GROUP MEETING  
JANUARY 27, 2022

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# LEGISLATION IMPORTANT DATES

- **January 1, 2022** – Chaptered bills took effect.
- **January 3, 2022** – Legislature reconvened.
- **January 21, 2022** – Bills introduced in 2021 must have passed out of the first house to continue forward, or they died.
- **April 18, 2022** – Legislature reconvenes from Spring Recess.

\* Disclaimer: Though every effort is made to ensure information provided on these slides is the most current, given the nature of the legislative process, hearing dates or bill summaries shown here may not reflect the latest updates. Please be sure to check [www.leginfo.legislature.ca.gov](http://www.leginfo.legislature.ca.gov) for the most current bill information.

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# 2021 LEGISLATIVE BILLS CHAPTERED

- AB 471 (Low): Administration/Citations/Safety Inspections (Chapter 372, Statutes of 2021)
- SB 586 (Bradford): Peace Officers: Certification (This bill was revised on September 10, 2021 and all provisions that pertained to the Bureau were removed.)
- SB 607 (Min and Roth): Business and Professions (Chapter 367, Statutes of 2021)

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# 2022 LEGISLATIVE BILLS

- AB 220 (Voepel): Smog Check Exemption
- AB 294 (Santiago): Vehicle Towing and Storage Act
- AB 467 (Grayson): Historic Vehicles Exemption
- AB 646 (Low): Expunged Convictions
- AB 745 (Gipson): Clean Cars 4 All Program
- AB 1622 (Chen and Lackey): Smog Check Program: Catalytic Converter Theft

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# AB 220 (VOEPEL): SMOG CHECK EXEMPTION

- Status: Amended and re-referred to Assembly Committee on Transportation on April 14, 2021.
- Summary: This bill would exempt motor vehicles manufactured between 1976 and 1983 from Smog Check if the owner can provide proof that the vehicle is insured as a collector car.
- Exemption currently applies to pre-1976 vehicles.

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# AB 294 (SANTIAGO): VEHICLE TOWING AND STORAGE ACT (1 of 3)

- Status: Passed by Assembly Transportation Committee and Re-referred to Business and Professions Committee on January 10, 2022.
- Summary: This bill would do the following:
  - Establish a 9-member Vehicle Storage and Tow Board (VTSB) within DCA to:
    - Issue permits (upon payment of annual fee) to any business that tows and/or stores a vehicle.
      - Example: ARD storage of a vehicle after total loss determination by an insurance company.
    - Maintain a public database of permit holders.

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# AB 294 (SANTIAGO): VEHICLE TOWING AND STORAGE ACT (2 of 3)

- Resolve disputes and make determinations (including assessment of penalties) associated with the tow and storage of vehicles.
  - Exceptions: (1) tow/storage charges for tows initiated by motor clubs holding a certificate of authority pursuant to Insurance Code; and (2) tow/storage charges based on a written agreement between vehicle owner and the business.
- Enforce the Act's provisions.
- Repeal existing law that deems storage fees reasonable if they are comparable to storage-related rates and fees charged by other facilities in the same locale.

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# AB 294 (SANTIAGO): VEHICLE TOWING AND STORAGE ACT (3 of 3)

- Instead, towing and storage fees would be capped by the daily storage rates charged by CHP in a geographic region in response to other public agency requests.
- Add VTSB authority information to the current *Towing and Storage Fees and Access Notice*.
  - Notice (and permit) must be posted in plain view of the public (with copies of Notice readily available) at facilities that charge for towing and/or storage.
  - ARDs that do not provide towing services are exempt from the Notice posting requirements.
- Establish penalties up to \$10,000 for each violation.



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# AB 467 (GRAYSON): HISTORIC VEHICLES EXEMPTION (1 of 2)

- Status: Re-referred to Assembly Committee on Transportation on January 4, 2022.
- Summary: This bill would exempt from Smog Check all motor vehicles that have been issued a license plate in accordance with Vehicle Code section 5004.
  - Exemption would apply to vehicle owners who obtained a special identification plate for the following types of vehicles operated or moved over the highway for purpose of historic exhibition:
    - A motor vehicle with an engine of 16 or more cylinders manufactured prior to 1965;

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# AB 467 (GRAYSON): HISTORIC VEHICLES EXEMPTION (2 of 2)

- A motor vehicle manufactured prior to 1923;
- A vehicle manufactured after 1922, is at least 25 years old, and is of historic interest.
  - A vehicle is of historic interest if it is collected, restored, maintained, and operated by a collector or hobbyist principally for purposes of exhibition and historic vehicle club activities.

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# AB 646 (LOW): EXPUNGED CONVICTIONS

## (1 of 2)

- Status: Re-referred to Assembly Committee on Appropriations on March 23, 2021. Hearing set on April 21, 2021; postponed on May 20, 2021.
- Summary: This bill would require DCA Boards/Bureaus to do the following when a person's license is revoked due to a criminal conviction and the person has obtained an expungement:
  - If the person reapplies for licensure or has been relicensed, post notification of expungement order on Board/Bureau website.

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# AB 646 (LOW): EXPUNGED CONVICTIONS

## (2 of 2)

- If the person is not currently licensed and does not apply for relicensure, remove the initial website posting of the license revocation.
- Authorizes the DCA Boards/Bureaus to collect a fee not to exceed the reasonable cost of administering this section.

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# AB 745 (GIPSON): CLEAN CARS 4 ALL PROGRAM

- Status: Re-referred to the Committee on Appropriations April 27, 2021. Hearing set on May 12, 2021; postponed on May 20, 2021.
- Summary: This bill would require the Air Resources Board to provide vouchers to low-income persons living in disadvantaged communities. The vouchers would be used to purchase zero-emission vehicles that fail their Smog Check inspection. The repair cost of each replaced vehicle must be greater than the maximum amount provided by BAR's Consumer Assistance Program.

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# AB 1622 (Chen and Lackey) Smog Check Program: Catalytic Converter Theft

- Status: Introduced on January 10, 2022
- Summary: This bill would require the department to provide the licensed smog check station with a sign, that shall be conspicuously posted, informing customers about strategies for deterring catalytic converter theft, including etching of identifying information on the catalytic converter. This bill would authorize stations to offer and recommend to customers the etching as an optional service provided in conjunction with the smog check.

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# BAR REGULATION PROPOSALS

- Smog Check Equipment Security and Fraud Prevention
- STAR Program Updates
- Smog Check Repair Assistance
- Laws and Regulations Training
- Auto Body Equipment and Supplemental Restraint Systems
- Citations for Automotive Repair Dealers
- Storage Fees for Automotive Repair Dealers
- Auto Body and Windshield Repair

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# SMOG CHECK EQUIPMENT SECURITY AND FRAUD PREVENTION

- Purpose: (1) Require the use of biometric and web camera devices when performing a Smog Check. (2) Require that Smog Check stations allow BAR access whenever inspections are being performed, even if the inspections occur outside normal business hours. (3) Require that Smog Check inspectors allow BAR staff remote access to the inspection process, via the internet, when prompted by the BAR-OIS software.
- History: Public workshop held on October 22, 2020. Public hearing and ended on November 12, 2021.
- Status: Final package with FSOR submitted to OAL on December 31, 2021.
- Next Steps: Finalize package with OAL for adoption.



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# STAR PROGRAM UPDATES

- Purpose: (1) Amend STAR eligibility criteria; (2) provide STAR suspension process consistent with statute; and (3) delete outdated Gold Shield Program provisions.
- History: Public comment period ended on August 10, 2021.
- Status: Final package with FSOR submitted to OAL on December 7, 2021.
- Next Steps: Finalize package with OAL for adoption.

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# SMOG CHECK REPAIR ASSISTANCE

- Purpose: Increase Smog Check repair assistance participation by: (1) providing higher repair contributions based on vehicle model year; (2) reducing pre-repair diagnostic fees for low-income vehicle owners; and (3) removing unnecessary eligibility restrictions pertaining to vehicle registration.
- History: Emergency regulation was approved by OAL and extends through January 29, 2022. Public comment period ended on August 3, 2021.
- Status: Final package with FSOR submitted to OAL on December 9, 2021.
- Next Steps: Finalize package with OAL for adoption.

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# LAWS AND REGULATIONS TRAINING

- Purpose: Amend BAR Disciplinary Guidelines to establish laws and regulations training as a rehabilitative option for Respondents. Administrative Law Judges and BAR would have the option to require, as a condition of probation or relicensure, training in compliance with the Automotive Repair Act and BAR regulations.
- History: Public comment period ended on June 2, 2021. Public comment period for Modified Text ended on June 28, 2021.
- Status: Final package with FSOR submitted to OAL on November 2, 2021.
- Next Steps: Finalize package with OAL for adoption.

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# AUTO BODY EQUIPMENT AND SUPPLEMENTAL RESTRAINT SYSTEMS (1 of 2)

- Purpose:
  - Require autobody repair shops to have access to all repair, testing, and measuring equipment and current reference materials necessary to diagnose, section, replace, or repair structural damage.
  - Require that all auto body repair equipment meets current trade standards for the work being performed.
  - Update language to broaden vehicle restraint system to include supplemental restraint system and its components.

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# AUTO BODY EQUIPMENT AND SUPPLEMENTAL RESTRAINT SYSTEMS (2 of 2)

- History: Internal workgroup established November 2018. Public workshop held on April 18, 2019. Second workshop held on October 27, 2019.
- Status: Submitted to DCA for formal review on March 17, 2021. BAR addressed DCA Legal issues on August 25, 2021.
- Next Steps: Complete DCA formal review. Publish Notice with OAL to begin 45-day public comment period.

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# CITATIONS FOR AUTOMOTIVE REPAIR DEALERS (1 OF 2)

- Purpose:
  - Expand BAR's citation program to cover ARD violations of the Automotive Repair Act by specifying citable sections, establish a fee structure for citations, and clarify regulatory language under existing Articles 11.1 (Smog Check) and 11.2 (Unlicensed Activity).
  - Specifies the process in which to contest a citation and request a citation review conference.
  - BAR may offer an automotive repair dealer remedial training to prevent public disclosure of a citation.

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# CITATIONS FOR AUTOMOTIVE REPAIR DEALERS (2 OF 2)

- History: Public workshop held on April 22, 2021. Second workshop held on July 15, 2021.
- Status: Submitted to DCA Legal for informal review on December 20, 2021.
- Next Steps: Third workshop scheduled for January 27, 2022.

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# STORAGE FEES FOR AUTOMOTIVE REPAIR DEALERS

- Purpose:
  - Establish and clarify an ARD's ability to charge fees for unpaid repair debt and storage and safekeeping of a motor vehicle.
- History: AB 471 chaptered on September 29, 2021.
- Status: Public workshop held on October 21, 2021.
- Next Steps: Hold a second public workshop.



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# AUTO BODY AND WINDSHIELD REPAIR

## (1 OF 2)

- Purpose:
  - Define “reconditioned part” for purposes of auto body and windshield repair.
  - Require all auto body and windshield repair meet current accepted trade standards for good and workmanlike repair.
  - Specify use of nationally distributed updated service specifications or guidelines in cases where there are no OEM service specification repair procedures or guidelines.
- History: Public workshop held on October 21, 2021.

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# AUTO BODY AND WINDSHIELD REPAIR

## (2 OF 2)

- Status: Working to address comments received at the October 21, 2021 Workshop.
- Next Steps: Hold a second public workshop and submit to DCA Legal for informal review.

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# QUESTIONS AND COMMENTS

Submit questions and/or comments to:

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