

BUREAU OF AUTOMOTIVE REPAIR

STAR PROGRAM UPDATES

Title 16, California Code of Regulations, Sections 3340.1, 3340.16, 3340.16.5, 3340.41, 3392.1, 3392.2, 3392.2.1, 3392.3, 3392.3.1, 3392.4, 3392.5, 3392.5.1, 3392.6, and 3392.6.1.

Legend: Deleted text is indicated by ~~strikeout~~
Added text is indicated with an underline
Omitted text is indicated by (* * * *)

(1) Amend Article 5.5, Chapter 1, Division 33, Title 16, California Code of Regulations as follows:

§ 3340.1. Definitions.

“Acceleration Simulation Mode” or “ASM” means a type of vehicle emissions test conducted with the test vehicle on a chassis dynamometer to simulate on-road acceleration operating conditions.

“Advanced emission specialist technician” means an individual licensed by the ~~b~~Bureau, prior to August 1, 2012, to inspect, diagnose, adjust, repair, and certify the emissions control systems on vehicles subject to the Smog Check Program at Smog Check stations in all areas of the state.

“After repairs test” means a test performed on a vehicle after repairs have been made to that vehicle as a result of failing an inspection at a Smog Check station.

“Alternative fuel retrofit system” means an aftermarket system certified by the California Air Resources Board to be installed on a vehicle to operate on an alternate fuel, in lieu of the fuel type specified by the original vehicle manufacturer.

“ARD-exempt heavy-duty station” means a Smog Check test-and-repair station or a Smog Check test-only station that only tests and/or repairs commercial vehicles which have a gross vehicle weight rating of 10,000 pounds or greater.

~~“Basic area” or “Basic vehicle inspection and maintenance program area” means the Smog Check Program conducted in any area of the state which is not classified as an enhanced vehicle inspection and maintenance program area.~~

“BAR-97 Emissions Inspection System” or “EIS” means tamper-resistant test equipment meeting the requirements of subsection (a) of section 3340.17 of the California Code of Regulations and is certified by the ~~b~~Bureau for use in the Smog Check Program. The EIS collects and measures emissions data, and where applicable On-Board Diagnostics (OBD) data, then transmits inspection results to the Vehicle Information Database.

“Basic area” or “Basic vehicle inspection and maintenance program area” means the Smog Check Program conducted in any area of the state that is not classified as an enhanced vehicle inspection and maintenance program area.

“Basic area technician” means an individual licensed by the Bureau, prior to August 1, 2012, to inspect, diagnose, adjust, repair, and certify the emissions control systems on vehicles subject to the Smog Check Program at Smog Check stations in areas of the state designated as basic vehicle inspection and maintenance program areas.

“Bureau” or “BAR” means the Bureau of Automotive Repair.

“Chassis dynamometer” is a treadmill-like device for a vehicle that is used to simulate on-road acceleration operating conditions.

“Clean gassing” means introducing a substitute gas into the EIS, so that the EIS will measure either the substitute or a mixture of the substitute gas and exhaust emissions rather than the actual vehicle emissions, in order to cause the EIS to issue a certificate of compliance for the test vehicle.

“Clean piping,” for the purposes of Health and Safety Code section 44072.10(c)(1), means the use of a substitute exhaust emissions sample in place of the actual test vehicle's exhaust in order to cause the EIS to issue a certificate of compliance for the test vehicle.

“Clean plugging” means using a substitute vehicle's OBD system, or another source, to generate data readings or diagnostic information in order to cause the OIS to issue a certificate of compliance for the test vehicle.

~~“Comparative Failure Rate” or “CFR” means that the station's failure rate, under the Gold Shield Program, must be comparable to the test-only station failure rate for all non-directed vehicles of the same model year. The station's failure rate, using initial tests, by model year, of non-directed vehicles is applied to an industry-wide failure rate for test-only stations, calculated quarterly by smog check program area, using initial tests, by model year, of non-directed vehicles inspected, and includes an allowable deviation to compensate for the random distribution of passing and failing vehicles based upon a 95 percent confidence level. This paragraph shall remain in effect through December 31, 2012.~~

“Consumer Assistance Program” or “CAP” means a program of the Bureau of Automotive Repair that provides eligible motor vehicle owners the options of Repair Assistance and Vehicle Retirement.

“Directed vehicle” means a vehicle that is required to be inspected at a STAR-certified station because it either has an elevated likelihood of smog check failure or is selected at random, pursuant to sections 44010.5 or 44014.7 of the Health and Safety Code respectively.

“Dismantler” means an automobile dismantler, as defined in Section 220 of the Vehicle Code and licensed pursuant to Section 11500 of the Vehicle Code, who has contracted with the Bureau to retire vehicles from operation.

“Engine change” means the installation of an engine in a vehicle that is different from the vehicle manufacturer original configuration as certified by the United States Environmental Protection Agency or California Air Resources Board.

“Enhanced area” or “Enhanced vehicle inspection and maintenance program area” means the Smog Check Program conducted in any part of an urbanized area of the state which is classified by the Environmental Protection Agency as a serious, severe, or extreme nonattainment area for ozone or a moderate or serious nonattainment area for carbon monoxide with a design value greater than 12.7 ppm.

“Equipment platform” means the type of equipment, either EIS or OIS, used to perform a Smog Check inspection.

“Excessive Test Deviation Rate” occurs under any of the following circumstances in a calendar quarter:

- (1) The rate for which the ignition timing test is not performed exceeds the statewide average for similar vehicles where 90% of similar vehicles received the test.
- (2) The rate for which the fuel cap test is not performed exceeds the statewide average for similar vehicles where 90% of similar vehicles received the test.
- (3) The rate for which the low-pressure fuel evaporative test is not performed exceeds the statewide average for similar vehicles where 90% of similar vehicles received the test.
- (4) The rate for which the OBDII ~~inspection test~~ is not performed exceeds the statewide average for similar vehicles where 90% of similar vehicles received the test.
- (5) The rate for which inspections are aborted exceeds 125% of the statewide average for similar vehicles on ~~test inspection~~ equipment of the same manufacturer.
- (6) The rate for which inspections are restarted exceeds 125% of the statewide average for similar vehicles.
- (7) The rate for which ~~vehicles are initially inspected with the maximum allowable number of OBDII readiness monitors unset, as specified in Section 3340.42.2 (b),~~ inspections are performed using the incorrect equipment platform exceeds 125% of the statewide average for similar vehicles.

“Follow-up Pass Rate” or “(FPR)” means a performance measure that evaluates whether vehicles previously certified by each station or ~~technician~~ inspector are passing, in their current cycle, at higher than expected rates. Expected rates are calculated by averaging passing rates for similar vehicles, and then adjusting the rates to account for

an individual vehicle's odometer reading, the type of ~~emissions~~ inspection (ASM or TSI) performed in the current inspection cycle on the vehicle, the amount of time since the last certification for the vehicle, and the initial test results in the previous inspection cycle. An FPR score is assigned to both ~~licensed~~ Smog Check stations and ~~technicians~~inspectors, and is based on the current inspection cycle test results of vehicles that were previously certified by stations and ~~technicians~~inspectors. An FPR score ranges from zero to one, with zero representing the lowest possible score and one representing the highest possible score. FPR data reports are updated in January and July each year. Stations and ~~technicians~~inspectors with insufficient inspection histories from which to calculate an FPR score will not receive an FPR score.

“Gaseous fuel” means fuel composed of propane, liquefied natural gas, or compressed natural gas.

“Gear Shift Incident” means an inspection where data from the VID indicates the ~~technician~~inspector did not follow the gear selection procedure specified in the Smog Check Manual that is incorporated by reference in Section 3340.45 of this Chapter.

~~“Gold Shield station” means a registered Automotive Repair Dealer who is also a smog check test and repair station which has been certified by the department and meets all the requirements specified in Article 10 of these regulations. This paragraph shall remain in effect through December 31, 2012.~~

“Heavy-duty vehicle” means a vehicle with a manufacturer's gross vehicle weight rating of 8,501 pounds or more.

“Household” means a family of persons or any group of two or more unrelated persons that reside together and share common living expenses.

“Implementation area” means a geographical area, in which a local district has requested implementation of a biennial inspection program pursuant to section 44003 of the Health and Safety Code.

“Initial ~~test~~inspection” means the first Smog Check inspection of a vehicle done in official test mode or pre-test mode and performed within one hundred eighty (180) days prior to a registration renewal date or a change of ownership date for that vehicle. An initial ~~test~~inspection does not include ~~tests~~inspections that are aborted before completion or ~~tests~~inspections done in the training or manual modes of the EIS.

“Inspector” or “Smog Check inspector” means an individual licensed by the Bureau to inspect and certify the emissions control systems on vehicles subject to the Smog Check Program in all areas of the state.

“Inspector Information Table” means the Bureau's electronic list of licensed inspectors authorized to perform official Smog Check inspections at a specific station.

“Non-directed vehicle” means a vehicle that is not required to be inspected at a STAR-certified station because it either does not have an elevated likelihood of smog check failure or is not selected at random pursuant to Sections 44010.5 or 44014.7 of the Health and Safety Code.

“OB Inspection System” or “OIS” consists of an OBD Data Acquisition Device or (DAD) working in conjunction with commercial off-the-shelf computer, bar code scanner, data entry device, and printer. The DAD is the test inspection equipment that meets the requirements of subsection (b) of section 3340.17 of the California Code of Regulations and is certified by the Bureau for use in the Smog Check Program. The DAD facilitates OBD data transfer between the inspected vehicle and the OIS computer. The OIS computer relays inspection information to and from the DAD to the Vehicle Information Database (VID).

“On-Board Diagnostics” or “OBD” means the automotive electronic system that uses onboard computer(s) to monitor emission systems in-use, detects malfunctions of the monitored emission systems, illuminates a malfunction indicator light (MIL) to notify the vehicle operator of detected malfunctions, and stores fault codes identifying the detected malfunctions.

“On-Board Diagnostics II” or “OBD II” means the second generation of On-Board Diagnostics consisting of standardized monitors, vehicle connectors, and data found in most light duty vehicles sold in California beginning with the 1996 model year.

“Program” or “Smog Check Program” means the motor vehicles inspection program conducted pursuant to section 44005 of the Health and Safety Code, and as hereby described in this article.

“Referee” or “Smog Check Referee” means a facility under contract with BAR to provide independent evaluations of vehicles and services for vehicles with unusual inspection circumstances or as required by the Bureau.

“Repair Assistance” means a component of the Consumer Assistance Program (CAP) that provides financial assistance for emissions-related repairs to help eligible motor vehicle owners bring their vehicles into compliance with the requirements of the Smog Check Program.

“Repair-only station” or “Smog Check repair-only station” means a station licensed by the Bureau to diagnose and repair vehicles in the Smog Check Program.

“Repair technician” or “Smog Check repair technician” means an individual licensed by the Bureau to diagnose, adjust, and repair the emissions control systems on vehicles subject to the Smog Check Program at Smog Check stations in all areas of the state.

“Revivable Junk Receipt” means a receipt showing proof that the vehicle is recorded and titled as “junked” by the Department of Motor Vehicles.

~~“Similar Vehicle Failure Rate” or “SVFR” means a calendar quarter comparison of the initial test failure rate of vehicles at an individual station to the initial test failure rate for similar vehicles inspected statewide, taking into account the vehicle odometer reading, the time since passing the last inspection, and the initial test results in the previous cycle. Vehicles for which data is not available to adequately establish an initial test failure rate will not be used in the SVFR calculation. This paragraph shall become effective July 1, 2012.~~

~~“Similar vehicles” means vehicles with the same Vehicle Lookup Table Row ID, or at a minimum, vehicles with the same model-year, make, and engine displacement.~~

~~“Smog Check Inspector” or “Inspector” means an individual licensed by the bureau to inspect, and certify the emissions control systems on vehicles subject to the Smog Check Program in all areas of the state.~~

~~“Smog Check Program” or “program” means the motor vehicles inspection program conducted pursuant to section 44005 of the Health and Safety Code, and as hereby described in this article.~~

~~“Smog Check Referee” or “Referee” means a facility under contract with BAR to provide independent evaluations of vehicles and services to accommodate vehicles with unusual inspection circumstances.~~

~~“Smog Check repair only station” or “repair only station” means a station licensed by the bureau to diagnose and repair vehicles in the Smog Check Program.~~

~~“Smog Check Repair Technician” or “Repair Technician” means an individual licensed by the bureau to diagnose, adjust, and repair the emissions control systems on vehicles subject to the Smog Check Program at Smog Check stations in all areas of the state.~~

~~“Smog Check station” or “station” means a Smog Check test-only station, a Smog Check test and repair station, or a Smog Check repair only station licensed by the bureau in the Smog Check Program.~~

~~“Smog Check technician” or “technician” means an individual who holds a Smog Check repair technician and/or inspector licenses pursuant to section 3340.28 of this article.~~

~~“Smog Check test and repair station” or “test and repair station” means a Smog Check station licensed by the bureau to test, inspect, diagnose and repair vehicles in the Smog Check Program.~~

~~“Smog Check test only station” or “test only station” means a Smog Check station licensed by the bureau to test and inspect vehicles in the Smog Check Program.~~

~~“STAR” means a voluntary certification program that applies to an registered Automotive Repair Dealer that is also a licensed as either a Smog Check test-and-~~

repair station or a Smog Check test-only station that meets all requirements specified in Article 10 of these regulations~~this Chapter~~.

“Station” or “Smog Check station” means a Smog Check test-only station, a Smog Check test-and-repair station, or a Smog Check repair-only station licensed by the Bureau in the Smog Check Program.

~~“Technician Information Table” means the bureau’s electronic list of licensed technicians authorized to perform official Smog check inspections at a specific station.~~

“Test-and-repair station” or “Smog Check test-and-repair station” means a Smog Check station licensed by the Bureau to test, inspect, diagnose, and repair vehicles in the Smog Check Program.

“Test Deviation” occurs under any of the following conditions:

- (1) The station fails to inspect ignition timing on a vehicle that ~~requires~~ should receive this test.
- (2) The station fails to perform the fuel cap test on a vehicle that ~~requires~~ should receive this test.
- (3) The station fails to perform the low-pressure fuel evaporative test on a vehicle that ~~requires~~ should receive this test.
- (4) The station fails to perform an OBDII ~~test inspection~~ on a vehicle that requires this test ~~should receive an OBDII inspection~~.
- (5) The station aborts ~~an~~ a Smog Check inspection.
- (6) The station restarts ~~an~~ a Smog Check inspection.
- (7) ~~The station performs an initial inspection on a vehicle with the maximum allowable number of OBDII readiness monitors unset, as specified in Section 3340.42.2 (b).~~ The station performs a Smog Check inspection using the incorrect equipment platform.

“Test-only station” or “Smog Check test-only station” means a Smog Check station licensed by the Bureau to test and inspect vehicles in the Smog Check Program.

“Two-Speed Idle” or “TSI” means a type of vehicle emissions test conducted with the vehicle transmission in neutral or park while the engine is run at two different engine speeds.

“Vehicle Information Database” or “VID” means a centralized computer database and computer network, which is readily accessible by all ~~licensed~~ Smog Check technicians~~inspectors~~ on a real time basis.

“Vehicle Inspection Report” or “VIR” means an official Smog Check inspection report that is printed from an OIS or EIS and given to the registered vehicle owner(s) or their legal representative.

“Vehicle Retirement” means a component of the Consumer Assistance Program (CAP) that provides payments to eligible motor vehicle owners who choose to voluntarily retire their vehicles from operation rather than make emissions-related repairs to bring the vehicles into compliance with the requirements of the Smog Check Program.

“Vehicle Look Up Table” or “VLT” means a reference table continuously maintained by BAR and available for review on request used to determine test parameters necessary to perform a BAR-97 inspection, including the type of inspection, vehicle test weight, and vehicle emission cutpoints. Vehicles in the table are identified by factors such as vehicle body type, model year, make, model, engine displacement, and fuel type.

“VLT Row ID” means the ~~ψ~~Vehicle ~~l~~Lookup ~~†~~Table row identification number that identifies a vehicle using information about its body type, model-year, make, model, engine displacement, and transmission type.

Note: Authority cited: Sections 44001.5, 44002, 44072.10,~~44094~~ and 44095, Health and Safety Code; and Section 9882, Business and Professions Code.

Reference: Sections 44001.3, 44005, 44010.5, 44011, 44012, 44014, 44014.2, 44014.5, 44017, 44017.1, 44030, 44036, 44037.1, 44056, 44062.1, 44070, 44072.10, 44092, 44093, 44094 and 44103, Health and Safety Code; ~~Sections 220 and 11500, Vehicle Code; and Section 11505, Government Code.~~

§ 3340.16. Test-Only Station Requirements.

(a) A ~~s~~Smog ~~e~~Check test-only station shall meet the requirements for equipment and materials as specified in the Smog Check Manual referenced in section 3340.45.

(b) A ~~s~~Smog ~~e~~Check test-only station shall post conspicuously, in an area frequented by consumers, a notice to the effect that the station is licensed to test vehicles only and cannot make any required diagnosis or repairs to a vehicle ~~which~~that has failed a ~~s~~Smog ~~e~~Check test.

(c) A ~~s~~Smog ~~e~~Check test-only station shall not engage in any automotive repair ~~work~~.

~~(d) Effective through December 31, 2012, no smog check test-only station may refer a consumer to a particular automotive repair dealer or provider of smog check repair services. The test-only station shall make available to each customer a list prepared by the bureau of all smog check stations in that region licensed to make repairs of vehicular emission control systems, which shall include licensed stations certified under the Gold Shield program. Stations and technicians are prohibited from altering or~~

~~revising the list supplied by the bureau. For the purpose of this subsection, the term “make available” means to grant access to.~~

~~(e)(d)~~ Effective January 1, 2013, ~~n~~No ~~s~~Smog eCheck test-only station may refer a consumer to a provider of repair services in which the owner of the test-only station has a financial interest.

(1) A financial interest includes any ownership in both automotive repair dealers, or any compensation for business referrals by either station including, but not limited to, direct payment, barter agreements, or “quid pro quo” arrangements.

(2) The test-only station shall provide consumers with instructions regarding how to access on the ~~b~~Bureau's website an updated list, compiled by region, of stations licensed to make repairs of vehicular emission control systems, including STAR test-and-repair stations.

~~(f)~~ Effective through December 31, 2012, ~~a smog check test-only station shall not have ownership in, corporate interest in, nor any other financial interest in a smog check test-and-repair station within a geographical radius of 50 statute miles of the test-only station.~~

~~(g)(e)~~ A ~~s~~Smog eCheck station owned either wholly or partially by the same party(s) that owns any automotive repair dealer ~~that provides repair services, which is located adjacent to, or in the same business park, strip mall, or industrial complex as the first automotive repair dealer,~~ shall not qualify as a test-only station.

Note: Authority cited: Sections 44001.5, 44002, ~~44013~~, 44014.2, and 44014.5 and ~~44036~~, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 44010, 44012, 44013, 44014, 44014.2, 44014.5, 44014.6, 44015, 44017.1, 44033, 44036 and 44037.1, Health and Safety Code.

§ 3340.16.5. Test-and-Repair Station Requirements.

(a) A ~~s~~Smog eCheck test-and-repair station shall meet the requirements for equipment and materials as specified in the Smog Check Manual referenced in section 3340.45.

(b) A ~~s~~Smog eCheck test-and-repair station that has accepted a vehicle for inspection shall disclose both orally and in writing on the written estimate provided pursuant to ~~S~~Section 9884.9 of the Business and Professions Code, before the initial inspection of the vehicle, if the vehicle is potentially affected by any of the following conditions:

(1) The station does not have adequate equipment, personnel, tools or reference materials to repair the vehicle, should the vehicle fail its inspection; or

(2) The station, as a matter of policy, does not repair certain types, makes or models of vehicles; or

(3) The station, as a matter of policy, does not repair certain types of vehicle inspection failures.

~~(c) Effective through December 31, 2012, a smog check test and repair station shall not refer a consumer to a particular test-only station for the testing and certification of a vehicle that has been directed to a test-only station for its biennial smog check pursuant to Section 44010.5 and 44014.7 of the Health and Safety Code. Test and repair stations shall make available to each customer that presents a test-only directed vehicle for initial testing a list prepared by the bureau of those smog test-only stations in that region licensed to perform initial tests of, and to certify test-only directed vehicles. Stations and inspectors and/or repair technicians are prohibited from altering or revising the list supplied by the bureau. For the purpose of this subsection, the term “make available” means to grant access to.~~

~~(d)~~(c) Effective January 1, 2013, a A sSmog eCheck test-and-repair station ~~may~~shall not refer a consumer to a STAR-certified station in which the owner of the test-and-repair station has a financial interest for the purpose of having the vehicle inspected pursuant to Ssections 44010.5 and 44014.7 of the Health and Safety Code.

(1) A financial interest includes any ownership in both stations, or any compensation for business referrals by either station including, but not limited to, direct payment, barter agreements, or “quid pro quo” arrangements.

(2) Stations that are not STAR-certified shall provide consumers with instructions regarding how to access on the ~~b~~Bureau's website an updated list, compiled by region, of STAR-certified ~~s~~Smog eCheck stations.

~~(e) Effective through December 31, 2012, a smog check test and repair station shall not have ownership in, corporate interest in, nor any other financial interest in a smog check test-only station within a geographical radius of 50 statute miles of the test and repair station.~~

Note: Authority cited: Sections 44002, 44014.2, 44014.5, Health and Safety Code; and Section 9882, Business and Professions Code.

Reference: Sections 44012, 44014.5(e), 44014.6, 44030(b) and 44036(b), Health and Safety Code.

§ 3340.41. Inspection, Test, and Repair Requirements.

(a) A ~~licensed~~Smog Check station shall give a copy of the ~~test~~inspection report printed from the ~~BAR 97 Emissions Inspection System or the OBD Inspection System~~EIS or OIS to the customer. ~~The report shall be attached~~ by attaching it to the customer's invoice.

(b) No person shall enter into the ~~BAR 97 Emissions Inspection System or the OBD Inspection System~~ any access or qualification number other than as authorized by the

~~b~~Bureau into the EIS or OIS, nor in any way tamper with the ~~BAR-97 Emissions Inspection System or the OBD Inspection System~~EIS or OIS.

(c) No person shall enter into the ~~BAR-97 Emissions Inspection System or the OBD Inspection System~~ any vehicle identification information or emission control system identification data for any vehicle other than the one being tested into the EIS or OIS. Nor shall any person knowingly enter into the ~~BAR-97 Emissions Inspection System or the OBD Inspection System~~EIS or OIS any false information about the vehicle being tested.

(d) The specifications and procedures required by ~~S~~section 44016 of the Health and Safety Code shall be the vehicle manufacturer's recommended procedures for emission problem diagnosis and repair or the emission diagnosis and repair procedures found in industry-standard reference manuals and periodicals published by nationally recognized repair information providers. Smog ~~e~~Check test-and-repair and repair-only stations and ~~smog check~~repair technicians shall, at a minimum, follow the applicable specifications and procedures when diagnosing defects or performing repairs for vehicles that fail a ~~s~~Smog ~~e~~Check testinspection.

(e) ~~Effective January 1, 2013, a~~ ~~s~~Smog ~~e~~Check station ~~may~~shall not perform an initial testinspection, except for an official pre-test, on any vehicle or issue a certificate of compliance to any vehicle that has been directed to a STAR station for its biennial ~~s~~Smog ~~e~~Check pursuant to ~~S~~sections 44010.5 or 44014.7 of the Health and Safety Code, unless the station is certified as a STAR station pursuant to ~~S~~sections 44014.2 or 44014.5 of the Health and Safety Code. The reinspection and certification of a directed vehicle that has failed an initial test at a STAR station and has undergone subsequent repairs to correct the cause of the failure shall be performed by a STAR station.

Note: Authority cited: Sections 44002, 44014.2, and 44014.5, ~~44016 and 44030~~, Health and Safety Code; and Section 9882, Business and Profession Code.

Reference: Sections 44010.5, 44012, 44014, 44014.2, 44014.5, 44014.6, 44014.7, 44016, 44030, 44036(a) and (b), 44050 and 44051.5, Health and Safety Code.

(2) Amend Article 10, Chapter 1, Division 33, Title 16, California Code of Regulations, as follows:

ARTICLE 10. ~~GOLD SHIELD~~STAR PROGRAM

~~§ 3392.1. Gold Shield Program (GSP).~~

~~This section shall remain in effect through December 31, 2012. The Gold Shield Program is a voluntary program that permits any licensed Smog check test-and-repair station, which meets or exceeds the standards established pursuant to this article to obtain a certification that may be publicly displayed and otherwise advertised.~~

(a) ~~The purposes of the Gold Shield program are to:~~

~~(1) Reduce the complexity of the Smog check Program by allowing Smog check stations certified as Gold Shield stations to offer consumers a wider array of inspection and repair services.~~

~~(2) Encourage consumer confidence in the required emissions inspections and repairs by the establishment of inspection and repair standards that stations must meet or exceed to receive and retain certification from the Bureau.~~

~~(3) Improve the identification and repair of high-emitting vehicles to enhance the effectiveness of the Smog check Program.~~

~~(4) Contribute to the emissions reductions objectives required by the State Implementation Plan and federal standards.~~

~~Note: Authority cited: Sections 44001.5, 44002 and 44014.2, Health and Safety Code.
Reference: Sections 44002 and 44014.2, Health and Safety Code.~~

~~§ 3392.2. Responsibilities of Smog Check Stations Certified as Gold Shield.~~

~~This section shall remain in effect through December 31, 2012.~~

~~(a) Smog check test and repair stations certified as Gold Shield stations shall provide the following services to the public:~~

~~(1) State subsidized emissions-related repairs, under the terms and conditions of a contract executed pursuant to Section 3394.2, as a component of the Bureau's Consumer Assistance Program established pursuant to Article 11 of this Division. This paragraph shall not apply to those stations located in change of ownership program areas.~~

~~(2) The certification of vehicles previously identified as gross polluters.~~

~~(3) For Gold Shield stations with a complete BAR-97 Emissions Inspection System capable of performing enhanced area loaded-mode inspections pursuant to paragraph (1) of subdivision (a) of Section 44003 of the Health and Safety Code, irrespective of their program area location, the initial testing and certification of vehicles directed to Test-Only stations pursuant to Sections 44010.5 or 44014.7 of the Health and Safety Code.~~

~~(4) For Gold Shield stations with a complete BAR-97 Emissions Inspection System capable of performing enhanced area loaded-mode inspections pursuant to paragraph (1) of subdivision (a) of Section 44003 of the Health and Safety Code, irrespective of their program area location, the after-repairs certification of failed vehicles that were directed to and initially tested at Test-Only stations pursuant to Sections 44010.5 or 44014.7 of the Health and Safety Code provided that the vehicles are repaired at the Gold Shield station.~~

~~(5) For Gold Shield stations located in basic or change of ownership program areas that do not perform enhanced area loaded mode inspections pursuant to paragraph (1) of subdivision (a) of Section 44003 of the Health and Safety Code, the certification of vehicles registered in enhanced areas if the vehicles were purchased by a licensed Department of Motor Vehicles Motor Vehicle Dealer, as defined in Section 285 of the Vehicle Code, with the intent of offering the vehicles for sale upon the dealer's premises that are located in basic or change of ownership areas. Gold Shield stations authorized pursuant to this paragraph shall not issue a certificate of compliance to a vehicle registered in an enhanced area that is required to have an enhanced area test if the vehicle is owned by an entity other than a Motor Vehicle Dealer licensed by the Department of Motor Vehicles.~~

~~(b) All emissions-related repairs at a Gold Shield station shall be performed in a good and workmanlike manner and in accordance with the procedures specified by the vehicle manufacturer or by repair standards generally accepted by the industry.~~

~~(c) A Gold Shield station shall display an exterior sign that meets the following specifications:~~

~~(1) The dimensions of the sign shall be 24 inches wide and 30 inches high.~~

~~(2) The sign shall be made of 0.040-inch aluminum, steel, or plastic.~~

~~(3) The Bureau shall supply a camera-ready design and content of the sign.~~

~~(d) A Gold Shield station may advertise those services authorized by subsection (a), other than by displaying the sign specified in subsection (c).~~

~~(e) A Gold Shield station shall allow bureau personnel reasonable access to the station for the on-site inspection of vehicles where repairs are still in progress or have been completed and the vehicles remain on the premises. The inspections shall be for the purpose of evaluating the appropriateness and effectiveness of the repairs performed by the station.~~

~~Note: Authority cited: Sections 44001.5, 44002, 44010.5, 44014.2 and 44095, Health and Safety Code. Reference: Sections 44010.5, 44014, 44014.2 and 44092, Health and Safety Code.~~

§ ~~3392.2.1~~3392.1. Required Services and Equipment of STAR Stations.

~~This section shall become effective January 1, 2013.~~

~~(a) Both STAR-certified test-only and test-and-repair stations shall provide the following services to the public:~~

~~(1) The certification of vehicles previously identified as gross polluters.~~

~~(2) For STAR stations with a complete BAR-certified Emissions Inspection System capable of performing enhanced area ASM inspections on all vehicles subject to Smog Check pursuant to Sections 44003 and 44003.5 of the Health and Safety Code, irrespective of their program area location, perform t~~The testing and certification of vehicles requiring inspection pursuant to Sections 44010.5 or 44014.7 of the Health and Safety Code, regardless of the station's program area location.

~~(3) For STAR stations located in basic or change of ownership program areas that do not perform ASM inspections pursuant to Sections 44003 and 44003.5 of the Health and Safety Code, are authorized to perform the testing and certification of vehicles registered in enhanced areas only if the vehicles were purchased by a licensed Department of Motor Vehicles motor vehicle dealer, as defined in Section 285 of the Vehicle Code, with the intent of offering the vehicles for sale upon the dealer's premises located in a basic or change of ownership area. STAR stations authorized pursuant to this paragraph may~~shall not issue a certificate of compliance to a vehicle that is owned by an entity other than a motor vehicle dealer licensed by the Department of Motor Vehicles.

~~(b)(1) STAR-certified test-and-repair stations shall do the following: operating~~

~~(1) Under the terms and conditions of an agreement executed pursuant to Section 3394.2 of the California Code of Regulations and section 44014.2(c) of the Health and Safety Code shall, offer state subsidized emissions-related repairs~~repair assistance services included in the agreement as a component of the Consumer Assistance Program established pursuant to Article 11 of this Chapter. This paragraph shall apply to those STAR-certified stations located in basic and enhanced areas.

(2) Perform all emissions-related repairs in a good and workmanlike manner and in accordance with the procedures specified by the vehicle manufacturer or by repair standards generally accepted by the industry.

(3) Allow ~~b~~Bureau personnel reasonable access to the station for the on-site inspection of vehicles while repairs are in progress, or for inspection of repaired vehicles still remaining on the premises. These inspections shall be for the purpose of evaluating the appropriateness and effectiveness of the repairs performed by the station.

(c) Both STAR-certified test-only and test-and-repair stations shall be capable of performing required inspections on all vehicles subject to Smog Check. A station shall be deemed not capable of performing uniform and consistent inspections pursuant to Health and Safety Code section 44036(a) if the station fails to maintain at least one of each item of BAR-certified inspection equipment required in the Smog Check Manual, incorporated by reference in section 3340.45, as follows:

(1) Any equipment requiring calibration shall pass calibration at least once every ten (10) calendar days.

(2) Any BAR-identified equipment deficiencies shall be corrected within the time period specified by BAR.

(3) STAR stations located in basic or change of ownership program areas that certify STAR directed vehicles only when purchased by a licensed Department of Motor Vehicles motor vehicle dealer, as per section 3392.1(a)(3), are not required to be capable of performing ASM inspections, nor required to maintain inspection equipment used exclusively for performing ASM Smog Check inspections.

(d) Any station not capable of performing the required inspections of subsection (c) shall be restricted from performing the services in this section, as provided in section 3340.17(f), until BAR verifies all identified deficiencies have been corrected by the station.

Note: Authority cited: Sections 44001.5, 44002, 44010.5, 44014.2, 44014.5, and 44095, Health and Safety Code; and Section 9882, Business and Professions Code.
Reference: Sections 44010.5, 44014, 44014.2, 44014.5, 44014.6, and 44092, Health and Safety Code.

~~§ 3392.3. Eligibility for Gold Shield Certification; Quality Assurance.~~

~~This section shall remain in effect through December 31, 2012.~~

~~(a) A licensed Smog Check Test and Repair station seeking Gold Shield certification shall complete and file a Gold Shield Station Application form (GSR-1 04/25/2003), which is hereby incorporated by reference, and shall, as of the date the application is received by the bureau, meet all of the following eligibility requirements:~~

~~(1) The station's Comparative Failure Rate (CFR) over the preceding calendar quarter must meet or exceed the industry-wide failure rate for Test-Only stations, by smog check program area, as calculated quarterly by the bureau.~~

~~(2) The station must have conducted a minimum of 10 successful emission repairs in the preceding calendar quarter. For the purposes of this section, a "successful emission repair" means:~~

~~(A) The vehicle must have failed the emissions portion of a Smog Check in official test mode or pre-test mode at any Smog Check station prior to the repair; and~~

~~(B) The Smog Check station must have repaired the vehicle and entered repair data into the Vehicle Information Database; and~~

~~(C) The vehicle must have been issued a Certificate of Compliance at any Smog Check station within ten (10) days following the repairs made by the applicant Smog Check station.~~

~~(3) The station's repair performance, in the preceding calendar quarter, must rate within the top 75% of test and repair stations in the same smog check program area. A station's repair performance is computed by comparing the final emission readings of each successful emission repair to the average passing emission readings for the same model year and emission standards category of the vehicle repaired.~~

~~(4) The station must not have been issued any citations pursuant to Section 44050(a) of the Health and Safety Code within the preceding one-year period nor employ any technicians who have been issued any citations pursuant to Section 44050(b) of the Health and Safety Code within the preceding one-year period.~~

~~(5) Neither the current nor any previous registration or license of the station owner, manager and licensed Smog Check technicians employed by the station, has been issued an order of suspension, a probationary order, or any other disciplinary order within the preceding three-year period. No station owner, officer, manager, licensed Smog check technician or other employee of the station may currently be subject to suspension, probation or other disciplinary order.~~

~~(6) The station owner, manager and licensed Smog Check technicians or other employees of the station, must not have been convicted of a crime within the preceding three-year period that is substantially related to the duties of an Automotive Repair Dealer, a licensed Smog Check station, or a licensed Smog Check technician. The station owner, manager and licensed Smog Check technicians or other employees of the station, must not have been found liable in a civil proceeding, excluding small claims matters, within the preceding three-year period, for acts or omissions that are substantially related to the duties of an Automotive Repair Dealer, a licensed Smog Check station, or a licensed Smog check technician. The station owner, manager and licensed Smog Check technicians or other employees of the station must not be serving a probationary period as a result of any such criminal or civil proceeding.~~

~~(7) The station must not have engaged in any conduct that would be cause for discipline of the station's Automotive Repair Dealer registration or Smog Check station license.~~

~~(8) The station must pass a Quality Assurance inspection administered by bureau personnel as part of the certification process. A Quality Assurance inspection consists of any or all of the following:~~

~~(A) A verification of compliance with all licensure and license posting requirements.~~

~~(B) A verification of compliance with all signage requirements.~~

~~(C) A verification of compliance with all estimate, repair order, invoice and record-keeping requirements.~~

~~(D) A verification of possession of all required manuals and publications.~~

~~(E) A verification of possession of all required tools and equipment and a verification of their proper working order.~~

~~(F) Evaluations of licensed smog check technicians' ability to perform complete smog check inspections, and diagnoses and repairs of failed vehicles.~~

~~(b) Smog check stations located in change of ownership program areas shall only have to meet standards (a)(4) (a)(7), inclusive, to obtain Gold Shield certification.~~

~~(c) The bureau may conduct periodic quality assurance inspections of the station. If a Gold Shield station's performance does not comply with the criteria established pursuant to this section, written notice of the deficiency shall be provided to the station by the bureau, and the station shall have sixty (60) days to correct the deficiency. The bureau may conduct a follow-up quality assurance inspection to ensure the deficiency has been corrected.~~

~~(d) The bureau, on a quarterly basis, shall evaluate a Gold Shield station's inspection and repair performance and compliance with the criteria established pursuant to this section. A Gold Shield station that fails to meet the certification criteria specified in paragraphs (1), (2) or (3) of Subsection (a) of this section, will be notified in writing of the nature of the deficiency. The Gold Shield station may be given one additional quarter to meet those standards.~~

~~(e) A station may, upon ten (10) days written notice to the Bureau, withdraw from the Gold Shield Program.~~

~~Note: Authority cited: Sections 44001.5 and 44014.2, Health and Safety Code.~~

~~Reference: Section 44014.2, Health and Safety Code.~~

§ ~~3392.3.4~~ 3392.2. Eligibility/Performance Standards for STAR Station Certification.

~~(a) A licensed Smog Check test-and-repair or test-only station seeking STAR certification shall submit to the ~~b~~Bureau a completed STAR Station Certification Application on a form (STAR 1 07/1/2012) prescribed by the Bureau that includes all of the following; which is hereby incorporated by reference, and shall, as of the date the application is received by the bureau, meet all of the following eligibility/performance standard requirements. Applications for the STAR program that begins January 1, 2013 may be submitted beginning July 1, 2012.~~

~~(1) The station and ownership types.~~

~~(2) The station name, street address, phone number, email address, and license number.~~

(3) A statement as to whether any partner, corporate officer, trustee, member, manager, inspector or technician has ever been convicted of a crime related to the Smog Check program or Automotive Repair Act.

(4) A statement as to whether any partner, corporate officer, trustee, member, manager, inspector or technician has ever had any license denied, suspended, revoked, or placed on probation by the Bureau.

(5) A statement as to whether any partner, corporate officer, trustee, member, manager, inspector or technician has ever been found liable in a civil proceeding for any act or omission related to the license of an Automotive Repair Dealer, Smog Check station, or Smog Check inspector or technician.

(6) A statement as to whether any partner, corporate officer, trustee, member, manager, inspector or technician has ever been issued a Smog Check citation by the Bureau that became effective within the last year.

(7) A certification that if, at any time after becoming certified under the STAR program the Follow-up Pass Rate score for any inspector or technician employed by the station drops below the minimum acceptable standard of 0.10, then that technician will be removed from all of the station's EIS Inspector Information Tables and not allowed to perform Smog Check inspections or repairs at the STAR-certified station until the technician meets the STAR program requirements.

(8) Name, title, date, and signature(s) of any sole proprietor, partners, corporate officers or members.

(b) As of the date the STAR Station Certification Application is received by the Bureau, the Smog Check test-and-repair or test-only station seeking STAR certification shall meet all of the following eligibility standard requirements.

(1) The station shall have performed inspections in the most recently completed calendar quarter to allow for calculation of the following measures:

~~(1)~~(A) The station's Similar Vehicle Failure Rate (SVFR) in the most recently completed calendar quarter shall be greater than or equal to ~~75%~~50% of the industry-wide failure rate for similar vehicles, as defined in ~~§~~section 3340.1.

~~(2)~~(B) The station shall have no more than 2% of vehicles tested with Gear Shift Incidents in the most recently completed calendar quarter, as defined in ~~§~~section 3340.1.

~~(3)~~(C) The station shall have an Excessive Test Deviation Rate of no more than one in the most recently completed calendar quarter, as defined in ~~§~~section 3340.1.

~~(4)~~(2) The station shall ~~employ, for the purpose of performing smog check inspections and/or smog check repairs, licensed technicians whose FPR scores are greater than or~~

equal to 0.4 in the most recently completed FPR reporting period. maintain FPR scores as follows:

~~(A) The station is deemed to employ, for the purpose of performing smog check inspections and/or smog check repairs, a licensed technician if that technician is listed in the station's Technician Information Table(s), as defined in Section 3340.1.~~

(A) Each Smog Check inspector maintained in the station's Inspector Information Table shall have an FPR score greater than or equal to 0.40 in the most recently completed FPR reporting period.

~~(B) If a station employs, for the purpose of performing smog check inspections and/or smog check repairs, a licensed Smog Check technician inspector who has not received an FPR score in the most recently completed reporting period, the station may be eligible for STAR certification if the station's FPR score in the most recently completed reporting period is greater than or equal to 0.40 or the station did not receive an FPR score in the most recently completed reporting period and all other eligibility requirements have been met.~~

~~(5)(3) A station or any Smog Check inspector maintained in the Inspector Information Table by the station can shall not have received a citation which is final and non-appealable, nor can a station employ a licensed Smog Check technician who has received a citation which is final and non-appealable, within the preceding one-year period from the effective date of the citation that:~~

(A) became final and effective within the one-year period preceding the date of application to the STAR program, and

(B) was issued for violation of any of the following sections: 44012, 44015 (a) and (b), 44015.5, 44016, and 44032, and 44035 (b) of the Health and Safety Code; and/or 3340.15 (a) and (b), 3340.16 (a) and (b), 3340.16.5 (a) and (b), 3340.17, 3340.30 (a), 3340.35, 3340.41 (b), 3340.41 (c), 3340.42, 3340.42.2, and 3340.45 of Division 33, Title 16, California Code of Regulations.

~~(6)(4) The current or any previous registration or license of the station owner, manager responsible managing employee, or licensed Smog Check repair technician(s) or inspector(s), or other employee of the station employed by the station, can shall not be subject to or have been issued an order of suspension or a probationary order within the preceding three-year period from the effective date of the action that became effective within the three-year period preceding the date of application to the STAR program. No station owner, officer, manager, licensed Smog Check technician or other employee of the station may currently be subject to an order of suspension or a probationary order.~~

~~(7)(5) The station owner, manager, partner, corporate officer, member, director, trustee, responsible managing employee, licensed Smog Check repair technicians or inspectors, or any other employees of the station may shall not have any of the following apply:~~

~~(A)~~ (A) have been convicted of a crime ~~within the preceding three-year period~~ that is substantially related to the duties of an ~~A~~utomotive ~~R~~epair ~~D~~dealer, a licensed Smog Check station, or a licensed Smog Check repair technician or inspector within the three-year period preceding the date of application to the STAR program;

~~(B)~~ (B) The station owner, manager, licensed Smog Check technicians, or any other employees of the station may not have been found liable in a civil proceeding, excluding small claims matters, ~~within the preceding three-year period~~, for acts or omissions that are substantially related to the duties of an ~~A~~utomotive ~~R~~epair ~~D~~dealer, a licensed Smog Check station, or a licensed Smog Check repair technician or inspector within the three-year period preceding the date of application to the STAR program; and

~~(C)~~ (C) The station owner, manager, licensed Smog Check technicians, or any other employees of the station may not be serving a probationary period as a result of a criminal or civil proceeding substantially related to the duties of an ~~A~~utomotive ~~R~~epair ~~D~~dealer, a licensed Smog Check station, or a licensed Smog Check repair technician or inspector.

~~(8)~~(6) Compliance with all licensure and license-posting requirements.

~~(9)~~(7) Compliance with all estimate, repair order, invoice, and record-keeping requirements per Article 7 of this Chapter.

~~(10)~~(8) Physical possession of, and/or electronic access to, all required manuals and publications.

~~(11)~~(9) Possession of all required tools and equipment, including EIS and OIS equipment, and a verification of their in proper working order.

~~(12)~~(10) A STAR-certified station shall display an exterior sign, directly below the sign described in section 3340.22, which meets the following specifications:

(A) The ~~dimensions of the~~ sign shall be 24 inches wide and 5 1/4 inches high.

(B) The sign shall be made of 0.040-inch aluminum, steel, or plastic.

(C) ~~The bureau shall supply a camera-ready design and content of the sign~~ shall display the content the Bureau provides.

~~(13)~~(11) The station ~~may~~shall not have ~~had~~withdrawn its STAR certification ~~invalidated~~ within the ~~last six months~~ period preceding the date of application.

~~(b)~~(c) The Bureau shall notify a licensed Smog Check test-only or test-and-repair station seeking STAR certification ~~shall be informed, in writing or by electronic mail, of the bureau's decision that the station meets the eligibility requirements for certification or the application is deficient, via email or US mail, if the station's application for certification is approved, denied, or deficient.~~

(d) Applicants for STAR certification who are denied for failure to meet the eligibility requirements of section 3392.2(b)(1) shall not reapply prior to the next calendar quarter.

Note: Authority cited: Sections 44001.5, and 44014.2, and 44014.5, Health and Safety Code; and Section 9882, Business and Professions Code.

Reference: Section 44014.2, 44014.5, and 44014.6, Health and Safety Code.

~~§ 3392.4. STAR Program Evaluations.~~

~~This section shall become effective January 1, 2013.~~

~~(a) All STAR certified stations shall continue to meet the criteria established pursuant to Section 3392.3.1.~~

~~(b) The bureau may conduct a physical inspection of the STAR station to ensure compliance with the requirements established in Section 3392.3.1 (a)(8) (13).~~

~~(c) The STAR program evaluation may be viewed on the bureau's online website.~~

~~Note: Authority cited: Section 44001.5, Health and Safety Code. Reference: Section 44014.2, Health and Safety Code.~~

~~§ 3392.5. Causes for Invalidation of Gold Shield Station Certification.~~

~~(a) Effective through December 31, 2012, it shall be cause for the Bureau to invalidate the certification of a Gold Shield station, temporarily or permanently, if any of the following occur:~~

~~(1) The Gold Shield station, manager or Smog check technicians employed by the station, engage in any conduct which violates any provision of this article or which would be cause for discipline of, or which would be cause for issuance of a citation to the station's Automotive Repair Dealer registration or Smog check station license, or the license of a technician employed by the station.~~

~~(2) The Gold Shield station's Automotive Repair Dealer registration or Smog check station license expires or otherwise becomes delinquent.~~

~~(3) The bureau disciplines the Gold Shield station's Automotive Repair Dealer registration or Smog check station license in any form or manner.~~

~~(4) The Gold Shield station fails or is unable to provide the services specified in section 3392.2(a).~~

~~(5) The Gold Shield station, if located in other than an enhanced area, issues a certificate of compliance to a vehicle registered in an enhanced area that is required to have an enhanced area test if the vehicle is owned by an entity other than a motor vehicle dealer licensed by the Department of Motor Vehicles, unless the station performed an enhanced area test as prompted by the Emissions Inspection System.~~

~~(6) The Gold Shield station fails to comply with the certification criteria specified in paragraph (a)(1), (2) or (3) of Section 3392.3 for two consecutive calendar quarters.~~

~~(7) The Gold Shield station fails to correct a deficiency identified in a quality assurance inspection within the specified time period.~~

~~(b) Effective January 1, 2013, all existing Gold Shield certifications will expire. All stations choosing to participate in the STAR program that takes effect January 1, 2013, may apply for certification pursuant to Section 3392.3.1.~~

~~Note: Authority cited: Sections 44001.5 and 44014.2, Health and Safety Code.
Reference: Sections 44014.2 and 44037.1, Health and Safety Code; and Sections 480 and 490, Business and Professions Code.~~

~~§ 3392.5.~~3392.3. Causes for InvalidationSuspension of STAR Station Certification.

~~This section shall become effective January 1, 2013.~~

~~(a) It shall be cause for t~~The ~~b~~Bureau ~~has cause to invalidate~~suspend the certification of a STAR station if any of the following occur:

~~(1) The STAR station, manager, or any licensed technician employed by the station receives an order of suspension, a probationary order, or a citation that is final and non-appealable for violation of any of the following sections: 44012, 44015 (a) and (b), 44015.5, 44016, and 44032 of the Health and Safety Code; and 3340.15 (a), 3340.16 (a) and (b), 3340.16.5 (a) and (b), 3340.17, 3340.30 (a), 3340.35, 3340.41 (b), 3340.41 (c), 3340.42, 3340.42.2, and 3340.45 of Division 33, Title 16, California Code of Regulations.~~

~~(2) The STAR station's Automotive Repair Dealer registration or Smog Check station license expires or otherwise becomes delinquent.~~

~~(3)(A) The station owner, manager, licensed Smog Check technicians, or any other employee of the station is convicted of a crime substantially related to the duties of an Automotive Repair Dealer, a licensed Smog Check station, or a licensed Smog Check technician.~~

~~(B) The station owner, manager, licensed Smog Check technician, or any other employee of the station is found liable in a civil proceeding, excluding small claims matters, for acts or omissions that are substantially related to the duties of an Automotive Repair Dealer, a licensed Smog Check station, or a licensed Smog Check technician.~~

~~(C) The station owner, manager, licensed Smog Check technician, or any other employee of the station begins serving a probationary period as a result of a criminal or~~

~~civil proceeding substantially related to the duties of an Automotive Repair Dealer, a licensed Smog Check station, or a licensed Smog Check technician.~~

~~(4)(1) The STAR station fails to comply with any of the certification criteria specified in Section 3392.3.1 (a)(1)-(3)3392.2 (b) for two consecutive calendar quarters.~~

~~(2) The STAR station and/or Smog Check inspector(s) in the station's Inspector Information Table receive any of the following in the most recently completed FPR reporting period:~~

~~(A) The station did not receive a score and it adds an inspector who did not receive a score.~~

~~(5)(B) The STAR station continues to employ an inspector who received a score, for the purpose of performing smog check inspections and/or smog check repairs, a licensed technician whose FPR score in the most recently completed FPR reporting period is less than 0.10. A smog check station may choose to have the bureau automatically remove technicians not meeting this requirement from each of the station's EIS Technician Information Tables.~~

~~(6)(C) The STAR station continues to employ an inspector, for the purpose of performing smog check inspections and/or smog check repairs, a licensed technician who did not receive an FPR score in the most recently completed reporting period and the station's FPR score in the most recently completed FPR reporting period is less than 0.10.~~

~~(7)(D) The STAR station adds an inspector who received a score hires, for the purpose of performing smog check inspections and/or smog check repairs, a licensed technician whose FPR score in the most recently completed FPR reporting period is less than 0.40.~~

~~(8)(E) The STAR station's has an FPR score is of less than 0.40 and it adds an inspector hires, for the purpose of performing smog check inspections and/or smog check repairs, a licensed technician who did not receive an FPR score in the most recently completed FPR reporting period.~~

~~(3) The STAR station or any Smog Check inspector maintained in the Inspector Information Table by the station receives a citation other than a citation containing only an order of abatement, where the citation:~~

~~(A) became final and effective, and~~

~~(B) was issued for violation of any of the following sections: 44012, 44015 (a) and (b), 44015.5, 44016, 44032, and 44035 (b) of the Health and Safety Code; or 3340.15 (a) and (b), 3340.16 (a) and (b), 3340.16.5 (a) and (b), 3340.17, 3340.30 (a), 3340.35, 3340.41 (b), 3340.41 (c), 3340.42, 3340.42.2, and 3340.45 of Division 33, Title 16, California Code of Regulations.~~

(4) The license held by the STAR station, responsible managing employee, any Smog Check repair technician or inspector, or any Smog Check inspector maintained by the station in the Inspector Information Table receives an order of suspension or a probationary order.

(5) The STAR station owner, partner, corporate officer, member, director, trustee, responsible managing employee, Smog Check repair technicians or inspectors, or any other employee of the station:

(A) is convicted of a crime substantially related to the duties of an automotive repair dealer, a Smog Check station, or a Smog Check repair technician or inspector;

(B) is found liable in a civil proceeding, excluding small claims matters, for acts or omissions that are substantially related to the duties of an automotive repair dealer, a Smog Check station, or a Smog Check repair technician or inspector; or

(C) receives a probationary order as a result of a criminal or administrative proceeding substantially related to the duties of an automotive repair dealer, a Smog Check station, or a Smog Check repair technician or inspector.

(6) The STAR station's automotive repair dealer registration or Smog Check station license expires or otherwise becomes delinquent.

~~(9)~~(7) The STAR station fails to or is unable to provide applicable services specified in Section 3392.2.13392.1.

~~(10)~~(8) The STAR station, if located in a basic or change of ownership area, fails to perform an ASM test and issues a certificate of compliance to a vehicle registered in an enhanced area that is owned by an entity other than a motor vehicle dealer licensed by the Department of Motor Vehicles and located in an enhanced area.

(9) The STAR station fails to allow access for or prevents the Bureau from conducting a physical inspection of the STAR station to ensure compliance with the requirements established in section 3392.2 (a)(6)-(10).

~~(b) The STAR station may withdraw from the STAR program by providing written notice to the bureau.~~

~~(c) If a station's STAR certification is invalidated or the station withdraws from the STAR program, the station may not perform the services pursuant to Section 3392.2.1 (a)(1)-(3) and (b)(1).~~

(b) If the Bureau has cause to suspend the STAR certification of a Smog Check test-only or test-and-repair station, the Bureau shall notify the STAR station, via email or US mail, and the notice shall state the grounds for suspension, including a reference to the applicable statute(s) and/or regulation(s), and state the term of suspension.

(c) When the term of suspension ends, the station may resume operation as a STAR-certified station, unless otherwise prohibited.

Note: Authority cited: Sections 44001.5, and 44014.2, and 44014.5, Health and Safety Code; and Section 9882, Business and Professions Code.

Reference: Sections 44014.2 and 44037.1, 44014.5, and 44014.6, Health and Safety Code; and Sections 480 and 490124, Business and Professions Code.

§ 3392.6. Gold Shield Program Hearing and Determination.

~~Effective through December 31, 2012, if the bureau denies an application for Gold Shield certification or if the bureau invalidates, temporarily or permanently, an existing Gold Shield station's certification, the bureau shall file and serve a written notice of denial or invalidation. The written notice shall contain a summary of the facts and allegations which form the cause or causes for denial or invalidation.~~

~~(a) Service of the written notice may be effected in any manner authorized by Business and Professions Code Section 124.~~

~~(b) If a written request for a hearing is delivered 15 days from the date of service, a hearing shall be held as provided for in (c) below.~~

~~(c) The bureau shall schedule a hearing within 60 days of the date the bureau receives a timely request for a hearing. The bureau shall notify the applicant or certified Gold Shield station or representative of the time and place of the hearing. The hearing shall be limited in scope to the time period, and facts and allegation specified in the written notice prepared by the bureau.~~

~~(d) The applicant or Gold Shield station shall be notified of the determination by the chief, or the chief's designee, who shall issue a decision and notify the applicant or Gold Shield station within 15 days of the close of the hearing.~~

~~(e) The bureau may order that a certification be temporarily invalidated pending any hearing and pending any post-hearing decision of the chief.~~

Note: Authority cited: Sections 44001.5 and 44014.2, Health and Safety Code.

Reference: Section 44014.2, Health and Safety Code; and Section 124, Business and Professions Code.

§ 3392.6.13392.4. STAR Program Hearing and Determination Decision.

~~Effective January 1, 2013, if the bureau finds cause to invalidate the certification of an existing STAR station, the bureau shall file and serve a notice in writing or by electronic mail to the station. The notice shall contain a summary of the facts and allegations which form the cause or causes for invalidation.~~

~~(a) Service of the notice may be given in any manner authorized by Business and Professions Code Section 124.~~

~~(b) If a written or electronic request for a hearing is received within five (5) days from the date of service, a hearing shall be held as provided for in (c) below.~~

(a) The STAR-certified station may contest the suspension by submitting a written request for an informal hearing via email or US mail within five (5) days from the date the station received the suspension notice.

~~(c)(b) If the Bureau receives a timely written request for an informal hearing:~~

(1) the Bureau shall stay the suspension, pending the outcome of that hearing;

~~(2) The bureau shall hold a hearing within ten (10) days of the date on which the bureau received a timely request for a hearing. The bBureau shall notify the STAR-certified station or representative of the time and place of the hearing; and The hearing shall be~~

(3) The bBureau will hold an informal hearing on the contested suspension as follows:

(A) within not later than ten (10) days from the date on which the bBureau received a timely request for a the informal hearing;

(B) limited in scope to the time period, facts, and allegations specified in the notice prepared by the bBureau; and

(C) conducted by the chief of the Bureau or the chief's designee.

~~(d)(c) The STAR-certified station shall be notified of the determination by the chief, or the chief's designee, who shall issue a decision and notify the applicant or STAR station wWithin 40 (ten (10) days of the close of the informal hearing, the Bureau shall notify the STAR-certified station of the decision to either rescind the suspension, affirm the suspension, or order any other appropriate action.~~

~~(e)(d) Within 30 days of the date of the decision from the informal hearing, The STAR-certified station may request an administrative hearingreview, pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code to contest the decision of the chief within 30 days of the date of the determination by the chief, or the chief's designee.~~

Note: Authority cited: Sections 44001.5, and 44014.2, and 44014.5, Health and Safety Code. Reference: Section 44014.2, 44014.5, and 44014.6, Health and Safety Code; and Section 124, Business and Professions Code.

§ 3392.5. Consequences of STAR Program Suspension or Withdrawal

(a) The STAR-certified station may withdraw from the STAR program by providing written notice to the Bureau. Withdrawal from the STAR program shall not deprive the Bureau of its authority to continue a proceeding to suspend a station from the STAR program.

(b) If a station's STAR certification is suspended or if the station withdraws from the STAR program, the station shall not perform services pursuant to Section 3392.1(a) or (b)(1), or advertise as having STAR certification or as being in compliance with the standards established by the STAR program, until either the station's term of suspension ends or the station is recertified following withdrawal.

Note: Authority cited: Sections 44001.5 and 44014.5, Health and Safety Code.
Reference: Sections 44014.4, 44014.5, and 44014.6, Health and Safety Code.