

Department of Consumer Affairs
Bureau of Automotive Repair

Legislation and Regulations Update

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Bureau Advisory Group Meeting
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Legislation

- AB 873: Automotive Repair
- AB 1174: Consumer Complaints
- AB 1691: EFMP Retire/Replace
- AB 1965: EFMP Retire/Replace
- AB 2167: Towed Vehicles
- SB 778: Oil Changes

* 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 for the most current bill information.

AB 873 (Jones)

Automotive Repair

- Status: Re-referred to Senate Appropriations after passing out of Senate Appropriations on 6/27/16 (9 to 0). Last amended 5/25/16.
- Date of Hearing: August 1, 2016
- Summary:
 - Removes current exemption from ARD registration for certain repairs and requires BAR to adopt regulations defining “minor” automotive repair services that are exempt.
 - Until January 1, 2018, includes installation of propulsive batteries in the definition of “repair of motor vehicles.”
 - On and after January 1, 2018, repair excludes “minor services as determined through regulations adopted by BAR” and roadside services.
 - Minor services shall not include installation of propulsive batteries.
 - The exemption for “roadside services” includes *tow trucks* (see Vehicle Code §615) enrolled in the Basic Inspection of Terminals Program and *motor clubs* (see Insurance Code §12160).

AB 1174 (Bonilla)

Consumer Complaints

- Status: Re-referred to Senate Appropriations after passing out of Senate Appropriations on 6/27/16 (9 to 0). Last amended 6/20/16.
- Date of Hearing: Not scheduled
- Summary: The bill requires BAR to:
 - Adopt regulations regarding the bureau's processes for handling and mediation of consumer complaints.
 - Post the regulations on BAR's website.
 - Track and retain data on BAR's complaint mediation results, including but not limited to:
 - Types of complaints
 - Remedies sought and obtained
 - # of complaints
 - Submit annual report to the Legislature beginning January 1, 2018.

AB 1691 (Gipson and Garcia)

EFMP Retire/Replace

- Status: In Senate Appropriations. Passed out of Senate Committee on Environmental Quality on 6/29/16 (5 to 0) and Senate Committee on Transportation and Housing on 6/21/16 (7 to 0). Last amended 5/12/16.
- Date of Hearing: Not scheduled
- Summary:
 - Requires ARB to adopt guidelines by June 30, 2017 that will be operative until July 1, 2022. Guidelines will ensure participating air districts, among other things:
 - Develop and submit plans to eliminate waitlists or backlogs.
 - Take specific steps to prevent program misuse, such as random income eligibility verification.
 - Give priority to replacement of vehicles that are 15 years or older and have more than 75,000 miles of usage.
 - Partner with, and allocate outreach funds for CBOs.

AB 1965 (Cooper) EFMP Retire/Replace

- Status: Failed passage out of Senate Committee on Environmental Quality on 6/29/16. Last amended 5/31/16.
- Date of Hearing: Not scheduled
- Summary:
 - Beginning FY 2017-18, requires ARB, in consultation with BAR, to annually set specific goals for retirement and replacement of high polluter vehicles.
 - Requires ARB, in consultation with BAR, to update EFMP guidelines by July 1, 2018 to expand availability of program to all districts with more than one million residents and evaluate the need for increased outreach targeting low-income communities.
 - Allows ARB to allocate monies for the expansion of the vehicle replacement component of the program from the Enhanced Fleet Modernization Subaccount, and BAR's Vehicle Inspection and Repair Fund and High Polluter Repair or Removal Account.

AB 2167 (Achadjian)

Towed Vehicles

- Status: Passed out of Senate Transportation and Housing Committee on 6/28/16 (11 to 0). Last amended 6/21/16.
- Date of Hearing: Not scheduled
- Summary:
 - Provides that *during business hours*, a business taking possession of a vehicle from a tow truck must document information identifying the tow truck company and operator, vehicle towed, and date and time possession was taken.
 - Tow truck operators may provide CDL or identification number issued by local government and motor clubs.
 - If operator refuses, a new motor vehicle dealer may instead document the reasonable efforts made to obtain this information.
 - Provides that *outside of business hours*, the business must document information identifying the vehicle towed, date and time vehicle was first observed on its property, and reasonable effort made to contact towing company to obtain information identifying the tow truck company and operator.

SB 778 (Allen)

Oil Changes

- Status: In Assembly Appropriations. Passed out of Assembly Business and Professions Committee on 6/28/16 (14 to 1). Last amended 6/23/16.
- Date of Hearing: Not scheduled
- Summary:
 - Creates new license type for Automotive Maintenance Providers subject to its own set of code sections under a re-named Automotive Repair and Maintenance Act.
 - As compared to ARDs, AMPs are subject to similar registration requirements but are not subject to certain requirements related to consumer estimates and authorization.
 - Sets forth certain disclosure requirements applicable to oil change transactions:
 - If ARD or AMP makes a recommendation to the customer regarding the oil change interval, must follow the owner's manual, unless the customer chooses a different schedule.
 - If ARD or AMP recommends a different oil change interval than the manual, must indicate the basis for the recommended interval on the invoice.
 - Requires a disclosure to customer on or attached to invoice informing customer to change oil at proper intervals and to refer to manufacturer regarding such intervals.

Pending BAR Regulations

- Disciplinary Guidelines
- Bureau-Certified Institutions and Instructors
- Windshield Replacement
- Mobile ARD Advertising
- Electronic Documents and Authorizations
- BAR-97 Specifications
- STAR Regulations Clean-up
- Brake and Lamp Handbooks
- Repair Assistance Program

Disciplinary Guidelines

- Purpose: To (1) apply enforcement authority to licenses re-designated as a result of BAR's 2012 license restructure; (2) add or amend statutory violations and factors that aggravate or mitigate discipline; and (3) provide a new probationary registration process
- Status: Under review at OAL
- Next Step: Adoption of regulation upon filing with Secretary of State

Bureau-Certified Institutions and Instructors

- Purpose: To (1) update the requirements for certification of Smog Check training providers in order to create consistency with current licensing requirements; (2) provide for training on compliance with laws and regulations
- Status: On hold pending adoption of Disciplinary Guidelines regulation
- Next Step: Resume DCA formal review

Windshield Replacement

- Purpose: To establish standards for the installation of replacement windshields
- Status: Public comment period closed on 3/3/16; DCA review of final package, including FSOR
- Next Step: File rulemaking with OAL

Mobile ARD Advertising

- Purpose: To establish advertising standards for mobile automotive repair dealers
- Status: Public hearing held on 3/14/2016; text under review at BAR
- Next Step: Public notice of 15-day comment period on revisions

Electronic Documents and Authorizations

- Purpose: To (1) allow for electronic authorization and transmission of repair transaction documents; and (2) reorganize and clarify written estimate, work order, and invoice provisions
- Status: Public workshop on 7/21/2016
- Next Step: Begin informal review at DCA

BAR-97 Specifications

- Purpose: To modernize BAR-97 equipment standards for Smog Check stations by: (1) removing dedicated analog phone line requirement; and (2) updating minimum computer standards
- Status: Under development at BAR; ET Blast on 7/22/2016 and Fall ARSC newsletter
- Next Step: Public workshop on 10/20/2016

STAR Regulations Clean-Up

- Purpose: To (1) delete outdated Gold Shield Program provisions; (2) amend STAR eligibility criteria; and (3) revise STAR suspension process to be consistent with statutes
- Status: Public workshop on 7/21/2016
- Next Step: Begin informal review at DCA

Brake and Lamp Handbooks

- Purpose: To update BAR handbooks for licensed brake and lamp adjusters and stations
- Status:
 - Filed Section 100 with OAL that adopts minor changes
 - More substantive changes under development at BAR
- Next Step: Possible public workshop

Repair Assistance Program

- Purpose: Modify program eligibility requirements to allow more consumers to obtain financial assistance for repairs of their vehicle emissions systems
- Status: Under development at BAR
- Next Step: Begin informal review at DCA

Questions and Comments

Submit additional questions and/or comments to:

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