

Department of Consumer Affairs
Bureau of Automotive Repair

Legislation and Regulations Update

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BAR Advisory Group Meeting

October 20, 2016

Legislation

- AB 873: Automotive Repair
- AB 1174: Consumer Complaints
- AB 2153: Lead Acid Battery Recycling Act of 2016
- AB 2167: Towed Vehicles
- AB 2387: Supplemental Restraint Systems
- SB 778: Oil Changes
- SB 1046: Ignition Interlock Devices

* 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: Signed by Governor on 9/30/16; however, because enactment was contingent upon the enactment of SB 778, and SB 778 was vetoed, this bill also fails.
- Summary:
 - Would have provided installation of propulsive batteries is not a minor service.
 - Prior to January 1, 2018, would have required BAR to adopt regulations comprehensive regulations defining “minor services.”
 - After January 1, 2018:
 - Would have removed current exemption from ARD registration for certain repairs and instead defined “repair of motor vehicles” to exclude “minor services as determined through regulations adopted by BAR.”
 - Would also have defined “roadside services” and excluded these services from definition of “repair of motor vehicles.”
 - Would have included in the exemption for “roadside services” both *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: Vetoed by Governor on 9/22/16.
- Summary: The bill would have required BAR to:
 - Adopt regulations regarding the bureau's processes for handling and mediation of consumer complaints, not including those related to undercover investigations.
 - 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, and number of complaints.
 - Submit annual report to the Legislature beginning January 1, 2018.
- Veto message: Requiring BAR to adopt regulations regarding its policies and procedures for handling complaints and investigations is "unnecessary and duplicative."

AB 2153 (Garcia)

Lead Acid Battery Recycling Act of 2016

- Status: Signed by Governor and chaptered by Secretary of State on 9/26/16.
- Summary: The bill creates the Lead Acid Battery Recycling Act and establishes new fees on lead-acid batteries to fund cleanup of contamination caused by lead acid batteries. Among other things, the Act requires lead acid battery dealers to:
 - Collect a refundable deposit on the sale of a new battery, as specified.
 - Conspicuously post a written notice stating the dealer is required by law to accept used lead acid batteries and charge a fee on all replacement lead acid batteries sold.
 - Charge a non-refundable \$1 CA Battery Fee on each lead acid battery sold to a person buying a replacement lead acid battery, except as specified. The dealer may retain 1.5% of the fee as reimbursement for costs associated with fee collection.
 - Battery manufacturers are required to pay \$1 for each lead acid battery sold at retail to a person in CA.
 - The manufacturer sunsets after five years, at which time the consumer fee increases to \$2.

AB 2167 (Achadjian)

Towed Vehicles

- Status: Signed by Governor and chaptered by Secretary of State on 9/23/16.
- Summary:
 - “Fixes” AB 1222 (Bloom, Statutes of 2015) by allowing tow truck drivers to provide alternative forms of identification, and allowing businesses more flexibility in documenting their identification (no “next day;” can make “reasonable efforts”).
 - *During business hours*, a business taking possession of a vehicle from a tow truck must document (1) vehicle make, model, & license plate/VIN; (2) date and time of drop-off; and (3) identification of tow truck company and driver.
 - Tow truck driver may provide commercial driver’s license or government or motor club ID number. If the vehicle is towed to a new car dealer, and the tow operator refuses to provide any ID to the dealer, the dealer may instead document reasonable efforts made to document the ID.
 - *Outside of business hours*, the business must document the same information except that in lieu of asking for tow truck driver’s ID, the business must make a reasonable effort to contact the towing company and obtain the tow truck driver’s license or other ID number. The business would then document such effort.

AB 2387 (Mullin)

Supplemental Restraint Systems

- Status: Signed by Governor and chaptered by Secretary of State on 9/27/16.
- Summary:
 - Strengthens existing laws aimed at deterring fraudulent distribution and installation of airbags that do not work properly by more clearly defining key terms and extending application of the law to manufacturers and importers.
 - Makes it a misdemeanor to knowingly and intentionally manufacture, import, install, distribute, or sell any device intended to replace an airbag if it is counterfeit, nonfunctional, or does not meet federal safety requirements.
 - Makes it a misdemeanor to knowingly and intentionally sell or install any device that causes the vehicle's diagnostic system to fail to warn when the vehicle is equipped with a counterfeit or nonfunctional airbag, or no airbag is installed.
 - Defines "counterfeit supplemental restraint system component."
 - Defines "nonfunctional airbag" to include, among other things, airbags detected to have an electrical fault by the vehicle's diagnostic system.

SB 778 (Allen) Oil Changes

- Status: Vetoed by Governor on 9/30/16.
- Summary:
 - Was contingent upon enactment of AB 873.
 - Would have created new license type for Automotive Maintenance Providers (AMPs) subject to its own set of code sections under a re-named Automotive Repair and Maintenance Act.
 - Would have included provisions of AB 873, except that it would have defined “minor services” to include services provided by AMPs.
 - Would have required certain disclosures/recommendations during oil change transactions, such as recommending customer follow the oil change interval in the owner’s manual, and if that interval was not followed, disclosing why not on the invoice.
 - Would have allowed BAR to purchase undercover vehicles not subject to DGS restrictions on vehicle type and purchase limit.
- Veto Message: “[B]efore a new registration program is enacted, a more comprehensive review is needed. AB 873...provides just that process.”

SB 1046 (Hill)

Ignition Interlock Devices

- Status: Signed by Governor and chaptered by Secretary of State on 9/28/16.
- Summary:
 - Existing law provides that a person convicted of a first-time DUI may apply for a restricted license, while repeat DUI offenders can get a license reinstated earlier by agreeing to install an ignition interlock device (IID) and enroll in a required program (both pay fees).
 - Beginning July 1, 2019, all DUI offenders will be required to install an IID for a specified period of time in order to have their license reinstated. Offenders may forego a license suspension period and apply for a restricted license if they install an IID.
 - Installers of IIDs must provide the driver with Vehicle Code section 23575.3(k) and the telephone number of either BAR or BEARHFTI, depending on where they are registered.
 - Vehicle Code section 23575.3(k) provides the income-based fee schedule by which the costs of the IID are shared between the driver and the manufacturer. Installers must verify the person's income by looking at his or her federal tax return, three months of income statements, or unemployment benefits.
 - DCA/BAR may impose a civil assessment of up to \$1,000 upon a manufacturer or manufacturer's agent certified to provide ignition interlock devices who fails to provide or comply with Vehicle Code section 23575.3(k).

Pending BAR Regulations

- Windshield Replacement
- Mobile Automotive Repair Advertising
- Electronic Documentation and Authorization
- STAR Program Clean-up
- BAR-97 Specifications
- Brake and Lamp Handbooks
- Bureau-Certified School and Instructor Requirements
- Repair Assistance Program

Windshield Replacement

- Purpose: To establish standards for the installation of replacement windshields
- Status: Approved by OAL on 10/17/16
- Next Step: Regulation takes effect 1/1/2017

Mobile ARD Advertising

- Purpose: To establish advertising standards for mobile automotive repair dealers
- Status: DCA final review
- Next Step: File rulemaking with OAL

Electronic Documents and Authorizations

- Purpose: To (1) allow for electronic authorization, transmission, and storage of repair transaction documents; (2) reorganize written estimate, work order, and invoice provisions to more closely align with automotive repair transactions; and (3) clarify language as necessary
- Status: DCA formal review. Workshops held July 2015, October 2015, and July 2016
- Next Step: Review by Agency

STAR Program 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: DCA informal review; workshop held July 2016
- Next Step: DCA formal review

BAR-97 Specifications

- Purpose: To modernize BAR-97 equipment standards for Smog Check stations by: (1) removing dedicated analog phone line requirement; (2) requiring LPFET to communicate directly with BAR-97; and (3) updating minimum computer hardware and software standards
- Status: Public workshop on October 20, 2016; ET Blast on 7/22/2016 and upcoming Fall ARSC newsletter
- Next Step: DCA formal review

Brake and Lamp Handbooks

- Purpose: To update BAR handbooks for licensed brake and lamp adjusters and stations
- Status:
 - Adopted minor Section 100 changes on 8/20/2015, such as update of logos and contact information
 - More substantive changes, including comprehensive update of manuals, have been developed at BAR
 - Public workshop on October 20, 2016
- Next Step: DCA informal review

Bureau-Certified School and Instructor Requirements

- 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; and (3) conforming changes to Disciplinary Guidelines
- Status: DCA formal review
- Next Step: Review by Agency

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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