
ELECTRONIC ESTIMATES AND AUTHORIZATIONS

DEPARTMENT OF CONSUMER AFFAIRS



Bureau of Automotive Repair

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BAR ADVISORY GROUP MEETING
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UPDATES TO CCR §§3303 - 3371

(OAL adopted and effective on 9/13/2018)

- Make clarifying edits so regulations more closely track with the chronology of a typical repair transaction
- Modernize the current requirements, particularly as a response to the emerging use of electronic communication technologies in automotive repair businesses

REVISED ORDER OF REGULATIONS

- 3353 Estimate / Work Order Requirements
 - 3353.1 Authorization
 - 3353.2 Unusual Circumstances Estimate
- 3354 Additional Authorization
- 3355 Replaced Parts
- 3356 Invoice Requirements
- 3357 Toxic Waste Disposal Cost
- 3358 Maintenance of Records
- 3371 Untrue or Misleading Statements or Advertising

*Note: Some sections remained the same but the subsections were relabeled for clarity.

DEFINITIONS: CCR §3352

Estimate - means a paper *or electronic* document provided to the customer that contains an estimated price for labor and parts for a specific job.

Work Order – means a paper *or electronic* document that contains the estimate and memorializes the customer's authorization for a specific job.

Invoice – means a paper *or electronic* document provided to the customer that meets the invoice requirements of BPC 9884.8 and CCR 3356.

DEFINITIONS: CCR §3352 (CONTINUED)

Authorization – means a customer’s consent to a specific job, documented by ARD in compliance with applicable sections of BAR regulations: written signature; or oral or electronic statement.

- Electronic – means relating to technology (e.g., text messages & emails) having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.
- Oral – means voice communication, whether in person, by telephone, or by any electronic manner where a voice can be heard.

NOTABLE CHANGES

- Previous authorization regulations allowed only electronic mail (email) and facsimile transmission (fax) as a means of obtaining electronic authorization.
- The term “electronic” has been revised to allow all types of electronic authorization (including text messages) for estimates, work orders, and invoices.
- ARD shall record the electronic authorization:
 - Document on the estimate and/or work order the date, time, name of the person authorizing the repairs, and any telephone number or electronic mail address contacted.

OR

- Produce this information on documents relating to the authorization that supplement the estimate.

NOTABLE CHANGES (CONTINUED)

- Documents supplementing the estimate shall be uniquely identified to link all documents associated with a specific transaction.
 - Includes but not limited to a series of electronic communications between ARD and customer.
- Parts listed on an estimate shall be considered “new” unless otherwise noted.
- All crash parts on an autobody estimate shall be considered “new OEM” unless otherwise noted.
- ARDs can now electronically provide estimates and invoices to their customers (e.g., email and text).

BUSINESS AND PROFESSIONS CODE CHANGES

- BPC § 9880.1 currently exempts the following services from BAR registration and Automotive Repair Act requirements:
 - repairing tires, changing tires, lubricating vehicles, installing light bulbs, batteries, windshield wiper blades and other minor accessories, cleaning, adjusting, and replacing spark plugs, replacing fan belts, oil, and air filters, and other minor services defined by BAR in regulation.
- Assembly Bill 3141 (Low) amended BPC § 9880.1 and § 9884.9 to provide protection to all consumers in California having auto repairs and/or services performed while taking into account the operations of businesses that solely perform maintenance services.
 - Signed by Governor Brown to take effect January 1, 2019.

AB 3141 (LOW)

- Repeals “minor services” exemption, but adds exemption for “roadside services”
 - all automotive repair and maintenance facilities must register with BAR
- Defines the term “preventative maintenance services” to mean:
 - checking tire pressure and adding or relieving pressure, as necessary; rotating tires; changing transmission fluid, transmission filter, engine oil and filter, differential fluid, power steering fluid, and transfer case fluid; changing engine or cabin air filters, and external fuel filters; changing engine coolant; performing a fuel system induction service; replacing belts and windshield wiper blades; replacing light bulbs and restoring headlamps; adding oil or fuel treatments through designated fill points; topping off fluids; removal, reinstallation, and replacement of any components necessary to perform any of the listed services; and tapping of damaged threads without removal of any fluid pan

AB 3141 (LOW) (CONTINUED)

- Allows ARDs to perform any of the defined “preventative maintenance services” without providing a written estimate if:
 - service is performed at no charge, or the price for the service is posted where the customer can easily see it; and
 - customer authorizes the service

DOCUSIGN

- BAR has implemented DocuSign to improve efficiency and keep up with ever changing technology.
 - Improves workflow processes and saves time by capturing electronic signatures on documents.
- All 12 BAR Field Offices have received DocuSign training
 - Sacramento fully implemented DocuSign in September 2018.
- BAR will begin asking ARDs for electronic signatures on Station Inspection Reports.

WRITE IT RIGHT

- An updated version of BAR's *Write it Right* guide is currently being published and will be released in Fall 2018.
- BAR offers *Write it Right* presentations for automotive repair facilities and their employees.
 - Contact your local BAR field to schedule.
- For additional information please visit
www.bar.ca.gov

QUESTIONS AND COMMENTS

Submit questions and/or comments to:

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