
LEGISLATION / REGULATIONS UPDATE

DEPARTMENT OF CONSUMER AFFAIRS



Bureau of Automotive Repair

SERGY EL-MORSHEDY
PROGRAM SUPPORT UNIT
BAR ADVISORY GROUP MEETING
JANUARY 18, 2018

LEGISLATION

AB 1005 (Calderon): Citation Fines

AB 1679 (Burke): Auto Body Labor Rate Surveys

SB 210 (Leyva): Heavy-Duty Motor Vehicles

* 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 1005 (CALDERON): CITATION FINES

- Status: Introduced on 02/16/17. Assembly Business & Professions Committee passed on 04/25/17 and re-referred to Appropriations Committee. Referred to suspense file on 05/17/17. Held under submission on 05/26/17.
- Date of Next Hearing: None scheduled. Legislature reconvened 01/03/18
- Summary:
 - Requires that any citation issued by DCA's boards and bureaus containing an order to pay an administrative fine also include an order of abatement period granting time for abatement of the violation before the administrative fine becomes effective

AB 1679 (BURKE): AUTO BODY LABOR RATE SURVEYS

- Status: Introduced on 02/17/17. Insurance Committee passed on 04/19/17 and re-referred to Appropriations Committee. Referred to suspense file on 05/17/17.
- Date of Hearing: None scheduled. Legislature reconvened 01/03/18.
- Summary:
 - Replaces provisions established by CDI regulations that went into effect 01/01/17
 - Requires redevelopment of methodology for determining labor rates for auto body repair

AB 1679 (BURKE): AUTO BODY LABOR RATE SURVEYS (CONTINUED)

- Requires insurers using labor rate surveys to conduct surveys in specific geographic areas and report results to CDI every 24 months
- Prevents an insurer from “steering” an auto body insurance claimant from seeking repairs at a preferred repair shop

SB 210 (LEYVA): HEAVY-DUTY MOTOR VEHICLES

- Status: Amended on 08/23/17 to change subject to HD I/M issue. Referred to Rules Committee on 08/28/17.
- Date of Hearing: None scheduled. Legislature reconvened 01/03/18
- Summary:
 - Requires ARB and BAR to adopt regulations that would require emission inspection and compliance standards and procedures for testing heavy-duty vehicles
 - Creates the Truck Emission Check (TEC) Fund and Diesel Emission System Inspection and Smoke Test (DESIST) Account in the TEC fund

PENDING BAR REGULATIONS

- Electronic Documents and Consumer Authorization
- BAR-97 Specifications
- Training Provider Requirements
- STAR Program Clean-Up
- Exemptions to Repair of Motor Vehicles and Estimate Requirements
- ARD Oil Change Requirements

ELECTRONIC DOCUMENTS AND CONSUMER AUTHORIZATION

- Purpose: To (1) allow for electronic estimates and authorizations, transmission, and storage of repair transaction documents; (2) reorganize estimate, work order, and invoice provisions to more closely align with automotive repair transactions; and (3) clarify language as necessary
- History: Public workshops held 07/09/14, 07/23/15, 10/21/15, and 07/21/16. Public hearing held on 09/26/17. 15-day public comment period ended 11/18/17. Second 15-day public comment period ended 12/19/17.
- Status: Third 15-day public comment period ends 01/25/18
- Next Step: BAR review of public comments; finalize rulemaking package and submit to OAL

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
- History: Public workshop on 10/20/16. ET Blast on 04/07/17. Summer and Winter 2017 ARSC newsletters.
- Status: Filed with OAL on 12/29/17. Public hearing on 02/12/18.
- Next Step: Final Statement of Reasons following close of 45-day public comment period on 2/12/18.

TRAINING PROVIDER REQUIREMENTS

- Purpose: To (1) make requirements for certification of Smog Check training providers consistent with current licensing requirements; (2) authorize training for compliance with laws and regulations; and (3) make conforming changes to Disciplinary Guidelines
- History: Public workshops held on 01/09/14 and 10/21/15. DCA Legal preliminary review suspended on 02/01/16 until adoption of Disciplinary Guidelines, adopted 07/28/16.
- Status: Pending DCA-wide formal review
- Next Steps: Review by BCSH Agency; file with OAL to begin 45-day public comment period

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 statute
- History: Public workshop held on 07/21/16
- Status: Pending DCA-wide formal review
- Next Steps: Review by BCSH Agency; file with OAL to begin 45-day public comment period

EXEMPTIONS TO REPAIR OF MOTOR VEHICLES AND ESTIMATE REQUIREMENTS

- Purpose: To (1) update list of minor services exempted from statutory definition of “repair of motor vehicles”; and (2) create exemption to estimate requirements for specified services
- History: Public workshops held on 04/22/15 and 07/20/17
- Status: Pending DCA Legal preliminary review
- Next Step: DCA-wide formal review

ARD OIL CHANGE REQUIREMENTS

- Purpose:
 - Require ARDs to adhere to maintenance schedule published by vehicle manufacturer, industry accepted and nationally distributed automotive service specification provider, or CalRecycle, when making a recommendation to the customer; and
 - Does not prohibit customer from requesting an interval that differs from manufacturer's published maintenance schedule; and
 - Requires ARDs, when completing an oil change, to include the following statement on the invoice,
“Your vehicle’s manufacturer publishes oil change intervals, and the conditions and factors that influence those intervals, in the owner’s manual.”

ARD OIL CHANGE REQUIREMENTS (CONTINUED)

- History: Public workshops held on 04/20/17 and 09/26/17
- Status: Pending BCSH Agency review
- Next Step: File with OAL to begin 45-day public comment period

QUESTIONS AND COMMENTS

Submit questions and/or comments to:

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