
LEGISLATION AND REGULATIONS UPDATE

DEPARTMENT OF CONSUMER AFFAIRS

BAR

Bureau of Automotive Repair

HOLLY O'CONNOR/LUCY SARKISYAN
EXECUTIVE OFFICE
BAR ADVISORY GROUP MEETING
JULY 16, 2020

BAR REGULATION PROPOSALS

- Rehabilitation Criteria for Licensure
- Smog Check Biometric Equipment
- STAR Program Updates
- Smog Check Repair Assistance
- Laws and Regulations Training
- Unincorporation of Applications
- BAR-Certified Training Providers
- Brake/Lamp Certification Programs
- Auto Body Equipment and Supplemental Restraint Systems

REHABILITATION CRITERIA FOR LICENSURE

- Purpose: Pursuant to AB 2138 (Chapter 995, Statutes of 2018), establish: (1) criteria for determining rehabilitation of an applicant or licensee when considering denial, suspension, or petition for reinstatement of a license due to a criminal conviction; (2) criteria for determining when a crime is substantially related to the qualifications, functions and duties of a licensee.
- History: Final 15-day comment period closed on June 4, 2020.
- Status: FSOR undergoing DCA review.
- Next Steps: Complete DCA review and submit to OAL for adoption.

SMOG CHECK BIOMETRIC EQUIPMENT

- Purpose:
 - Require the use of a biometric and webcam devices when performing a Smog Check.
 - Require that Smog Check stations allow BAR access whenever inspections are being performed, even if the inspections occur outside normal business hours.
 - Require that Smog Check inspectors allow BAR staff remote access to the inspection process, via the internet, when prompted by the BAR-OIS software.
- Status: Under development at BAR.
- Next Steps: Conduct public workshop on draft regulations; finalize and submit to DCA Legal for informal review.

STAR PROGRAM UPDATES

- Purpose: (1) Amend STAR eligibility criteria; (2) provide STAR suspension process consistent with statute; and (3) delete outdated Gold Shield Program provisions.
- History: Submitted to DCA for formal review on November 1, 2019.
- Status: Undergoing DCA formal review process.
- Next Steps: Complete DCA formal review; publish Notice with OAL to begin the 45-day public comment period.

SMOG CHECK REPAIR ASSISTANCE

- Purpose: Increase Smog Check repair assistance participation by: (1) providing higher repair contributions based on vehicle model year; (2) reducing pre-repair diagnostic fees for low-income vehicle owners; and (3) removing unnecessary eligibility restrictions pertaining to vehicle registration.
- History: Emergency regulation package submitted to OAL on June 22, 2020. Withdrawn by BAR on July 2, 2020.
- Status: Resubmittal of revised package to OAL.
- Next Steps: If approved by OAL, under E.O. N-40-20, BAR has 240 days to adopt as permanent via regular rulemaking.

LAWS AND REGULATIONS TRAINING

- Purpose: Amend BAR Disciplinary Guidelines to establish laws and regulations training as a rehabilitative option for respondents. Administrative law judges and BAR would have the option to require, as a condition of probation or relicensure, training in compliance with the Automotive Repair Act and regulations.
- History: Submitted to DCA for formal review on October 21, 2019.
- Status: Undergoing DCA formal review process.
- Next Steps: Complete DCA formal review; publish Notice with OAL to begin the 45-day public comment period.

UNINCORPORATION OF APPLICATIONS

- Purpose: (1) Unincorporate BAR's licensing and Consumer Assistance Program applications and list application components in regulation; and (2) update application review timeframes.
- History: Submitted for DCA Legal informal review on May 13, 2019.
- Status: Undergoing DCA Legal informal review process.
- Next Steps: Complete DCA Legal informal review; submit to DCA for formal review.

BAR-CERTIFIED TRAINING PROVIDERS

- Purpose: Make requirements for certification of Smog Check training providers consistent with current licensing requirements.
- History: Public workshops held on January 9, 2014 and October 21, 2015. Resubmitted for DCA Legal informal review process on December 10, 2019.
- Status: Undergoing DCA Legal informal review.
- Next Step: Complete DCA Legal informal review; submit to DCA for formal review.

BRAKE/LAMP CERTIFICATION PROGRAMS

- Purpose:
 - Revise: (1) identification numbers for licensing applications; (2) license renewal and equipment requirements; (3) handbooks on inspection procedures for brake and lamp systems; and (4) brake and lamp certificates of adjustment/compliance.
 - Eliminate the Gross Vehicle Weight Rating (GVWR) restriction of vehicles to be inspected and certified by Class C stations.
- Status: Under development at BAR.
- Next Steps: Conduct public workshop on draft regulations; finalize and submit to DCA Legal for informal review.

AUTO BODY EQUIPMENT AND SUPPLEMENTAL RESTRAINT SYSTEMS

- Purpose:
 - Require autobody repair shops to have access to all repair, testing, and measuring equipment and current reference materials necessary to diagnose, section, replace, or repair structural damage.
 - Require that all auto body repair equipment meets current trade standards for the work being performed.
 - Adopt the following components to the definition of supplemental restraint system: airbag modules, airbag sensors, computer modules, inflatable restraint systems, seatbelts, seatbelt pretensioners, seat structural components, and steering columns.

AUTO BODY EQUIPMENT AND SUPPLEMENTAL RESTRAINT SYSTEMS (CONTINUED)

- History: Public workshop held on October 17, 2019. Submitted to DCA Legal for informal review on June 23, 2020.
- Status: Undergoing DCA Legal informal review.
- Next Steps: Complete DCA Legal informal review; submit to DCA for formal review.

LEGISLATION IMPORTANT DATES

- **June 26, 2020** – Last day for Senate and Assembly to pass bills introduced in their house
- **July 13, 2020** – Senate and Assembly reconvene from Summer Recess
- **July 31, 2020** – Last day for policy committees to hear and report fiscal bills to fiscal committees
- **August 7, 2020** – Last day for policy committees to meet and report bills
- **August 14, 2020** – Last day for fiscal committees to meet and report bills

LEGISLATION IMPORTANT DATES (CONTINUED)

- **August 17-31, 2020** – Floor session only
- **August 21, 2020** – Last day to amend bills on the floor
- **August 31, 2020** – Last day for each house to pass bills.
Recess begins upon adjournment
- **September 30, 2020** – Last day for the Governor to act on passed legislation

LEGISLATIVE BILLS IN PROGRESS

- AB 1263 (Low): Consumer Complaints
- AB 1616 (Low): Expunged Convictions
- AB 2113 (Low): Licensing of Refugees & Immigrants
- AB 3045 (Gray): Veterans/Military Spouse Licensure
- SB 878 (Jones): Application Processing Timeframes

* 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 1263 (LOW) : CONSUMER COMPLAINTS

- Status: Author amended language on January 6, 2020; referred to Senate Committee on Business, Professions, and Economic Development on June 23, 2020.
- Summary: This bill would prohibit a licensee from including language in a contract for a consumer service limiting the consumer's ability to file a complaint with the licensing agency, including DCA Boards/Bureaus, or participate in an agency's investigation into licensee.
 - Violation of this section by licensee would constitute unprofessional conduct subject to discipline by the licensing agency.
 - Any waiver of the proposed provision would be considered void and unenforceable.

AB 1616 (LOW): EXPUNGED CONVICTIONS

- Status: Author amended language on January 6, 2020; referred to Senate Committee on Business, Professions, and Economic Development on June 23, 2020.
- Summary: This bill would require DCA Boards/Bureaus to do the following when a person's license is revoked due to a criminal conviction and the person has obtained an expungement:
 - If the person reapplies for licensure or has been relicensed, post notification of expungement order on Board/Bureau website.
 - If the person is not currently licensed and does not apply for relicensure, remove the initial website posting of the license revocation.

AB 2113 (LOW): LICENSING OF REFUGEES & IMMIGRANTS

- Status: Introduced February 6, 2020; in Senate pending assignment to policy committee.
- Summary: This bill would require programs within the Department of Consumer Affairs to expedite and assist the initial licensure process for an applicant who supplies satisfactory evidence that they are a refugee, have been granted political asylum, or have a special immigrant visa. The bill would authorize DCA Boards/Bureaus to adopt regulations necessary to administer these provisions.

AB 3045 (GRAY): VETERANS AND MILITARY SPOUSE LICENSURE

- Status: Introduced February 21, 2020; in Senate pending assignment to policy committee.
- Summary: This bill would require issuance of licenses to veterans and active duty military spouses and domestic partners who hold active licenses in other jurisdictions.

SB 878 (JONES): APPLICATION PROCESSING TIMEFRAMES

- Status: Text amended June 18, 2020; in Assembly.
- Summary: This bill would require each licensing program within the Department of Consumer Affairs to prominently display on its website (at least quarterly) the current average timeframe for processing initial and renewal license applications for each license it offers or the combined average timeframe for processing initial and renewal applications.

2019 LEGISLATIVE BILLS NOT MOVING FORWARD

- AB 161 (Ting): Electronic Proofs of Purchase
- AB 210 (Voepel): Smog Check Exemption
- AB 390 (Frazier & Grayson): Exhaust Noise Violations
- AB 755 (Holden): California Tire Fee

2019 LEGISLATIVE BILLS NOT MOVING FORWARD (CONTINUED)

- AB 1359 (Santiago): Towing Companies
- SB 59 (Allen): Automated Vehicle Technology
- SB 460 (Beall): Biennial Registration

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2020 LEGISLATIVE BILLS NOT MOVING FORWARD

- AB 1972 (Voepel): Vehicular Air Pollution
- AB 2225 (Grayson): Historic Vehicle Exemption
- AB 2185 (Patterson): Reciprocity
- AB 2419 (Santiago): Vehicle Towing and Storage

2020 LEGISLATIVE BILLS NOT MOVING FORWARD (CONTINUED)

- AB 2454 (Low): BAR Disciplinary Cases; Trusted Dealer Certification
- AB 2631 (Cunningham): Military Partners and Spouses
- SB 873 (Jackson): Gender Discrimination: Pricing

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AB 2454 (LOW): BAR DISCIPLINARY CASES; TRUSTED DEALER CERTIFICATION

- Status: Introduced March 16, 2020
- Summary: This bill would require the following:
 - DCA Director to employ legal counsel for the administration and enforcement of the Automotive Repair Act
 - DCA Director to appoint at least one administrative law judge for each BAR field office to conduct administrative discipline proceedings
 - BAR to establish, by regulation, a Trusted Dealership Certification Program (TDCP) for ARDs

QUESTIONS AND COMMENTS

Submit questions and/or comments to:

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