

# Legislation and Regulations Update

---

Holly O'Connor / Kayla Shelton  
BAR Executive Office  
April 27, 2023  
*(Updated April 28, 2023)*



Bureau of Automotive Repair

# Important Legislative Dates

- **April 28, 2023** – Last day for policy committees to hear and report to fiscal committees fiscal bills introduced in their house
- **May 19, 2023** – Last day for fiscal committees to hear and report to the Floor bills introduced in their house
- **June 2, 2023** – Last day for each house to pass bills introduced in that house
- **July 14, 2023** – Last day for policy committees to meet and report bills
- **July 14, 2023 – August 14, 2023** – Summer Recess

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](http://www.leginfo.legislature.ca.gov) for the most current bill information.

# 2023 Legislative Bills

## Catalytic Converter Bills

- AB 641 (Fong): Automobile Dismantlers
- SB 55 (Umberg): VIN Marking Requirements
- AB 1519 (Bains): VIN Marking Requirements

## Other Bills

- SB 544 (Laird): Bagley-Keene Open Meeting Act: teleconferencing
- AB 1263 (Committee on Business and Professions): Bureau of Automotive Repair

# AB 641 (Fong): Automobile Dismantlers

- Status: Re-referred to the Committee on Appropriations on April 18, 2023.
- Summary:
  - This bill would revise the definition of automobile dismantler to include a person who keeps or maintains on property owned by the person, or under their possession or control:
    - Two or more unregistered motor vehicles no longer intended for, or in condition for, legal use on the highways.
    - Six or more used catalytic converters that have been cut from a motor vehicle using a sharp-implement.
  - This bill won't apply to vehicles or catalytic converters that are used for restoration or replacement parts or to a "junk dealer," a "recycler," a "commercial enterprise" or "core recycler," as defined in the Business and Professions Code even if it does possess six or more used catalytic converters that have been cut from a motor vehicle.

# SB 55 (Umberg): VIN Marking Requirements

- Status: Re-referred to the Committee on Appropriations on April 25, 2023.
- Summary:
  - This bill would prohibit a dealer or retailer from selling a new or used motor vehicle equipped with a catalytic converter unless the catalytic converter has been engraved or etched with the vehicle identification number (VIN) of the vehicle to which it is attached.
  - This bill would, until January 1, 2025, exempt from this prohibition a vehicle purchased from a dealer licensed in California who is also licensed in another state and does not have a warranty service facility in California.

# AB 1519 (Umberg): VIN Marking Requirements

- Status: Re-referred to the Committee on Appropriations on April 25, 2023 with a recommendation to add to the Consent Calendar.
- Summary: This bill would prohibit any person from removing or altering the VIN number that has been added to a catalytic converter, or from knowingly possessing 3 or more catalytic converters that have been so altered.

# SB 544 (Laird): Bagley-Keene Open Meeting Act: Teleconferencing

- Status: Passed as amended and re-referred to the Committee on Appropriations on April 25, 2023.
- Summary:
  - This bill would allow the Bureau to continue conducting single-site physical meetings without providing electronic public access, and
  - Allow the Bureau to conduct virtual meetings by either telephone or online platform under the following conditions: (1) Require one physical meeting location with at least one staff member present and provide a way for the public to hear or observe the meeting remotely; (2) Require the telephone number or online information, plus the physical site address, to be included in the meeting notice; and (3) No longer require agendas to identify separately all teleconference locations, post agendas at teleconference locations, and provide public access to all teleconference locations, except for the one physical location.

# AB 1263: Bureau of Automotive Repair (1 of 2)

- Status: Passed and re-referred to the Committee on Appropriations on April 25, 2023 with a recommendation to add to the Consent Calendar.
- Summary—This bill would:
  - Extend BAR’s sunset date to January 1, 2028.
  - Amend the definition of “automotive repair dealer” to additionally include a person who engages in the business of collecting compensation for automotive repair services that are referred or sublet to someone other than the dealer or their employees.
  - Authorize BAR to adopt regulations to clarify the authority to regulate storage fees charged by automotive repair dealers consistent with provisions of the Vehicle Code and Civil Code.
  - Authorize BAR to establish a centralized testing network for inspecting model year 1995 and older vehicles that require a BAR-97 inspection and, beginning no earlier than January 1, 2025, require testing using onboard diagnostic systems on model year 1996–1999 vehicles.



# AB 1263: Bureau of Automotive Repair (2 of 2)

- Exempt a motor vehicle from biennial inspection if BAR adopts regulations and determines that the motor vehicle warrants temporary waiver from the biennial inspection.
- Require the Smog Check Performance Report to be completed biennially rather than annually.
- Provide that, for purposes of the provisions of relating to the smog check program, the term “qualified smog check technician” refers to both smog check technicians and smog check inspectors.
- Provide that a fraudulent inspection additionally includes clean plugging, clean gassing, clean tanking, or any other fraudulent inspection practice.
- Make technical cleanup updates to the Business and Professions Code and Vehicle Code to transition the lamp and brake program to the vehicle safety systems inspection program pursuant to AB 471.

# Pending BAR Regulation Proposals

- Smog Check Inspection Equipment and Station Requirements (DAD Specification Update)
- Automotive Repair Dealer Registration Application Requirements\*
- Vehicle Safety Systems Inspection Program\*
- Citation and Remedial Training Programs for Automotive Repair Dealers\*

\* AB 471 (Low, Chapter 372, Statutes of 2021)

Disclaimer: Though every effort is made to ensure information provided on these slides is current, given the nature of the regulatory process, dates or status summaries shown here may not reflect the latest updates. Please be sure to check BAR's regulatory actions page at <https://www.bar.ca.gov/regulatory-actions> for the most current information.

# Smog Check Equipment and Station Requirements (DAD Specification Update)

- Purpose: (1) Replace the current OBD Data Acquisition Device (DAD) specification with a more comprehensive and updated version to provide additional tools to combat Smog Check fraud. (2) Allow the DAD to communicate with new vehicles that use a communication protocol not supported by the current generation of DADs.
- Status: BAR is working with DCA Legal to prepare the package for the Business, Consumer Services, and Housing Agency (Agency) approval.
- Next Steps: Submit to Agency for review and approval.

# Automotive Repair Dealer Registration Application Requirements

- Purpose: (1) Define “nationally recognized and industry-accepted educational certifications.” (2) Establish a process for Bureau review and approval of educational certifications that do not meet this definition. (3) Establish a process for recognizing educational certifications on the ARD application. (4) Require ARD applicants to provide an email address.
- History: Public workshop held on April 20, 2022.
- Status: Filed with Office of Administrative Law (OAL) on March 17, 2023.
- Next Steps: File with the Secretary of State upon OAL approval.

# Vehicle Safety Systems Inspection Program

- Purpose: Creates a new Vehicle Safety Systems Inspection Program, which does the following:
  - Establishes procedures and program requirements in a Vehicle Safety Systems Inspection Manual.
  - Creates license requirements for vehicle safety systems inspection/repair stations and technicians.
  - Sunsets the lamp and brake inspection programs six months after adoption of the regulations.
- History: Public workshops held on April 20 and July 21, 2022, and April 27, 2023.
- Status: BAR is working with DCA Legal to prepare the package for Agency approval.
- Next Steps: Submit to Agency for review and approval.

# Citation and Remedial Training Programs for Automotive Repair Dealers

- Purpose:
  - Expand BAR's citation program to cover ARD violations of the Automotive Repair Act.
  - Specify the process for an ARD to contest a citation and request its review by a 3-member (BAR-consumer-industry) panel.
  - Establish a process for ARDs to obtain remedial training to prevent citations minor in nature from being posted on the BAR website.
  - Establish a process for certification of remedial training providers.
- History: Public workshops held on July 15, 2021, and January 27 and April 22, 2022.
- Status: Filed with OAL on March 7, 2023.
- Next Steps: File with the Secretary of State upon OAL approval.

# Contact Information

Holly O'Connor and/or Kayla Shelton

Holly.OConnor@dca.ca.gov

Kayla.Shelton@dca.ca.gov

**[www.bar.ca.gov](http://www.bar.ca.gov)**



Bureau of Automotive Repair