

TITLE 16. BUREAU OF AUTOMOTIVE REPAIR

ORDER OF ADOPTION

ELECTRONIC DOCUMENTATION AND AUTHORIZATION

Legend:

Changes to the regulations are indicated as follows:

- Deleted text is indicated by ~~striketrough~~
- Added text is indicated with an underline
- Omitted text is indicated by (* * * *)

(1) Amend Section 3303, Article 1, Chapter 1, Division 33, Title 16, California Code of Regulations, as follows:

§ 3303. Definitions

* * * *

~~(j)~~ “Authorization” means consent. Authorization shall consist of the customer's signature on the work order, taken before repair work begins. Authorization shall be valid without the customer's signature only when oral or electronic authorization is documented in accordance with applicable sections of these regulations.

~~(k)~~(j) “Building” means a permanent structure with walls, a floor, and a roof.

~~(k)~~(k) “Auto body repair shop” means an automotive repair dealer who performs repairs or reconstruction of automobile or truck bodies, structures, or frames. Auto body repair shop does not include an automotive repair dealer also licensed by the department of Motor Vehicles as a motor vehicle dealer who engages in either the activity of up-fitting or down-fitting it's vehicle inventory, or performs those repairs that may be performed without utilizing the tools or equipment required by Section 3351.5.

~~(m)~~(l) “Section” or “Sectioning” means the replacement of less than a whole part or component by splicing the part or component at non-factory seams.

~~(n)~~(m) “Corrosion protection” means a coating applied to the vehicle to create a corrosion resistant barrier that protects the structure or component from the elements to which it is exposed.

~~(o)~~(n) “Structure” means those components or parts that are designed to support weight, absorb collision energy, and absorb road shock.

~~(p)~~(o) “Crash part” means a replacement for any of the non-mechanical sheet metal or plastic parts which generally constitute the exterior of a motor vehicle, including inner and outer panels.

~~(p)~~ “Original Equipment Manufacturer crash part” or “OEM crash part” means a crash part made for or by the original vehicle manufacturer that manufactured, fabricated or supplied a vehicle or a component part.

~~(q)~~ “Non-Original Equipment Manufacturer aftermarket crash part” or “non-OEM aftermarket crash part” means aftermarket crash parts not made for or by the manufacturer of the motor vehicle.

Note: Authority cited: Sections 9882, 9884.9, 9884.19 and 9887.1, Business and Professions Code. Reference: Sections 9880.1(a), (e) and (f), 9882, 9884.7(a)(2), 9884.9, 9889.50, 9889.51 and 9889.52, Business and Professions Code.

(2) Amend Sections 3352-3353, Article 7, Chapter 1, Division 33, Title 16, California Code of Regulations, as follows:

§ 3352. Definitions.

In this article, unless the context otherwise requires:

(a) “~~Written~~ Estimate” means a paper or electronic document provided to the customer that contains an ~~written~~ estimated price for labor and parts for a specific job and that meets the requirements of Business and Professions Code Section 9884.9.

(b) “Work order” means a paper or electronic document that contains the estimate and memorializes the customer’s authorization for a specific job.

(c) “Invoice” means a paper or electronic document ~~given~~ provided to the customer that meets the invoice requirements of Business and Professions Code Section 9884.8 and California Code of Regulations Section 3356.

(d) “Tear Down” means the act of disassembling a vehicle or vehicle component for the purpose of preparing an estimate.

(e) “Authorization” means consent, documented in accordance with applicable sections of this article, and expressed as either:

(1) A written signature authorizing a specific job;

(2) A statement communicated either orally or electronically to the automotive repair dealer authorizing a specific job.

(f) “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(g) "Oral" means voice communication, whether in person, by telephone, or by any electronic manner where voice can be heard.

Note: Authority cited: Section 9882, Business and Professions Code. Reference: Sections 9884.8, 9884.9, 9889.50 and 9889.52, Business and Professions Code.

~~§ 3353. Estimate/Work Order Requirements-Written Estimate Required for Repair or Maintenance; Exceeding Estimate; Authorization Required.~~

~~No work for compensation shall be commenced and no charges shall accrue without specific authorization from the customer in accordance with the following requirements. An estimate shall be provided to and authorized by the customer before any work commences. The estimate shall meet the requirements of Business and Professions Code section 9884.9 as well as the following:~~

~~(a) Estimate for Parts and Labor. Every automotive repair dealer shall give to each customer a written an estimate containing the estimated price for parts and labor for a specific job prior to obtaining authorization. Each part listed in the estimate shall be new unless specifically identified as a used, rebuilt or reconditioned part.~~

~~(b) Estimate for Auto Body or Collision Repairs. Every automotive repair dealer, when doing auto body or collision repairs, shall give to each customer a written an itemized estimate containing the estimated price for parts and labor for a specific job. Parts and labor shall be described separately and each part shall be listed in the estimate, identified, indicating whether the replacement part is Each part listed in the estimate shall be new; unless specifically identified as a used, rebuilt, or reconditioned part. Each new replacement crash part listed in the estimate shall be an original equipment manufacturer (OEM) part unless specifically identified as a non-OEM aftermarket crash part. The estimate shall also describe replacement crash parts as original equipment manufacturer (OEM) crash parts or non-OEM aftermarket crash parts.~~

~~(c) Additional Authorization. Except as provided in subsection (f), the dealer shall obtain the customer's authorization before any additional work not estimated is done or parts not estimated are supplied. This authorization shall be in written, oral, or electronic form, and shall describe the additional repairs, parts, labor and the total additional cost.~~

~~(1) If the authorization from the customer for additional repairs, parts, or labor in excess of the written estimated price is obtained orally, the dealer shall also make a notation on the work order and on the invoice of the date, time, name of the person authorizing the additional repairs, and the telephone number called, if any, together with the specification of the additional repairs, parts, labor and the total additional cost.~~

~~(2) If the authorization from the customer for additional repairs, parts, or labor in excess of the written estimated price is obtained by facsimile transmission (fax), the dealer shall also attach to the work order and the invoice, a faxed document that is signed and dated by the customer and shows the date and time of transmission and describes the additional repairs, parts, labor and the total additional cost.~~

~~(3) If the authorization from the customer for additional repairs, parts, or labor in excess of the written estimated price is obtained by electronic mail (e-mail), the dealer shall print and attach to the work order and invoice, the e-mail authorization which shows the date and time of transmission and describes the additional repairs, parts, labor and the total additional cost.~~

~~(4) The additional repairs, parts, labor, total additional cost, and a statement that the additional repairs were authorized either orally, or by fax, or by e-mail shall be recorded on the final invoice pursuant to Section 9884.9 of the Business and Professions Code. All documentation must be retained pursuant to Section 9884.11 of the Business and Professions Code.~~

~~(d)(c) Estimated Price to Tear Down, Inspect, Report and Reassemble. For purposes of this article, to “tear down” shall mean to disassemble, and “teardown” shall mean the act of disassembly. Teardown Estimates.~~

If it is necessary to tear down a vehicle or vehicle component in order to ~~prepare a written estimated price for required repair~~ diagnose, the automotive repair dealer shall do all of the following:

~~(1) Estimate of teardown. †The automotive repair dealer shall first give the customer a written an estimated price for the teardown and obtain authorization for the teardown. This price. The estimate shall include the following:~~

~~(A) †The cost of reassembling of the vehicle or component.~~

~~(B) The estimated price shall also include the cost of all parts and necessary labor necessary to replace items such as gaskets, seals and O rings that are normally destroyed by teardown of the vehicle or component such as gaskets, seals and O rings.~~

~~(C) If applicable, notification that the act of teardown might prevent the restoration of the vehicle or component to its former the condition in which it was provided by the customer, the dealer shall write that information on the work order containing the teardown estimate before the work order is signed by the customer.~~

~~(D) The repair dealer shall notify the customer orally and conspicuously in writing on the teardown estimate the maximum time it will take the automotive repair dealer to reassemble the vehicle or the vehicle component in the event the customer elects not to proceed with the repair or maintenance of the vehicle, and The automotive repair dealer shall reassemble the vehicle or component within that the time period specified in the teardown estimate if the customer elects not to proceed with the repair or maintenance. The maximum time shall be counted from the date of authorization of the teardown.~~

~~(2) Itemized estimate for repair after teardown. After the teardown has been performed Upon completion of the teardown, the automotive repair dealer shall give the customer prepare a written estimated price an itemized estimate for labor and parts necessary for the required repair. All parts required for such repair shall be listed on the estimate. The automotive repair dealer~~

shall then obtain the customer's authorization for either repair or reassembly before any further work diagnosis or repair is done or charges accrue.

(3) If, after teardown, a customer declines repair or reassembly, the automotive repair dealer shall, as applicable, document on the teardown invoice that the customer declined repair or reassembly.

~~(e) Revising an Itemized Work Order. If the customer has authorized repairs according to a work order on which parts and labor are itemized, the dealer shall not change the method of repair or parts supplied without the written, oral, or electronic authorization of the customer. The authorization shall be obtained from the customer as provided in subsection (c) and Section 9884.9 of the Business and Professions Code.~~

~~(f) Designation of Person to Authorize Additional Work or Parts. When a customer, pursuant to subdivision (d) of Section 9884.9 of the Business and Professions Code, designates another person to authorize work not estimated or parts not included in the written estimated price given to the customer, all of the following shall apply:~~

~~(1) The designation may be a separate form by itself or may be incorporated into the dealer's work order form described in subsection (b) of Section 3352.~~

~~(2) If a separate form is used for the designation, the form and content of the designation shall be as follows:~~

~~“DESIGNATION OF PERSON TO AUTHORIZE ADDITIONAL WORK OR PARTS~~

~~I hereby designate the individual named below to authorize any additional work not specified or parts not included in the original written estimated price for parts and labor:~~

Name of Designee: _____

Phone Number: _____

Fax Number: _____

E Mail Address: _____

Name of Customer: _____

Work Order No.: _____

Date: _____

(Customer's Signature)²²

~~(3) If the designation is incorporated into a work order form, it need only separately include the designation statement specified in paragraph (2) of this subsection, and the name, phone number, facsimile number and email address of the designee, and the customer's signature, and the date of signing.~~

~~(4) The dealer shall not accept from the customer the designation of any person or entity not eligible to be a designee under subdivision (d) of Section 9884.9 of the Business and Professions Code. The ineligible designees include the automotive repair dealer providing repair services and an insurer involved in a claim that includes the motor vehicle being repaired, and employees and agents and persons acting on behalf of the dealer or insurer.~~

~~(5) The designation form shall be completed in duplicate and shall be distributed as follows:~~

~~(A) The copy of the completed and signed designation form shall be given to the customer with the customer's copy of the work order as required by paragraph (3) of subdivision (a) of Section 9884.7 of the Business and Professions Code.~~

~~(B) The original of the completed and signed designation form shall be attached to the dealer's copy of the work order, if not incorporated therein, and shall be retained pursuant to Section 9884.11 of the Business and Professions Code and Section 3358.~~

~~(6) When authorization for additional work or parts not estimated is obtained from a designee, it shall be obtained and recorded in compliance with subsection (c) of this section before any additional work not estimated is done or parts not estimated are supplied.~~

~~(g) Unusual Circumstances; Authorization Required. When the customer is unable to deliver the motor vehicle to the dealer during business hours or if the motor vehicle is towed to the dealer without the customer during business hours, and the customer has requested the dealer to take possession of the motor vehicle for the purpose of repairing or estimating the cost of repairing the motor vehicle, the dealer shall not undertake the diagnosing or repairing of any malfunction of the motor vehicle for compensation unless the dealer has complied with all of the following conditions:~~

~~(1) The dealer has prepared a work order stating the written estimated price for labor and parts, as specified in subsection (a) or (b), necessary to repair the motor vehicle; and~~

~~(2) By telephone, fax or e-mail, the customer has been given all of the information on the work order and the customer has approved the work order; and~~

~~(3) The customer has given oral, written or electronic authorization to the dealer to make the repairs and the dealer has documented the authorization as provided in subsection (c) and Section 9884.9 of the Business and Professions Code.~~

~~Any charge for parts or labor in excess of the original written estimated price must be separately authorized by the customer and documented by the dealer, as provided in subsection (c) and Section 9884.9 of the Business and Professions Code.~~

~~(h) Definitions. As used in this section, “written” shall mean the communication of information in writing, other than by electronic means; “oral” shall mean the oral communication of information either in person or telephonically; “electronic” shall mean the communication of information by facsimile transmission (fax) or electronic mail (e-mail).~~

(d) Sublet Disclosure. No automotive repair shall be done by someone other than the automotive repair dealer or his or her employees without the consent of the customer, unless the customer cannot reasonably be notified. An automotive repair dealer shall include with the estimate a statement of any sublet repair to be performed on the vehicle. If requested by the customer, an automotive repair dealer shall disclose the name and location of the facility performing the sublet repair.

Note: Authority cited: Sections 9882 and 9884.9, Business and Professions Code. Reference: Sections 9884.8, 9884.9, 9889.50 and 9889.52, Business and Professions Code.

(3) Adopt Sections 3353.1-3353.2, Article 7, Chapter 1, Division 33, Title 16, California Code of Regulations, as follows:

§ 3353.1. Authorization.

(a) No diagnosis or repair, including no-charge and warranty repairs, shall commence and no charges shall accrue without specific authorization from the customer. Any estimate or revised work order provided to the customer shall be authorized by the customer or the customer’s designee in written, oral, or electronic form.

(b) If the customer provides a written authorization, the automotive repair dealer shall capture his or her signature and record the date of signature on the estimate or on documents that supplement the estimate.

(c) If the customer provides an oral authorization, the automotive repair dealer shall record the authorization by documenting on the estimate the date, time, name of the person authorizing the repairs, and the telephone number called, if any, or produce this information on documents relating to the authorization that supplement the estimate.

(d) If the customer provides an electronic authorization, the automotive repair dealer shall record the authorization by documenting on the estimate the date, time, name of the person authorizing the repairs, and the telephone number or electronic mail address contacted, if any, or produce this information on documents relating to the authorization that supplement the estimate.

(e) Documents supplementing the estimate, including but not limited to a series of electronic communications between the automotive repair dealer and the customer, shall be uniquely

identified and maintained as part of the same transaction in accordance with section 3358 of this Article.

Note: Authority cited: Sections 9882 and 9884.9, Business and Professions Code. Reference: Sections 9884.9, Business and Professions Code.

§ 3353.2. Unusual Circumstances

When the customer is unable to deliver the motor vehicle to the automotive repair dealer during business hours or if the motor vehicle is towed to the automotive repair dealer without the customer during business hours, and the customer has requested the automotive repair dealer to take possession of the motor vehicle for the purpose of repairing or estimating the cost of repairing the motor vehicle, the automotive repair dealer shall not undertake the diagnosing or repairing of the motor vehicle, including no-charge and warranty repairs, unless the automotive repair dealer has complied with all of the following conditions:

(a) The automotive repair dealer has prepared an estimate for labor and parts, as specified in section 3353 and Section 9884.9 of the Business and Professions Code, necessary to repair the motor vehicle; and

(b) The automotive repair dealer has provided the customer the information on the estimate as specified in section 3353 and Section 9884.9 of the Business and Professions Code; and

(c) The automotive repair dealer has obtained authorization from the customer to make the diagnosis or repairs specified in the estimate and has documented the authorization as provided in sections 3353.1 and 3356 of this Article and Section 9884.9 of the Business and Professions Code.

Note: Authority cited: Sections 9882 and 9884.9, Business and Professions Code. Reference: Sections 9884.9, Business and Professions Code.

(4) Adopt Sections 3354 and 3355, Article 7, Chapter 1, Division 33, Title 16, California Code of Regulations, as follows:

§ 3354. ~~Unusual Circumstances; Authorization Required.~~ Additional Authorization

(a) Exceeding Original Estimate. Except as provided in subsection (c), before any additional diagnosis or repair is commenced, and before any additional charges accrue for labor or parts in excess of the original estimated and authorized price, the automotive repair dealer shall:

(1) give the customer an estimate that describes all additional parts and labor, provides the cost of all additional parts and labor, and provides a total revised cost; and

(2) obtain customer authorization and record the authorization as specified in sections 3353.1 and

3356 of this Article and section 9884.9 of the Business and Professions Code.

(b) Revising an Itemized Work Order. If the customer has authorized repairs according to a work order on which parts and labor are itemized, the automotive repair dealer shall not change the method of repair or parts supplied without written, oral, or electronic authorization from the customer. The authorization from the customer shall be recorded as provided in section 3353.1 and section 9884.9 of the Business and Professions Code.

(c) Designation of Person to Authorize Additional Diagnosis, Repair, or Parts. When a customer, pursuant to subdivision (d) of section 9884.9 of the Business and Professions Code, designates another person to authorize repairs not estimated or parts not included in the estimate given to the customer, all of the following shall apply:

(1) The designation may be either a separate form or incorporated into the automotive repair dealer's work order and must include, at a minimum, all of the following:

(A) The following title: "DESIGNATION OF PERSON TO AUTHORIZE ADDITIONAL DIAGNOSIS, REPAIR, OR PARTS.";

(B) The following statement: "I hereby designate the individual named below to authorize any additional work not specified or parts not included in the original estimate for parts and labor.";

(C) The name of the designee;

(D) The contact information for the designee;

(E) The customer's signature;

(F) The date of signing; and

(G) The work order number.

(2) The automotive repair dealer shall not accept from the customer the designation of any person or entity not eligible to be a designee under subdivision (d) of section 9884.9 of the Business and Professions Code. Ineligible designees include the automotive repair dealer providing repair services, an insurer involved in a claim that includes the motor vehicle being repaired, and any employees, agents, and persons acting on behalf of the automotive repair dealer or insurer.

(3) The completed and signed designation form shall be distributed as follows:

(A) A copy of the form shall be given to the customer with the customer's copy of the work order as soon as the customer signs it as required by paragraph (3) of subdivision (a) of section 9884.7 of the Business and Professions Code.

(B) The original shall be retained with the automotive repair dealer's copy of the work order, if not incorporated therein, pursuant to section 9884.11 of the Business and Professions Code and section 3358.

(4) An automotive repair dealer may accept authorization for additional work from either the customer or the customer's designee.

(5) When authorization for additional work or parts not estimated is obtained from a customer's designee, it shall be obtained and recorded in compliance with subsection (a) of this section before any additional work not included in the original estimate is done, parts not estimated are supplied, or costs accrue to the customer.

Note: Authority cited: Sections 9882 and 9884.9, Business and Professions Code. Reference: Sections 9884.8 and 9884.9, Business and Professions Code.

§ 3355. Replaced Parts That Are Not Returnable

~~Those parts and components that are replaced and that are sold on an exchange basis are exempt from the provisions of Section 9884.10 of the Act requiring the return of replaced parts to the customer, provided the customer is informed that said parts are not returnable orally and by written record on the work order and invoice. When a request is made before the work is started, the dealer shall provide a reasonable opportunity to the customer to inspect the part.~~

(a) If requested by the customer at the time of authorization of the estimate, the automotive repair dealer shall return all replaced parts to the customer upon completion of the repair, pursuant to section 9884.10 of the Business and Professions Code.

(b) Parts that are exempt from the requirement in subsection (a) include:

(1) Parts and components that are replaced and sold on an exchange basis; and

(2) Parts that an automotive repair dealer is required to return to the manufacturer or distributor under a warranty arrangement.

(c) If a part specified in subsection (b) is authorized by the customer to be replaced, and there will be a charge for the replacement part, the automotive repair dealer shall, if requested by the customer at the time of authorization of the estimate, offer to show the customer the replaced part.

(1) If the customer accepts the offer, the automotive repair dealer shall:

(A) show the customer the replaced part upon completion of the repair; and

(B) inform the customer orally and document on both the work order and invoice that the part is not returnable.

Note: Authority cited: Section 9882, Business and Professions Code. Reference: Section 9884.10, Business and Professions Code.

(5) Amend Section 3356, Article 7, Chapter 1, Division 33, Title 16, California Code of Regulations, as follows:

§ 3356. Invoice Requirements.

(a) All invoices for service and repair work performed, and parts supplied, as provided for in Section 9884.8 of the Business and Professions Code, shall comply with this section. ~~the following:~~

~~(A)~~(b) The invoice shall show the automotive repair dealer's registration number and the corresponding business name and address as shown in the Bureau's records. ~~If the automotive repair dealer's telephone number is shown, it shall comply with the requirements of subsection (b) of Section 3371 of this chapter.~~

~~(2)~~(c) The invoice shall separately list, describe and identify all of the following:

~~(A)~~(1) All services and repairs ~~work~~ performed, including ~~all any diagnosticis and or~~ warranty ~~work~~repairs, and the prices ~~for each described service and repair.~~

~~(B)~~(2) Each part supplied, in such a manner that the customer can understand what was purchased, and the price for each described part. The description of each part shall state whether the part was new, used, reconditioned, rebuilt, an OEM crash part, or a non-OEM aftermarket crash part. Part kits containing several components may be listed as a single part on the invoice and identified by brand name and corresponding part number or similar designation.

~~(C)~~(3) The subtotal price for all service and repair work performed.

~~(D)~~(4) The subtotal price for all parts supplied, not including sales tax.

~~(E)~~(5) The applicable sales tax, if any.

(6) The total cost for all service and repair work, parts supplied and applicable sales tax.

(d) If a vehicle was delivered to the automotive repair dealer under unusual circumstances per section 3353.2, the automotive repair dealer shall also record the following additional information on the invoice:

(1) The date and time of the authorization of the estimate;

(2) The name of the person who gave the authorization; and

(3) The telephone number or electronic mail address contacted, if any, to obtain the authorization.

(e) If additional authorization was obtained per section 3354(a), and the authorization was made orally or electronically, the automotive repair dealer shall record the oral or electronic authorization on the invoice.

(1) The invoice shall include the following additional information:

(A) The date and time of the additional authorization;

(B) The name of the person who authorized the additional repairs;

(C) The telephone number or electronic mail address contacted, if any, to obtain the additional authorization; and

(D) a description of all additional parts and labor, the cost for the additional parts and labor and the total price for all repairs.

(2) If the customer provided additional authorization orally, the automotive repair dealer may, instead of documenting the information described in subsection (d)(1) of this section, obtain the customer's signature or initials on a statement acknowledging notice of and consent to the additional repairs, parts, and labor, and total revised cost. The statement shall be as follows:

"I acknowledge notice and oral approval of an increase in the original estimated price.

(signature or initials)"

~~(b)~~(f) If a customer is to be charged for a part, that part shall be specifically listed as an item in the invoice, as provided in subparagraph (B) of paragraph (2) of subsection (a)(b) above. If that item is not listed in the invoice, it shall not be regarded as a part, and a separate charge may not be made for it.

~~(e)~~(g) Separate billing in an invoice for items generically noted as shop supplies, miscellaneous parts, fees for electronic communication with the smog check database, and the like, is prohibited.

~~(d)~~(h) A customer's declination of repair or reassembly after teardown shall be documented by an automotive repair dealer on the teardown invoice as specified in section 3353 of this Article.

(i) Replaced parts that cannot be returned to a customer shall be documented by an automotive repair dealer on the invoice as specified in section 3355 in this Article.

(j) ~~The automotive repair dealer shall give the customer a legible copy of the invoice and shall retain a legible copy as part of the automotive repair dealer's records pursuant to Section 9884.11 of the Business and Professions Code and Section 3358 of this article.~~

Note: Authority cited: Sections 137 and 9882, Business and Professions Code. Reference: Sections 9884.8, 9889.50 and 9889.52, Business and Professions Code; and Sections 12000 and 12001, Vehicle Code.

(6) Repeal Section 3356.1, Article 7, Chapter 1, Division 33, Title 16, California Code of Regulations, as follows:

~~§ 3356.1. Toxic Waste Disposal Costs.~~

~~An automotive repair dealer may charge a customer for costs associated with the handling, management and disposal of toxic wastes or hazardous substances under California or federal law which directly relate to the servicing or repair of the customer's vehicle. Such charge must be disclosed to the customer by being separately itemized on the estimate prepared pursuant to Section 9884.9(a) of the Business and Professions Code and on the invoice prepared pursuant to Section 9884.8 of the Business and Professions Code. In order to assess this charge, the automotive repair dealer must note on the estimate and invoice the station's Environmental Protection Agency identification number required by Section 262.12 of Title 40 of the Code of Federal Regulations.~~

Note: Authority cited: Section 9882, Business and Professions Code. Reference: Sections 9882, 9884.8, and 9884.9(a), Business and Professions Code.

(7) Adopt Section 3357, Article 7, Chapter 1, Division 33, Title 16, California Code of Regulations, as follows:

~~§ 3357. Toxic Waste Disposal Costs Denial, Suspension, and Revocation Substantial Relation Criteria.~~

An automotive repair dealer may charge a customer for costs associated with the handling, management and disposal of toxic wastes or hazardous substances under California or federal law which directly relate to the servicing or repair of the customer's vehicle. Such charge must be disclosed to the customer by being separately itemized on the estimate prepared pursuant to Section 9884.9(a) of the Business and Professions Code and on the invoice prepared pursuant to Section 9884.8 of the Business and Professions Code. In order to assess this charge, the automotive repair dealer must note on the estimate and invoice the station's Environmental Protection Agency identification number required by Section 262.12 of Title 40 of the Code of Federal Regulations.

Note: Authority cited: Sections 9882 and 9884.19, Business and Professions Code. Reference: Sections 9882, 9884.8, and 9884.9(a), 475 et seq. of Division 1.5, Business and Professions Code.

(8) Amend Section 3358, Article 7, Chapter 1, Division 33, Title 16, California Code of Regulations, as follows:

§ 3358. Maintenance of Records.

Pursuant to Section 9884.11 of the Business and Professions Code, Each automotive repair dealer shall maintain, in either written or electronic form, legible copies of the following records for not less than at least three years:

(a) All invoices relating to automotive repair including invoices received from other sources for parts and/or labor.

(b) All ~~written~~ estimates pertaining to work performed, including all records created to obtain the authorization from the customer for the initial estimate.

(c) All work orders and/or contracts for repairs, parts and labor, including all records supplementing the work order and created to obtain additional authorization from the customer for any additional repairs estimated.

(d) All such records shall be open for reasonable inspection and/or reproduction by the Bureau or other law enforcement officials during normal business hours.

(e) All records as specified in this section associated with an individual transaction shall have a unique identifier linking the records to that specific transaction.

Note: Authority cited: Sections 9882 and 9884.11, Business and Professions Code. Reference: Section 9884.11, Business and Professions Code.

(9) Repeal Section 3359, Article 7, Chapter 1, Division 33, Title 16, California Code of Regulations, as follows:

~~§ 3359. Sublet Disclosure.~~

~~Upon the request of a customer, an automotive repair dealer shall disclose the location at which any repair work will be done other than repair work to be done at the dealer's location and by the dealer or his/her employees~~

~~Note: Authority cited: Section 9882, Business and Professions Code. Reference: Sections 9882 and 9884.7, Business and Professions Code.~~

(10) Amend Section 3371, Article 9, Chapter 1, Division 33, Title 16, California Code of Regulations, as follows:

§ 3371. Untrue or Misleading Statements or Advertising

No automotive repair dealer shall publish, utter, or make or cause to be published, uttered, or made any false or misleading statement or advertisement which is known to be false or misleading, or which by the exercise of reasonable care should be known to be false or misleading. Advertisements and advertising signs shall clearly show the name and address listed on the automotive repair dealer's State registration certificate. ~~Advertisements and advertising signs shall clearly show the following:~~

~~(a) Firm Name and Address. The dealer's firm name and address as they appear on the State registration certificate as an automotive repair dealer; and~~

~~(b) Telephone Number. If a telephone number appears in an advertisement or on an advertising sign, this number shall be the same number as that listed for the dealer's firm name and address in the telephone directory, or in the telephone company records if such number is assigned to the dealer subsequent to the publication of such telephone directory.~~

Note: Authority cited: Sections 9882 and 9884.19, Business and Professions Code. Reference: Sections 9884.19 and 17500, Business and Professions Code.

Patrick Dorais, Chief
Bureau of Automotive Repair