

Bureau of Automotive Repair
Section 100: Proposed Amendments to Title 16, Division 33 of the
California Code of Regulations

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Omitted text is indicated by (****)

I. Amend 3351.7.3. of Article 6.1, Chapter 1, Division 33, Title 16, California Code of Regulations, to read as follows:

§ 3351.7.3 Requirements of Mobile Automotive Repair.

(a) It is unlawful for any person to engage in the business of mobile automotive repair ~~that is not considered a minor service per Business and Professions Code section 9880.1(e)~~ unless that person has registered as an automotive repair dealer in accordance with this chapter and that registration is currently valid.

Note: Authority cited: Sections 9882 and 9884.19, Business and Professions Code. Reference: Sections ~~9880.1~~, 9884.6, 9884.19, and 17505, Business and Professions Code.

II. Amend 3361.1 of Article 8, Chapter 1, Division 33, Title 16, California Code of Regulations, to read as follows:

§ 3361.1. Automatic Transmissions.

The following minimum requirements specifying accepted trade standards for good and workmanlike rebuilding of automatic transmissions are intended to define terms that have caused confusion to the public and unfair competition within the automotive repair industry. The term “automatic transmission” shall also apply to the automatic transmission portion of transaxles for the purposes of this regulation, unless both the automatic transmission portion and the differential portion of the transaxle share a common oil supply, in which case the term “automatic transmission” shall apply to both portions of the transaxle. These minimum requirements shall not be used to promote the sale of “rebuilt” automatic transmissions when a less extensive and/or less costly repair is desired by the customer. Any automotive repair dealer who represents to customers that the following sections require the rebuilding of automatic transmissions is subject to the sanctions prescribed by the Automotive Repair Act. All automotive repair dealers engaged in the repair, sale, or installation of automatic transmissions in vehicles covered under the Act shall be subject to the following minimum requirements:

(a) Before an automatic transmission is removed from a motor vehicle for purposes of repair or rebuilding, it shall be inspected. Such inspection shall determine whether or not the replacement or adjustment of any external part or parts will correct the specific malfunction of the automatic transmission. In the case of an electronically controlled automatic transmission, this inspection shall include a diagnostic check, including the retrieval of any diagnostic trouble codes, of the electronic control module that controls the operation of the transmission. If minor service and/or replacement or adjustment of any external part or parts and/or of companion units can

reasonably be expected to correct the specific malfunction of the automatic transmission, then prior to removal of the automatic transmission from the vehicle, the customer shall be informed of that fact as required by Section 3353 of these regulations. Before removing an automatic transmission from a motor vehicle, the dealer shall also comply with the provisions of section 3353(c)(d), and disclose any applicable guarantee or warranty as provided in sections 3375, 3376 and 3377 of these regulations. If a diagnostic check of an electronic control module cannot be completed due to the condition of the transmission, the customer shall be informed of that fact and a notation shall be made on the estimate, in accordance with Section 3353 of these regulations.

Note: Authority cited: Sections 9882 and 9884.19, Business and Professions Code. Reference: Sections 9884.7(a), 9884.8, 9884.9(a), and 9884.19, Business and Professions Code.