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# LEGISLATION AND REGULATIONS UPDATE

DEPARTMENT OF CONSUMER AFFAIRS

**BAR**

Bureau of Automotive Repair

HOLLY O'CONNOR / LUCY SARKISYAN  
EXECUTIVE OFFICE  
BAR ADVISORY GROUP MEETING  
OCTOBER 22, 2020

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# LEGISLATION IMPORTANT DATES

- **September 30, 2020** – Last day for the Governor to act on passed legislation
- **December 7, 2020** – The 2020-2021 Regular Session convenes for Organizational Session
- **January 1, 2021** – Chaptered bills take effect
- **January 4, 2021** – Legislature reconvenes

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# LEGISLATIVE BILLS CHAPTERED

- AB 2113 (Low): Licensing of Refugees & Immigrants
- SB 878 (Jones): Application Processing Timeframes

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## AB 2113 (Low): Licensing of Refugees & Immigrants

- Status: Chaptered on September 27, 2020.
- Summary: This bill requires 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.

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## SB 878 (Jones): Application Processing Timeframes

- Status: Chaptered on September 24, 2020.
- Summary: This bill requires 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.

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# 2019 LEGISLATIVE BILLS DIED IN COMMITTEE

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

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# 2020 LEGISLATIVE BILLS DIES IN COMMITTEE

- AB 1263 (Low): Consumer Complaints
- AB 1616 (Low): Expunged Convictions
- AB 1972 (Voepel): Vehicular Air Pollution
- AB 2225 (Grayson): Historic Vehicle Exemption
- AB 2185 (Patterson): Reciprocity
- AB 2419 (Santiago): Vehicle Towing and Storage
- AB 2454 (Low): BAR Disciplinary Cases; Trusted Dealer Certification
- AB 2631 (Cunningham): Military Partners and Spouses
- SB 873 (Jackson): Gender Discrimination: Pricing
- AB 3045 (Gray): Veterans/Military Spouse Licensure

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# BAR REGULATION PROPOSALS

- Rehabilitation Criteria for Licensure
- Smog Check Equipment Security and Fraud Prevention
- 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



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# 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.
- Status: Regulation package with Final Statement of Reasons is currently under review at OAL.
- Next Steps: Adoption by OAL.

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# SMOG CHECK EQUIPMENT SECURITY AND FRAUD PREVENTION

- Purpose:
  - Require the use of biometric and web camera 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: Public workshop on draft regulations; finalize and submit to DCA Legal for formal review.

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# 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.
- Next Steps: Complete DCA formal review; publish Notice with OAL to begin the 45-day public comment period.

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# 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 was approved by OAL and became effective on August 31, 2020.
- Status: Under E.O. N-40-20, BAR has 240 days from the date of OAL approval of the emergency package to adopt as permanent via regular rulemaking.
- Next Steps: Complete DCA formal review of the regular package; publish Notice with OAL to begin the 45-day public comment period.

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# 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.
- Next Steps: Complete DCA formal review; publish Notice with OAL to begin the 45-day public comment period.

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# 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 to DCA Legal for informal review on May 13, 2019.
- Status: Working to address DCA Legal issues.
- Next Steps: Complete DCA Legal informal review; submit to DCA for formal review.

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# 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: BAR is working to address DCA Legal issues.
- Next Step: Complete DCA Legal informal review; submit to DCA for formal review.

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# 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: BAR is working to address DCA Legal issues.
- Next Steps: Conduct public workshop on draft regulations; finalize and submit to DCA Legal for informal review.



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# 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 pre-tensioners, seat structural components, and steering columns.
- History: Public workshop held on October 17, 2020. Submitted to DCA Legal for informal review on June 23, 2020.
- Status: BAR is working to address DCA Legal issues.
- Next Steps: Complete DCA Legal informal review; submit to DCA for formal review.

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# QUESTIONS AND COMMENTS

Submit questions and/or comments to:

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