

**DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
DIVISION 33**

BUREAU OF AUTOMOTIVE REPAIR

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING

Automotive Repair Dealer Registration Renewal Requirements

NOTICE IS HEREBY GIVEN that the Bureau of Automotive Repair (Bureau) is proposing to take the rulemaking action described below under the heading Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Bureau has not scheduled a public hearing on this proposed action. However, the Bureau will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under “Contact Person” in this notice.

WRITTEN COMMENT PERIOD

Written comments relevant to the action proposed, including those sent by mail, facsimile, or e-mail to the addresses listed under “Contact Person” in this Notice, must be received by the Bureau at its office no later than **5:00 p.m., Tuesday, September 12, 2023**, or must be received by the Bureau at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Business and Professions Code (BPC) sections 9882 and 9884, and to implement, interpret and make specific BPC sections 152.5, 152.6, 9884.3, and 9884.4, the Bureau is proposing to adopt the following changes to California Code of Regulations Title 16, Division 33, Chapter 1, Article 1.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department of Consumer Affairs (DCA), Bureau of Automotive Repair (Bureau), is the state agency charged with licensing automotive repair dealers (ARDs), Smog Check stations, STAR stations, brake and lamp stations, and their respective inspectors, repair technicians, and adjusters.

Before January 1, 2022, Business and Professions Code section 9884 (BPC) required ARDs to register with the Director (of DCA) upon forms prescribed by the Director that contained sufficient information to identify the automotive repair dealer, including, among other things, the address of each location and the dealer's retail seller's permit number if a permit is required by law. Assembly Bill (AB) 471 (Low, Chapter 372, Statutes of 2021) amended BPC section 9884 to additionally require the forms to include, among other things, the automotive repair dealer's telephone number, email address, and motor vehicle license plate number if engaged in mobile automotive repairs.

In this rulemaking proposal, the Bureau proposes to: (1) amend existing section 3351.2 of Article 1 of Chapter 1 of Division 33 of Title 16 of the CCR as follows:

- Section 3351.2 will outline that when a registrant is renewing their automotive repair dealer registration, the registrant shall inform the Bureau of any changes to information required in section 3351, Registration of Automotive Repair Dealers, as well as any additionally required information to the extent that it has not already been provided.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATION

By requiring registrants to renew their license pursuant to the requirements of this section the Bureau ensures complete collection of required information, including the additional information resulting from the adoption the new BPC 9884. Requiring registrants to update any changes to information upon renewal ensures the Bureau keeps updated records, thus ensuring a more efficient and effective communication with ARD applications and enhancing Bureau efficiency in processing applications.

Additionally, the language will give the Bureau the ability to collect the additional information required under BPC section 9884 and allow the Bureau to process renewals more efficiently with current and complete information.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

During the process of developing these regulations and amendments, the Bureau has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

FISCAL IMPACT ESTIMATES

The Bureau has made the following determinations:

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

There is no fiscal impact to the State in the form of federal funding or any cost or savings to any state agency. This proposal of requiring additional information from registrant prior to renewal of a license does cause any considerable additional workload or costs resulting from the proposed regulations and the minor time added to a review of the renewal package or the provided information is merely costs of implementation that are a result of current law.

Nondiscretionary Costs/Savings to Local Agencies: None

Cost to any Local Agency or School District for which Government Code Sections 17500 - 17630 Require Reimbursement: None

Mandate Imposed on Local Agencies or School Districts: None

Significant Effect on Housing Costs (and, if applicable, including any estimated costs of compliance or potential benefits of a building standard): None

Business Impact:

The Bureau has made an initial determination the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including small businesses and the ability of California businesses to compete with businesses in other states.

Cost Impact on Representative Private Person or Business:

The Bureau is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Business Reporting Requirements:

The regulatory action does not require businesses to file a report with the Board.

Effect on Housing Costs: None

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/ Businesses

The Bureau has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Benefits of Regulation

This regulatory proposal does not affect the health and welfare of California residents, worker safety, or the state's environment.

Business Reporting Requirements

The regulatory action does not require businesses to file a report with the Bureau. The proposed regulatory action merely requests additional information be provided to the Bureau consistent with AB 471.

EFFECT ON SMALL BUSINESS

This regulatory proposal does not affect small businesses because it is not relevant to small businesses; it only informs applicants of what will be requested on the application. Although small businesses owned by licensees of the Bureau may be impacted, the Bureau does not maintain specific data relating to the number or percentage of licensees who own a small business; therefore, the number or percentage of small businesses that may be impacted cannot be predicted precisely. Additionally, any effect is minimal given that the registrant is simply provided some additional information as required under AB 471 and should not be significantly time consuming given such information is readily available to the registrant.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Bureau must determine that no reasonable alternative to this proposed regulatory action is considered, or that has otherwise been identified and brought to its attention, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements orally or in writing relevant to the above determinations at the above-mentioned hearing.

AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE

The Bureau has compiled a record for this regulatory action, which includes the Initial Statement of Reasons (ISOR), proposed regulatory text, and all the information on which this proposal is based. This material is contained in the rulemaking file and is available for public inspection upon request to the contact persons named in this notice.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, any document incorporated by reference, the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Bureau of Automotive Repair, 10949 North Mather Boulevard, Rancho Cordova, California 95670.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments, the Bureau, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal, with the modifications clearly indicated, will be available for review and written comment for 15 days prior to its adoption from the person designated in this Notice as the Contact Person and will be mailed to those persons who submit written comments or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AVAILABILITY AND LOCATION OF THE RULEMAKING FILE AND THE FINAL STATEMENT OF REASONS

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the person named above.

You may obtain a copy of the Final Statement of Reasons, once it has been prepared, by making a written request to the contact person named above, or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Kayla Shelton
Bureau of Automotive Repair
10949 North Mather Blvd.

Rancho Cordova, CA 95670
Telephone: (916) 403-0307
E-mail: kayla.shelton@dca.ca.gov

The backup contact person is:

Mathew Gibson
Bureau of Automotive Repair
10949 North Mather Blvd.
Rancho Cordova, CA 95670
Telephone: (916) 403-8060
E-mail: Mathew.Gibson@dca.ca.gov

WEBSITE ACCESS

Materials regarding this proposal can also be found on BAR's Web site at <https://www.bar.ca.gov/regulatory-actions>.