

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. BUREAU OF AUTOMOTIVE REPAIR

PROPOSED REGULATORY LANGUAGE
Consumer Assistance Program Incentive Increases

<p>Legend: Added text is indicated with an <u>underline</u>. Deleted text is indicated by strikeout. Omitted text is indicated by (* * * *)</p> <p>Modified text (15-day) comment period: Added text is indicated with a <u>double underline</u>. Deleted text is indicated with a double strikeout.</p>

Amend sections 3394.3, 3394.4, and 3394.6 of Division 33 of Title 16 of the California Code of Regulations to read as follows:

§ 3394.3. Vehicle Retirement and Repair Assistance Payment Limits.

An applicant determined to be eligible under the Consumer Assistance Program may receive the following assistance subject to the availability of appropriated funds:

- (a) Under the Vehicle Retirement option, vehicle owners who meet income eligibility requirements set forth in section 3394.6(c) shall receive payment of one thousand five hundred dollars (\$1,500) two thousand dollars (\$2,000) for each vehicle retired from operation for vehicle owners who meet income eligibility requirements. All other vehicle owners shall receive one thousand dollars (\$1,000) one thousand three hundred fifty dollars (\$1,350) for each vehicle retired from operation. All vehicles shall be retired from operation at a dismantler operating under contract with the Bureau. The Bureau will amend the dollar value of the Vehicle Retirement and Repair Assistance amounts specified in this section and section 3394.4(b)(4) and (b)(5) pursuant to subdivisions (a)(1), (a)(2), (c)(3), and (c)(4) of this section.
- (1) Incentive amounts listed in subdivision (a) shall be adjusted for increases in inflation once every three years beginning July 1, 2028, as follows, provided all conditions below are met.
- (A) Vehicle Retirement expenditures for the fiscal year preceding the adjustment were less than 90% of that year's appropriation to the Vehicle Retirement Schedule of the High Polluter Repair or Removal Fund and no appropriation reductions are planned in the Governor's January Proposed Budget for the fiscal year of the adjustment. The Bureau will post the Vehicle Retirement expenditures for the prior fiscal year on its website annually by March 31.

- (B) The Bureau of Labor Statistics Consumer Price Index for Used Cars and Trucks, Series CUUR0000SETA02, (hereinafter referred to as CPI_{UCT}) has increased by at least 10% since the year prior to the last incentive increase. The Average Annual CPI_{UCT} for the year prior to the potential adjustment and the year prior to the last adjustment will be used to determine if the 10% threshold is met.
- (2) The amount of the increase shall be the prior incentive amount multiplied by the percentage increase in the CPI_{UCT}, with the result rounded to the nearest \$50. In making this calculation, the Bureau shall use the Average Annual CPI_{UCT} for the year prior to the adjustment and the year prior to the last adjustment.

(* * * *)

- (c) If the STAR test-and-repair station requests emissions-related repairs in excess of \$500, and after evaluating the criteria listed in ~~subsection~~ subdivision (b)(1) through (b)(7) the Bureau concurs that those repairs are necessary to pass the Smog Check inspection and are cost effective as specified in Health and Safety Code section 44062.1, then the total emission related repair services received by the vehicle owner shall receive additional emissions-related repair services in be revised from the amount listed in subdivision(b) up to the following amounts:
- (1) up to four hundred dollars (\$400) One thousand one hundred dollars (\$1,100) for model year 1976 through 1995 vehicles, and
- (2) up to seven hundred dollars (\$700) One thousand four hundred fifty dollars (\$1,450) for model year 1996 or newer vehicles.
- (3) The total emission related repair service amounts listed in subdivisions (1) and (2) shall be adjusted for inflation increases once every three years beginning July 1, 2028, as follows, provided all conditions below are met.
- (A) Repair Assistance expenditures for the fiscal year preceding the adjustment were less than 90% of that year's appropriation to the Repair Assistance Schedule of the High Polluter Repair or Removal Fund and no appropriation reductions are planned in the Governor's January Proposed Budget for the fiscal year of the adjustment. The Bureau will post the Vehicle Retirement expenditures for the prior fiscal year on its website annually by March 31.
- (B) The Bureau of Labor Statistics Consumer Price Index for Motor Vehicle Maintenance and Repair, Series CUUR0000SETD, (hereinafter referred to as CPI_{MVMR}) has increased by at least 10% since the year prior to the last increase. The Average Annual CPI_{MVMR} for the year prior to the potential adjustment and the year prior to the last adjustment will be used to determine if the 10% threshold is met.

- (4) The amount of the increase shall be the maximum repair services amount listed in subdivisions (1) and (2) multiplied by the percentage increase in the CPI_{MVMR}, with the result rounded to the nearest \$50. In making this calculation, the Bureau shall use the Average Annual CPI_{MVMR} for the year prior to the ~~planned~~ adjustment and the year prior to last adjustment.

(* * * *)

NOTE: Authority cited: Sections 44001.5, 44002 and 44062.3, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 44001.3, 44014.2, 44015, 44017, 44037.1, 44062.1, 44062.3, 44091, 44092, 44093, 44094 and 44095, Health and Safety Code.

§ 3394.4. Eligibility Requirements.

- (a) In order to participate in the Repair Assistance option of the Consumer Assistance Program, the following requirements must be met:

(1) The applicant must be the registered owner of the vehicle with vehicle title issued in their name.

~~(2) The applicant must not have previously participated in the Repair Assistance option for the same vehicle.~~

~~(3)~~(2) The applicant must have a household income that is less than or equal to two hundred twenty-five percent (225%) of the federal poverty level, as published in the Federal Register by the United States Department of Health and Human Services.

~~(4)~~(3) The applicant must pay a minimum of twenty percent (20%) of the total cost of diagnosis and repair of the emissions-related failure as co-payment for participating in the Repair Assistance option. Once the Bureau's eighty percent (80%) portion of the diagnosis and repair pursuant to Health and Safety Code section 44094(b)(1) has reached the maximum amount payable as defined by section 3394.3(c), all additional costs shall be borne by the applicant. The co-payment shall be paid directly to the station that performs the state-subsidized emissions-related repair work under an agreement with the Bureau.

~~(5)~~(4) At the time of application, the vehicle must:

(* * * *)

- (b) In order to participate in the Vehicle Retirement option of the Consumer Assistance Program, the following requirements must be met:

(* * * *)

(4) An applicant who meets household income level requirements listed in paragraph (32) of subdivision (a) of this section shall receive ~~one thousand five hundred dollars (\$1,500)~~ two thousand dollars (\$2,000) for each vehicle retired.

(5) An applicant who does not meet household income level requirements listed in paragraph (32) of subdivision (a) of this section shall receive ~~one thousand dollars (\$1,000)~~ one thousand three hundred fifty dollars (\$1,350) for each vehicle retired from operation.

(* * * *)

NOTE: Authority cited: Sections 44001.5, 44002 and 44062.3, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 44001.3, 44005, 44010.5, 44011, 44012, 44014.2, 44014.7, 44015, 44017, 44017.1, 44037.1, 44062.1, 44062.3, 44091, 44092, 44093, 44094, 44095 and 44125, Health and Safety Code.

§ 3394.6. Application and Documentation Requirements for the Consumer Assistance Program.

(a) In order to participate in the Consumer Assistance Program, the applicant shall meet the requirements pursuant to 3394.4 et seq. and submit, either via the Bureau's Consumer Assistance Program website or via delivery to the Bureau's headquarters office using U.S. mail or personal delivery, a completed application on a form prescribed by the Bureau that provides all the following required information; ~~CAP/APP (Rev. 04/2020), which is hereby incorporated by reference, and required documentation to the Department or its designee with original signature(s).~~

(1) Program option requested: Vehicle Retirement or Repair Assistance.

(2) The following identifying information:

(A) The legal name of the applicant/registered owner. The registered owner must apply using their full legal name: (Last Name) (First Name) (Middle Name) and/or (Suffix) and provide the document number from a government issued driver license or identification card.

(B) Applicant's mailing address.

(C) Applicant's telephone number.

(D) Applicant's email address.

(E) If there is a joint registered owner, the full legal name of the joint registered owner: (Last Name) (First Name) (Middle Name) and/or

(Suffix) and provide the document number from a government issued driver license or identification card.

(F) Vehicle information: year, make, model, vehicle identification number, and California license plate number.

(G) Income verification: If applying as an income eligible applicant, the number of people, including the applicant, living in the household and the gross household income.

(3) A statement signed by the applicant under penalty of perjury acknowledging:

(A) The information provided on the application is true and submitting false information may result in a criminal conviction in addition to civil penalties.

(B) The information provided on the application will be used to assess and verify the applicant's eligibility for assistance.

(C) Upon request, the applicant may be required to provide documentation to the Bureau verifying household income.

(D) The applicant's signature gives consent for this information to be shared with other government agencies.

(E) If the vehicle does not meet all program eligibility requirements, it will not be allowed into the Consumer Assistance Program.

(b) The Consumer Assistance Program application shall also include a Notice on Collection of Personal Information that states the following:

(1) Collection and Use of Personal Information: The Bureau of Automotive Repair of the Department of Consumer Affairs collects the personal information requested on this form as authorized by Health and Safety Code sections 44002 and 44094, and California Code of Regulations, title 16, sections 3394.4 and 3394.6. The Bureau of Automotive Repair uses this information principally to identify and evaluate applicants for assistance under the Consumer Assistance Program.

(2) Providing Personal Information is Voluntary: You do not have to provide the personal information requested. However, if you do not provide the requested personal information, we may be unable to process your application for assistance.

(3) Access to Personal Information: You may review the records maintained by the Bureau of Automotive Repair that contain your personal information, as permitted by the Information Practices Act. See below for contact information.

(4) Possible Disclosure of Personal Information: The Bureau of Automotive Repair makes every effort to protect the personal information you provide us. The information you provide, however, may be disclosed in the following circumstances:

- (A) In response to a Public Records Act (PRA) request (Government Code Section 7920.000, et seq.) as allowed by the Information Practices Act (Civil Code Section 1798 et seq.);
- (B) To another government agency as required by State or Federal law; or,
- (C) In response to a court or administrative order, a subpoena, or a search warrant.

(5) Contact Information: For questions about this notice or access to your records, you may contact the Bureau of Automotive Repair PRA Unit at 10949 North Mather Boulevard, Rancho Cordova, CA 95670, by phone at (855) 735-0465, or by email at bar.pra@dca.ca.gov.

For questions about the Department's Privacy Policy, you may contact the Department of Consumer Affairs at 1625 North Market Boulevard, Sacramento, CA 95834, by phone at (800) 952-5210, or by email at dca@dca.ca.gov.

For questions about the Information Practices Act, you may contact the Office of the Attorney General, California Department of Justice - Attention: Public Inquiry Unit, PO Box 944255, Sacramento, CA 94244, by phone at (800) 952-5225, or online at www.privacy.ca.gov.

~~(b)~~(c) To qualify based on income level, the applicant must certify under penalty of perjury that ~~he or she has~~they have a household income that is less than or equal to two hundred twenty-five percent (225%) of the federal poverty level, as published in the Federal Register by the United States Department of Health and Human Services. Prior to approving the application, the bureau will periodically and randomly require the applicant to provide a copy of one of the following documents, as applicable:

(* * * *)

NOTE: Authority cited: Sections 44001.5, 44002, 44091 and 44094, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 44001.3, 44005, 44010.5, 44011, 44012, 44014, 44014.2, 44015, 44017, 44017.1, 44062.1, 44092, 44093, 44094 and 44095, Health and Safety Code.