

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. BUREAU OF AUTOMOTIVE REPAIR

PROPOSED REGULATORY LANGUAGE
Change of Address Requirements

Legend:	Added text is indicated with an <u>underline</u> . Deleted text is indicated by strikeout . Omitted text is indicated by (* * * *)
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Amend sections 3312.1, 3351, and 3351.1 of Article 6.1 of Chapter 1 of Division 33 of Title 16 of the California Code of Regulations to read as follows:

§ 3312.1. Licensing Vehicle Safety Systems Inspection Stations; Inspection, Term, and Renewal.

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(d) A vehicle safety systems inspection station shall notify the Bureau in writing of any material changes to the information submitted to the Bureau, under subdivision (a)(2) of this section, within ~~fourteen (14)~~thirty (30) days of the date of making any changes, or receiving notice of any change in the case of criminal convictions and disciplinary matters referenced in subdivisions (a)(2)(I) and (a)(2)(K) of this section. For the purposes of this section, “material” means any of the following:

- (1) A change of ownership, as defined in section 3303(t) of this Chapter;
- (2) A change to the legal or fictitious business name;
- ~~(3) A change of address, as defined in section 3303(u) of this Chapter;~~
- (4) A change to controlling individuals;
- ~~(5)~~ A new report of a conviction of the vehicle safety systems inspection station or any of its controlling individuals, as provided in section 490 of the Code; or
- ~~(6)~~ A new report of formal discipline against the vehicle safety systems inspection station or any of its controlling individuals by a licensing board.

(e) A vehicle safety systems inspection station shall notify the Bureau in writing of a change of address, as defined in section 3303(u) of these regulations, within fourteen (14) days of the date of making any change of address.

(e) The notice of material changes required by subdivisions (d) and (e) of this section shall include all of the following for each change: a description of the change, and the effective date of each change or the date that notice of the change was received by the

vehicle safety systems inspection station in the case of reporting convictions and formal discipline.

(fg) As a condition of renewal, a vehicle safety systems inspection station shall submit a renewal fee of \$20.00 to the Bureau prior to the expiration date of their license, or as otherwise provided in this subdivision. If the vehicle safety systems inspection station submits the renewal fee after the license expiration date, a delinquency fee of \$10.00 shall be assessed in addition to the \$20.00 renewal fee, pursuant to section 163.5 of the Code. If more than 30 days have passed since the vehicle safety systems inspection station's license expiration date, the station's license shall not be renewed and shall expire. If the entity or individual seeks to operate as a licensed vehicle safety systems inspection station again, they shall submit a new application and fee, as specified in subdivision (a) of this section.

(gh) Upon expiration of a vehicle safety systems inspection station license, a station shall not perform vehicle safety systems inspections until a current and active license is obtained, as specified in this section.

(hi) For the purposes of this section, "controlling individual" means owners, directors, officers, partners, members, trustees, managers, and any other persons the applicant identifies in their application who directly or indirectly, wholly or in part, control or conduct the business.

(ij) In addition to any of the applicable grounds provided in section 9889.2 of the Code, an application for licensure or renewal as a vehicle safety systems inspection station may be denied for any of the following reasons:

Note: Authority cited: Sections 9882 and 9888.5, Business and Professions Code.
Reference: Sections 152.6, 163.5, 9888.2 and 9888.5, Business and Professions Code.

§ 3351. Registration of Automotive Repair Dealers.

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(e) An automotive repair dealer shall notify the Bureau in writing of any material changes to the information submitted to the Bureau under subdivision (a)(2) within thirty (30) days of the date of making any changes, or receiving notice of any change in the case of educational certifications, criminal conviction or disciplinary matters referenced in subdivisions (a)(2)(O), (a)(2)(P), (a)(2)(R), and (a)(2)(S). ~~For the purposes of this section, "material" means any of the following:~~

~~(1) A change of ownership, as defined in section 3303(t) of these regulations,~~

~~(2) A change to the legal or fictitious business name,~~

~~(3) A change of address, as defined in section 3033(u) of these regulations,~~

~~(4) A change to controlling individuals;~~

~~(5) A change to any nationally recognized and industry-accepted educational certifications or Bureau-accepted educational certifications reported to the Bureau as part of the application required by this section, including expiration of certification(s) or the addition of new certification(s);~~

~~(6) A new report of a conviction of the automotive repair dealer or any of its controlling individuals as provided in Section 490 of the Code; or,~~

~~(7) A new report of formal discipline against the automotive repair dealer or any of its controlling individuals by a licensing board.~~

~~(8) A new report of being denied a registration or receiving a citation for committing acts prohibited by Section 9884.7 of the Code from a licensing board in or outside of California, including the Bureau, or any board (as defined in Section 22 of the Code) in the Department of Consumer Affairs.~~

(f) An automotive repair dealer shall notify the Bureau in writing of any change of physical or mailing address, as defined in section 3303(u) of these regulations, within fourteen (14) days of the date of making any change of address.

(gf) The notice of ~~material~~ changes required by subdivisions (e) and (f) shall include the following for each change: a description of the change and the effective date of each change, or the date that notice of the change was received by the automotive repair dealer in the case of reporting the convictions or formal discipline described in subdivisions (a)(2)(O), (a)(2)(P), (a)(2)(R), and (a)(2)(S).

(gh) The Bureau shall waive the fee specified in subdivision (a)(1) for an applicant who meets the requirements set forth in Section 115.5 of the Code and submits the following satisfactory evidence with the application set forth in this section:

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Note: Authority cited: Sections 9882, 9884.2 and 9884.4, Business and Professions Code. Reference: Sections 27, 30, 31, 114.5, 115.4, 135.4, 141, 142, 480, 490, 9884, 9884.1, 9884.2, 9884.4, 9884.7 and 9889.52, Business and Professions Code.

§ 3351.1. Fees.

(a) Initial Registration. The initial automotive repair dealer registration fee shall be \$200.

(b) Renewal Registration. The renewal fee shall be \$200, provided that registration is renewed on or before the date of expiration. If not renewed on or before the date of expiration, the renewal fee shall be \$250 which includes a \$50 delinquency fee.

(c) Change of Ownership. A new registration shall be required of the new owner in the event of a change of ownership, as defined in Section 3303(t) of these regulations, and an application for registration accompanied by the initial registration fee in the amount of \$200 shall be submitted to the ~~the~~ Bureau for such registration.

(d) Change of Business Name, Address, and/or Corporate Officers or Directors. In the event of a change in the business name (not involving any change in ownership), corporate officers or directors, and/or business or mailing address, a ~~the licensee or registrant shall submit to the bureau a Change of Name/Address/Corporate Officers or Directors, Form R-5 (Rev. 10/14), which is hereby incorporated by reference within 14 calendar days or the license and/or registration shall cease to be valid.~~ A replacement certificate will be issued for the balance of the unexpired term of the registration without charge. Any change in the members of a Limited Liability Company (LLC) requires a new application and fees, unless the LLC articles of incorporation expressly indicate that a change of members does not constitute a change of business.

(e) Lost, Mutilated or Destroyed Registration Certificate. A dealer shall give prompt written notice to the ~~the~~ Bureau in the event a registration certificate issued to the dealer becomes lost, mutilated, or destroyed. The dealer shall make a written request to the ~~the~~ Bureau, accompanied by a certification fee of \$2, for the issuance of a certified duplicate registration certificate for the unexpired term of the registration. Any mutilated registration certificate, and any lost registration certificate subsequently found, shall be surrendered to the ~~the~~ Bureau.

Note: Authority cited: Sections 9882, 9884.19 and 9886.3, Business and Professions Code. Reference: Sections 163 and 9886.3, Business and Professions Code.