

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. BUREAU OF AUTOMOTIVE REPAIR
PROPOSED REGULATORY LANGUAGE
Omnibus Clean Up of Related Regulations

Legend: Added text is indicated with an underline.
 Omitted text is indicated by (* * * *)
 Deleted text is indicated by ~~strikeout~~.

Amend section 3303 in Article 1, Chapter 1, of Division 33, Title 16, California Code of Regulations to read as follows:

§ 3303. Definitions.

In this chapter, unless the context otherwise requires:

(u) “Change of ownership” means any change in legal ownership of the license or the licensed business, including the addition or deletion of a partner, the transfer of any ownership interest between members of a family, such as by sale, gift, or the death of the legal owner or one of the owners, change of the business entity by incorporation of the business, or any other form of entity change to the legal owner of the license.

(v) “Change of address” means any relocation of a licensed business not involving a change of ownership, and any change in the mailing address, including a change resulting from street renumbering.

(w) “Responsible Managing Employee (RME)” means an individual designated by the automotive repair dealer as responsible to oversee the day-to-day operations of the automotive repair dealer and ensure the automotive repair dealer’s compliance with all laws and regulations in conducting its licensed activities.

NOTE: Authority cited: Sections 9882, 9884, 9884.9, 9884.19, and 9887.1, Business and Professions Code. Reference: Sections 9880.1(a), 9880.1(f), 9880.1(k), 9882, 9884, 9884.7(a)(2), 9884.9, 9888.5, 9889.50, 9889.51, and 9889.52, Business and Professions Code.

Amend sections 3312.1 and 3312.1.1 in Article 2.5, Chapter 1, Division 33, Title 16, California Code of Regulations, to read as follows:

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

(a) Any person or entity (“applicant”) seeking a license to operate a vehicle safety

systems inspection station shall submit a completed application to the Bureau that includes all of the following:

(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) 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 ~~3306(c)(1)~~3303(u);
- (2) A change to the legal or fictitious business name;
- (3) A change of address, as defined in section ~~3306(c)(2)~~3303(v);
- (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) The notice of material changes required by subdivision (d) 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.

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

§ 3312.1.1. Licensing Vehicle Safety Systems Inspection Stations; Inspection, Term for Transition of Existing Lamp and Brake Adjusting Stations.

(a) An applicant that possesses current, active, and unrestricted official lamp adjusting and brake adjusting station licenses prior to [OAL insert date that is six months from the date of OAL’s filing with the Secretary of State], does not have any pending disciplinary action with the Bureau, is not on probation with the Bureau, and is seeking a license to operate a vehicle safety systems inspection station shall submit a completed application that includes all of the following:

(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) 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)(1)(I) and (a)(1)(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 ~~3306(e)(1)~~3303(u) of this Chapter;
- (2) A change to the legal or fictitious business name;
- (3) A change of address, as defined in section ~~3306(e)(2)~~3303(v) of this Chapter;

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

Amend section 3340.10 in Article 5.5, Chapter 1, Division 33, Title 16, California Code of Regulations, to read as follows:

§ 3340.10. Licensing of Smog Check Stations.

A registered automotive repair dealer may be licensed as a Smog Check test-only station, a Smog Check test-and-repair station, or a Smog Check repair-only station in accordance with the following:

(e) Replacement License. In determining whether a fee is required for a replacement license, the definitions given in section ~~3306(e)(1) and (2)~~3033(u) and (v) of this chapter shall apply.

NOTE: Authority cited: Sections 44002 and 44034, Health and Safety Code; and Sections 163.5 and 9882, Business and Professions Code. Reference: Sections 44030, 44033, 44034, 44072.6 and 44072.8, Health and Safety Code; and Sections 118 and 9889.7, Business and Professions Code.

Amend Sections 3351 and 3351.1 in Article 6, Chapter 1, Division 33, Title 16, California Code of Regulations, to read as follows:

§ 3351. Registration of Automotive Repair Dealers.

(a) Any person or entity (“applicant”) seeking Bureau registration as an automotive

repair dealer shall submit a completed application that includes all of the following:

- (1) The nonrefundable application fee set forth in section 3351.1 for each location, or each vehicle consistent with section 3351.7.1 unless the applicant meets the requirements for waiver of the fee specified in subdivision (g).
- (2) The following identifying information:

(P) Whether the applicant or any controlling individual of the business has ever been convicted of any crime or offense for which a license may be denied pursuant to Section 480 of the Code.

(Q) Applicants and/or controlling individuals of the business are not required to disclose convictions under California Health and Safety Code Sections 11357(b), (c), (d), ~~(e)~~, or Section 11360(b) which are two years or older.

(R) Whether, within the preceding seven years from the date of application, the applicant or any controlling individual of the business has had a license, registration, or certification that was formally disciplined by 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. "Discipline" for purposes of this section includes reproof, suspension, revocation, probation or any other form of restriction placed on the license, registration, or certification.

(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 ~~3306(e)(1)~~3303(u) of these regulations,
- (2) A change to the legal or fictitious business name,
- (3) A change of address, as defined in section ~~3306(e)(2)~~3033(v) of these regulations,

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.

Registration fees are established as follows:

(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 ~~3306(e)(4)~~3303(u) of these regulations, and an application for registration accompanied by the initial registration fee in the amount of \$200 shall be submitted to the bureau for such registration.

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

Amend section 3395.8 in Article 12.5, Chapter 1, Division 33, Title 16, California Code of Regulations, to read as follows:

§ 3395.8. Application and Petition Requirements for Remedial Training Providers for Automotive Repair Dealers; Renewal.

(a) Any person (“applicant”) seeking Bureau certification to provide remedial training as authorized by section 9884.7(d) of the Code shall submit a completed application which includes all of the following:

(6) Applicants are required to disclose convictions under California Health and Safety Code sections 11357(b), (c), (d), ~~(e)~~, and section 11360(b) which are less than two years old.

NOTE: Authority cited: Sections 9882 and 9884.7, Business and Professions Code. Reference: Sections 30, 31, 114.5, 115.4, 118, 135.4, 142, 163.5, 480, 9882, 9884 and 9884.7, Business and Professions Code; Section 11522, Government Code; and Section 11361.5, Health and Safety Code.