

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. BUREAU OF AUTOMOTIVE REPAIR

STATEMENT OF CHANGES WITHOUT REGULATORY EFFECT
Bureau-Accepted Educational Certifications

The purpose of this document is to satisfy the requirements under California Code of Regulations (CCR), Title 1, section 100, subdivision (b)(1) by providing a written statement to the Office of Administrative Law (OAL) explaining why the following proposed regulatory changes to CCR, Title 16, sections 3351 and 3395.6 are without regulatory effect.

CCR, Title 1, section 100 (section 100) creates an exception to the formal rulemaking requirements of the Administrative Procedure Act (APA) for proposed regulatory changes that do not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provision. Section 100 provides a non-exhaustive list of regulatory changes that are without regulatory effect, including a regulatory change which revises structure, syntax, cross-reference, grammar, or punctuation (§100(a)(4)) and a regulatory change which makes an existing regulation consistent with a statute if the regulatory provision is both inconsistent with the statute and the adopting agency has no discretion but to adopt the proposed regulatory change (§100(a)(6)).

Existing law, the Automotive Repair Act, provides for the registration and regulation of automotive repair dealers by the Bureau of Automotive Repair (Bureau). Existing law requires an automotive repair dealer to pay a required fee for each place of business operated by the dealer in this state and to register with the director upon forms prescribed by the director, as prescribed. Existing law requires the forms to include “any applicable nationally recognized and industry-accepted educational certifications and any bureau-approved educational certifications.”

The following proposed regulatory changes are without regulatory effect pursuant to section 100, subdivisions (a)(4) and (a)(6) and subject to the approval of OAL, the Bureau proposes revising text published in the CCR as follows:

1. Capitalize the “B” in the word “bureau”.

Capitalizing “Bureau” is a grammatical change made as part of an effort to “[revise] structure, syntax, cross-reference, grammar, or punctuation” within the meaning of CCR section 100(a)(4). “Bureau” is a term defined in CCR section 3340.1 and inconsistent capitalization may result in misinterpretation of the lower case “bureau”.

2. Change “bureau-approved educational certifications” to “bureau-accepted educational certifications.”

Senate Bill 1526 (Committee on Business, Professions and Economic Development, Statutes of 2024, Chapter 497) amended Business and Professions Code section 9884, changing “bureau-approved educational certifications” to “bureau-accepted educational certifications” This proposed revision to the CCR will make the regulation consistent with the changed California statute. The current regulatory provision is inconsistent with and superseded by the changed statute, and the Bureau has no discretion to adopt a change which differs in substance from the one chosen. Therefore, this proposed revision meets the requirements of section 100(a)(6) and constitutes a change without regulatory effect.