AUTOMOTIVE REPAIR DEALER CITATION PROGRAM

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EXECUTIVE OFFICE
PUBLIC WORKSHOP
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PROPOSED REGULATION TEXT SUMMARY

• Creates Article 11.3 in California Code of Regulations, Title 16 – “Administrative Citations and Fines, and Orders of Abatement to Automotive Repair Dealers”

• The proposed regulation text includes:
  • Citable violations
  • Fine amounts
  • Appeal process
  • Provisions for nondisclosure of an ARD citation
CITABLE VIOLATIONS

- Negligence (*new* CCR 3351.7)
- Inaccurate Invoice (B&P 9884.8)
- Maintenance of Records (CCR 3358)
- Accepted Trade Standards (CCR 3360 – 3368)
- Equipment Requirements (CCR 3351.5, 3351.6)
FINE AMOUNTS

• Citations shall include an order of abatement
• Fine amounts will not exceed $5,000, even if the citation lists multiple violations
• Fine amounts will be based upon 7 factors in aggravation and mitigation
APPEAL PROCESS

• ARDs may contest a citation within 30 days of issuance
• Appeals will go through an informal citation review process prior to a formal appeal
• Those citation review conferences will be heard by a 3-member panel
  • Panel will consist of a representative from:
    • BAR
    • Industry
    • Public
NONDISCLOSURE OF AN ARD CITATION

• Allows BAR to offer remedial training to prevent public disclosure of a citation under the following conditions:
  • Only for violations that BAR deems to be minor in nature
  • Training must be successfully completed by someone who directly or indirectly controls or conducts business at the ARD
  • Available only once every 18 months
QUESTIONS AND COMMENTS

Submit questions and/or comments to:

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