

BUREAU OF AUTOMOTIVE REPAIR
PROPOSED LANGUAGE
VEHICLE SAFETY SYSTEMS INSPECTION PROGRAM

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

(1) Amend Article 1, Chapter 1, Division 33, Title 16, California Code of Regulations, to read as follows:

§ 3303. Definitions

(s) "Vehicle Safety System" is a system or combination of parts as identified in the Vehicle Safety Systems Inspection Manual referenced in section 3311.1 that has the primary purpose of promoting the safety and security of the vehicle passengers by actively and/or passively working to prevent a collision or limiting damage and/or injuries in the event of a collision.

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), 9888.5, 9884.9, 9889.50, 9889.51 and 9889.52, Business and Professions Code.

§ 3303.2. Review of Applications for Licensure, Registration, and Certification; Processing Time.

(a) An applicant for an initial license, registration or certification shall be informed in writing within 14 days whether the application is complete and accepted for filing or is incomplete and what specific information is required.

(b) An applicant for initial licensure as an ~~official lamp, brake~~ vehicle safety systems inspection or smog check station shall be informed in writing, within 45 days after completion of the application, of the ~~h~~Bureau's decision whether the applicant meets the requirements for licensure. Inspection of the applicant's station shall be performed during that time period. In the event that the inspection indicates a deficiency, the time period may be extended by that time necessary for correcting the deficiency.

(c) An applicant for initial licensure as a smog check technician shall be informed in writing, within 70 days after completion of the application, of the ~~h~~Bureau's decision whether the applicant meets the requirements to take the technician examination.

(d) An applicant for initial licensure as an ~~adjuster~~ vehicle safety systems inspection technician (hereinafter referred to as “vehicle safety systems technician” in this Article) shall be informed in writing, within ~~70~~120 days after completion of the application, of the ~~the~~Bureau's decision whether the applicant meets the requirements for licensure. This period may be extended by the time necessary for rescheduling an examination if the applicant fails the examination or fails to take the examination at the time first scheduled ~~by the bureau~~.

(1) Applicants applying for initial licensure as a vehicle safety systems technician under section 3314.1.1 shall be exempt from any requirement to take an initial licensing examination to qualify for licensure under that section. This subdivision shall become inoperative on [OAL insert date that is one year from the date of filing with the Secretary of State].

(e) An applicant for initial registration as an automotive repair dealer shall be informed in writing, within 45 days after completion of the application, of the ~~the~~Bureau's decision whether the applicant meets the requirements for registration.

(f) An applicant for initial licensure as a fleet facility shall be informed in writing, within 15 days after completion of the application, of the ~~the~~Bureau's decision whether the applicant meets the requirements for licensure.

(g) An applicant for certification as an instructor of Smog check technicians shall be informed in writing, within 45 days after completion of the application, as to whether the applicant meets the requirements for certification.

(h) An applicant for initial certification as an institution providing training to Smog check technicians shall be informed in writing, within 70 days after completion of the application, of the ~~the~~Bureau's decision as to whether the applicant meets the requirements for certification. Inspection of the applicant's training facility shall be performed during that time period. In the event that the inspection indicates a deficiency, the time period may be extended by that time necessary for correcting the deficiency.

(i) An applicant applying for certification as a Gold Shield station shall be informed in writing, within 45 days after the ~~the~~Bureau has received a completed Gold Shield Application form (GSR-1 (08/05/97)) which is incorporated by reference, of the ~~the~~Bureau's decision that the station meets, or does not meet, the eligibility requirements, or the basis for disapproving the certification. Inspection of the applicant's station shall be performed during that time period. In the event that the inspection indicates a deficiency, the time period may be extended by that time necessary for correcting the deficiency. A representative of the ~~the~~Bureau may make an inspection of the applicant's station. A certification may be issued only for an applicant that meets the specifications contained in Article 10, of this chapter.

(j) “Completion of the application” as used in this section means that a completed application and required fees have been filed by the applicant and received by the ~~the~~Bureau.

(k) The minimum, maximum and median processing times for initial licensure, or a Gold Shield (GS) station certification form the time of receipt of the initial application until the ~~the~~Bureau made a final decision on the application, or the GS station certification were:

-	Lamp	Brake	Smog Check
-	Station	Station	Technician
(1) Minimum	14 days	15 days	21 days
(2) Median	20 days	21 days	50 days
(3) Maximum	44 days	29 days	120 days
-	Lamp	Brake	-
-	Adjuster	Adjuster	-
(1) Minimum	15 days	21 days	-
(2) Median	52 days	50 days	-
(3) Maximum	101 days	103 days	-
-	-	-	Technician
-	Automotive	Smog Check	Training
-	Repair Dealer	Station	Institution
(1) Minimum	17 days	3 days	10 days
(2) Median	39 days	22 days	61 days
(3) Maximum	97 days	120 days	347 days
-	-	-	Technician
-	Fleet	Smog Check	Training
-	Facility	Inspector	Instructor
(1) Minimum	1 day	2 days	2 days
(2) Median	10 days	9 days	22 days
(3) Maximum	28 days	112 days	264 days
-	Gold Shield	-	-
-	Station	-	-
(1) Minimum	30 days	-	-
(2) Median	42 days	-	-
(3) Maximum	72 days		

<u>Application Type</u>	<u>Minimum Processing Time</u>	<u>Median Processing Time</u>	<u>Maximum Processing Time</u>
<u>Automotive Repair Dealer</u>	<u>17 days</u>	<u>39 days</u>	<u>97 days</u>
<u>Smog Check Inspector</u>	<u>2 days</u>	<u>9 days</u>	<u>112 days</u>
<u>Smog Check and Vehicle Safety Systems Technician</u>	<u>21 days</u>	<u>50 days</u>	<u>120 days</u>
<u>Smog Check and Vehicle Safety Systems Inspection Station</u>	<u>3 days</u>	<u>22 days</u>	<u>120 days</u>
<u>Fleet Facility</u>	<u>1 day</u>	<u>10 days</u>	<u>28 days</u>
<u>Technician Training Institution</u>	<u>10 days</u>	<u>61 days</u>	<u>347 days</u>
<u>Technician Training Instructor</u>	<u>2 days</u>	<u>22 days</u>	<u>264 days</u>
<u>Gold Shield Station</u>	<u>30 days</u>	<u>42 days</u>	<u>72 days</u>

Note: Authority cited: Sections 9882 and ~~9887.4~~ 9888.5, Business and Professions Code; Sections 44001.5, 44002, 44014, 44031, 44036.5 and 44045.5, Health and Safety Code; ~~and Section 15376, Government Code.~~ Reference: ~~Section 15376, Government Code;~~ Section 44014.2, Health and Safety Code; and Section 20, Title 1, Government Code.

(2) Amend Sections 3305, 3306, 3307, 3308, 3309, and 3310 in Article 2, Chapter 1, Division 33, Title 16, California Code of Regulations, as follows:

Article 2. Licensing of Official Stations and Adjusters.

§ 3305. Station Performance, Work Area and Adjuster Required.

(a) All adjusting, inspecting, servicing, and repairing of brake systems and lamp systems for the purpose of issuing any certificate of compliance or adjustment shall be performed in official stations, by official adjusters, in accordance with the following, in descending order of precedence, as applicable:

- (1) Vehicle Manufacturers' current standards, specifications and recommended procedures, as published in the manufacturers' vehicle service and repair manuals.
- (2) Current standards, specifications, procedures, directives, manuals, bulletins and instructions issued by vehicle and equipment or device manufacturers.
- (3) Standards, specifications and recommended procedures found in current industry-standard reference manuals and periodicals published by nationally recognized repair information providers.
- (4) The ~~h~~Bureau 's *Handbook for Brake Adjusters and Stations*, May 2015, which is hereby incorporated by reference.
- (5) The ~~h~~Bureau 's *Handbook for Lamp Adjusters and Stations*, May 2015, which is hereby incorporated by reference.

(b) The specific activities for which an official station is licensed shall be performed only in an area of the station that has been approved by the ~~h~~Bureau. Other work may be performed in the approved area, as desired. The work area shall be within a building and shall be large enough to accommodate the motor vehicle being serviced. The ~~h~~Bureau may make an exception to the preceding requirement by approving a work area adjacent to a building for purposes of inspecting and adjusting equipment and devices on buses, trucks, truck tractors, trailers, and semitrailers. The work area shall be kept clean and orderly.

(c) The services of an officially licensed adjuster appropriate to each type and class of station license held shall be available at each official station, except a fleet owner station, not less than 40 hours weekly or not less than half of the hours the station is open for business weekly, whichever is less. Fleet owner stations are required to provide the services of a licensed adjuster only for certification procedures.

(d) This section shall become inoperative on [OAL insert inoperative date that is six months from the date of OAL's filing with the Secretary of State].

Note: Authority cited: Sections 9882, 9887.1 and 9888.2, Business and Professions Code.
Reference: Sections 9888.2 and 9888.4, Business and Professions Code.

§ 3306. Licensing Official Stations; Inspection; Term, Renewal and Replacement of Licenses.

Official station licenses shall be issued and renewed in accordance with the following procedures:

(a) Licenses will be issued only after an on-site inspection of the station by a ~~h~~Bureau representative confirms that the applicant meets the qualifications prescribed in these regulations. A station license shall expire one year from date of issue.

(b) The late renewal fee shall be \$7.50 if the ~~h~~Bureau receives the renewal application within 30 days after the date of expiration.

(c) In the event of a change of ownership of a licensed business, a new application for a station license and a fee of \$10 shall be submitted to the ~~B~~Bureau. The *Application for Brake Station License*, Form R-1A (Rev. 10/14), and *Application for Lamp Station License*, Form R-1B (Rev. 10/14), are hereby incorporated by reference. A separate application and license shall be required for each license type. In determining whether a fee is required, the following shall apply:

(1) "Change of ownership" means any change in legal ownership of the license or the licensed business, including the addition or the 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 a change in the corporate status that requires a new corporate number as issued by the Secretary of State.

(2) "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.

(d) This section shall become inoperative on [OAL insert inoperative date that is six months from the date of OAL's filing with the Secretary of State].

Note: Authority cited: Sections 9882 and 9887.1, Business and Professions Code. Reference: Sections 152.6, 163.5, 9887.1, 9887.2 and 9887.3, Business and Professions Code.

§ 3307. Display of Licenses and Posting of Prices; Equipment Maintenance; Records.

Official stations shall comply with the following provisions governing display of licenses, maintenance of equipment, and record keeping.

(a) An official station license shall be placed under glass or other transparent cover and prominently displayed in an area of the station frequented by customers.

(b) Licenses of all official adjusters employed at a licensed station shall be mounted under glass or other transparent cover and prominently displayed in an area of the station frequented by customers.

(c) Each official station, except a fleet owner station, shall display an official station sign that meets the specifications in section 3309, and the sign shall be displayed in a location where it is clearly visible to the general public from outside the station.

(d) Each official station, except a fleet owner station, may make a reasonable charge for the work performed and shall post conspicuously, in an area frequented by customers, a list of prices for the specific activities for which it is licensed. Prices may be stated either as a fixed fee or an hourly rate on a time-and-material basis. No added charge shall be imposed for the

issuance of official lamp adjustment or official brake adjustment certificates, or certifications on enforcement documents of the correction of lamp or brake violations. No charge relating to repair, replacement of parts, or adjustment of lamps or brakes shall be imposed in addition to the posted price for such adjustment or inspection unless such additional work and added charges are authorized in advance by the vehicle owner or operator.

(e) All adjusting, servicing, and testing instruments, machines, devices and equipment shall be maintained in good condition. Instruments, machines, devices and equipment requiring calibration or adjustment shall be calibrated or adjusted in accordance with the instructions of the manufacturers and the requirements of the ~~h~~Bureau.

(f) Each licensee shall make, keep, and have available for inspection upon request of the ~~h~~Bureau, records showing the transactions as a licensee for a period of not less than three (3) years after completion of any transaction to which the records refer, including, but not limited to, records of all lamp adjustment certificates and brake adjustment certificates issued by the licensee.

(g) This section shall become inoperative on [OAL insert inoperative date that is six months from the date of OAL's filing with the Secretary of State].

Note: Authority cited: Sections 9882.2, Business and Professions Code. Reference: Sections 9884.11, 9888.2 and 9888.3, Business and Professions Code.

§ 3308. Official Station That Stops Operating as an Official Station.

An official station shall stop performing the functions for which it has been licensed when it no longer has the services of a licensed adjuster, or when its station license has expired or has been surrendered, suspended, or revoked. The station must dispose of materials related to its formerly licensed activity according to these provisions.

(a) An official station that no longer has the services of a licensed adjuster shall immediately remove or cover the official station sign in accordance with subdivision (b) of this section. If the station does not employ a licensed adjuster within 60 days, the station shall surrender its official station license to the ~~h~~Bureau and shall return to the ~~h~~Bureau all unused certificates of adjustments bought by the station to carry out the function for which it is no longer licensed.

(b) An official station that is no longer authorized to perform the function for which it has been licensed shall remove or cover the sign pertaining to the licensed function. A station that has a multipurpose sign shall cover those portions of the sign that pertain to the functions for which it is no longer licensed.

(c) When an official station license has expired or has been surrendered, suspended, or revoked, the station shall return to the ~~h~~Bureau all unused certificates purchased by the station to carry out the function for which it is no longer licensed.

(d) This section shall become inoperative on [OAL insert inoperative date that is six months from the date of OAL's filing with the Secretary of State].

Note: Authority cited: Sections 9882, 9887.1 and 9888.2, Business and Professions Code.
Reference: Sections 9887.1, 9888.2 and 9889.7, Business and Professions Code.

§ 3309. Official Station Signs.

Official station signs shall meet the specifications illustrated in this section and shall be displayed in accordance with subdivision (c) of section 3307 of this article. A station that performs more than one official function may display a separate sign to designate each function or it may display one multipurpose sign appropriate to the official functions for which the station is licensed.

(a) Official station signs displayed separately to designate each function for which the station is licensed shall meet the following specifications:

- (1) Single function signs shall have the dimensions shown in Figure 1.
- (2) Single function signs shall be bordered and lettered in light chrome yellow; and the background shall be royal blue.
- (3) Single function signs shall have lettering dimensions shown in Figure 2.

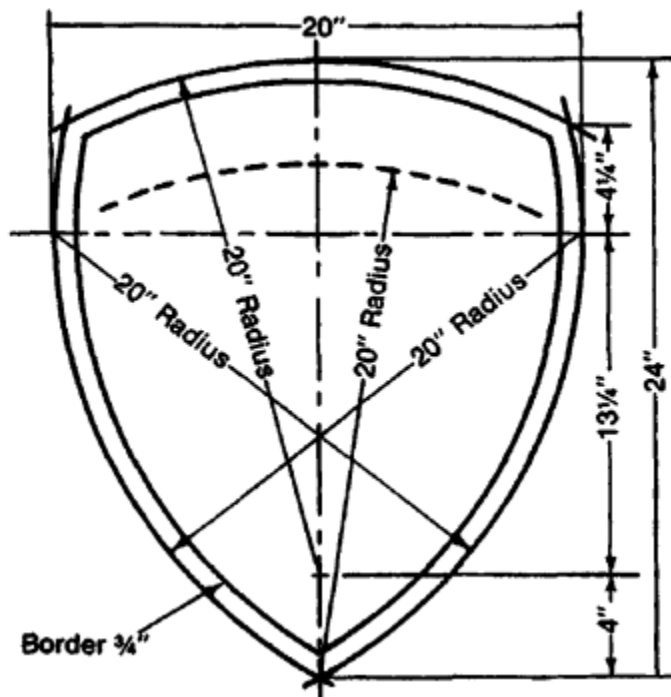


FIGURE 1. SIGN DIMENSIONS

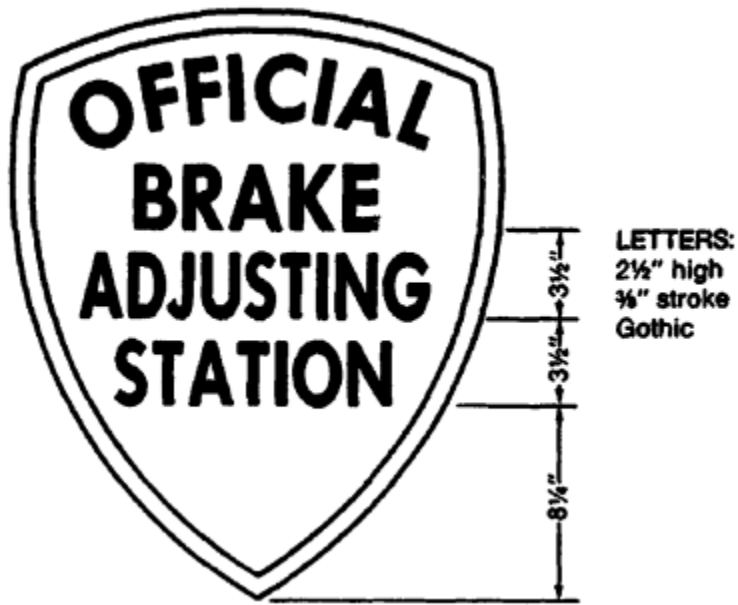


FIGURE 2. LETTERING DIMENSIONS

(b) Multipurpose station signs displayed to designate the functions for which the station is licensed shall meet the following specifications:

- (1) Multipurpose signs shall have the overall dimensions, shield size, placement, and lettering size shown in Figures 3 and 4.
- (2) Multipurpose signs shall have lettering, shield border and station designation(s) in light chrome yellow; and the background shall be royal blue.
- (3) The space to the right of the official station shield in a multipurpose sign shall be used to designate the official functions of the station, and such designation shall meet the requirements of paragraph (1) of subdivision (b) of this section.

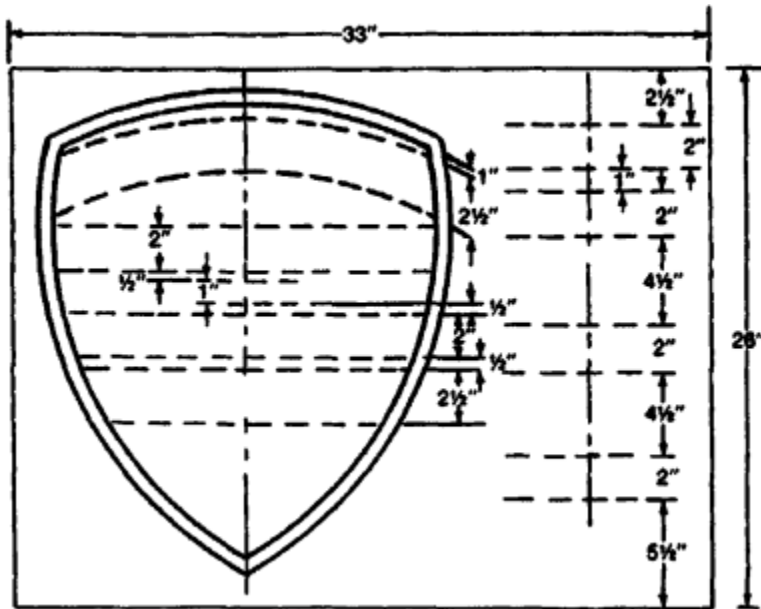


FIGURE 3. DIMENSIONS, MULTIPURPOSE SIGN

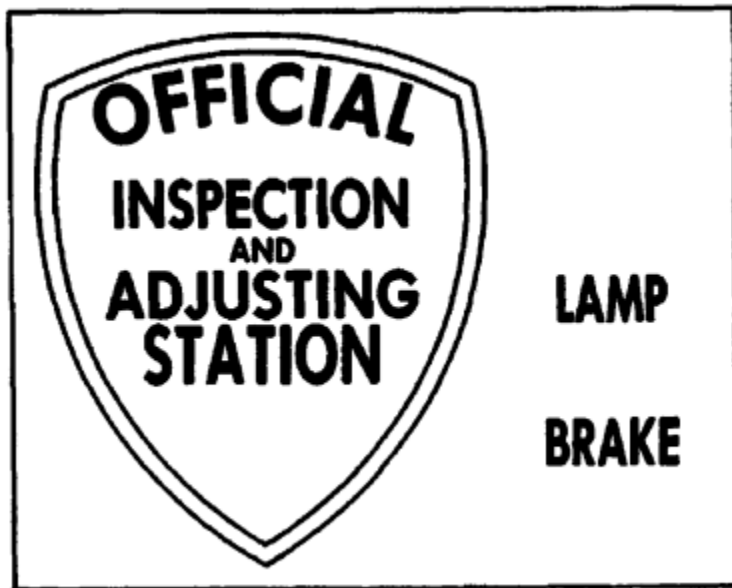


FIGURE 4. MULTIPURPOSE SIGN

(c) This section shall become inoperative on [OAL Insert inoperative date that is six months from the date of OAL's filing with the Secretary of State].

Note: Authority cited: Sections 9882 and 9888.2, Business and Professions Code. Reference: Section 9888.2, Business and Professions Code.

§ 3310. Licensing Official Lamp and Brake Adjusters.

(a) There shall be one class of official lamp adjusters' license. Official lamp adjusters' licenses may be issued to persons who have shown by examination that they are qualified to test, inspect, adjust, and repair the lamps and related electrical systems on all vehicles.

(b) There shall be three classes of official brake adjusters' licenses:

- (1) Class A official brake adjusters' licenses may be issued to persons who have shown by examination that they are qualified to test, inspect, adjust, and repair the brakes and brake system on all vehicles.
- (2) Class B official brake adjusters' licenses may be issued to persons who have shown by examination that they are qualified to test, inspect, adjust, and repair all brakes and brake systems on all buses, trucks, and truck tractors, trailers, and semitrailers.
- (3) Class C official brake adjusters' licenses may be issued to persons who have shown by examination that they are qualified to test, inspect adjust, and repair all brakes and brake systems on all trucks and truck tractors having a manufacturer's gross vehicle weight rating of less than 10,000 pounds and all trailers and semitrailers which do not use compressed air or vacuum to actuate the brakes, and all passenger vehicles including motorcycles and motor-driven cycles.

(c) A person desiring to be licensed as an official adjuster shall submit a separate application for each license or license class desired. The *Application for Brake Adjuster License*, Form R-2A (Rev. 10/14), and *Application for Lamp Adjuster License*, Form R-2B (Rev. 10/14), are hereby incorporated by reference. A separate license shall be required for each license type or license class.

(d) Each application shall be accompanied by the fee prescribed in section 9887.2 of the Business and Professions Code, except that the late renewal fee shall be \$7.50 if the ~~h~~Bureau receives the renewal application within 30 days after the date of expiration. An applicant who fails the examination may submit an application for another examination and in each such instance shall pay the prescribed application fee.

(e) Official adjusters' licenses shall expire four years from date of issue. When any person licensed as an adjuster ceases to be employed at an official station, the person's right to act as an official adjuster shall immediately cease. The person shall not engage in the activity of official adjuster until the person is again employed at an appropriate official station.

(f) This section shall become inoperative on [OAL insert inoperative date that is six months from the date of OAL's filing with the Secretary of State].

Note: Authority cited: Sections 9882, 9887.1, 9887.2 and 9888.2, Business and Professions Code. Reference: Sections 163.5, 9887.1, 9887.2 and 9888.2, Business and Professions Code.

(3) Add new Article 2.5, Section 3311.1, Chapter 1, Division 33, Title 16, California Code of Regulations, to read as follows:

ARTICLE 2.5. Vehicle Safety Systems Inspection Program

§ 3311.1 Vehicle Safety Systems Inspection Station Performance, Work Area, and Vehicle Safety Systems Technician Requirement.

(a) This Article shall become effective on [OAL insert effective date that is six months from the date of OAL's filing with the Secretary of State] and shall supersede the provisions related to lamp or brake adjusting stations and adjusters in Articles 2, 3 and 4 of this Division on that date.

(b) All inspections of vehicle safety systems for the purpose of issuing any certificate of compliance under Section 9888.6 of the Code shall be performed at vehicle safety systems inspection stations by vehicle safety systems technicians licensed under and in compliance with this Article and Section 9888.5 of the Code.

(c) Vehicle safety systems technicians shall perform all vehicle safety systems inspections in accordance with the requirements and procedures prescribed in the document entitled "Vehicle Safety Systems Inspection Manual," dated February 2023 [New], which is hereby incorporated by reference.

(d) No vehicle safety systems technician shall enter any vehicle identifying information as specified in this section for any vehicle other than the one being inspected and/or any false vehicle identifying information about the vehicle being inspected into the BAR-Safety Inspection System (as used in this article hereafter, "BAR-SIS") described in the Vehicle Safety Systems Inspection Manual specified in this section.

(e) The inspection specified in subdivision (c) for which a vehicle safety systems inspection station is licensed shall be performed only in an area of the station the Bureau has approved during the initial on-site licensing inspection referenced in section 3312.1. The inspection area shall be within a building and be large enough to accommodate the motor vehicle being inspected. The Bureau shall make an exception to the inspection area requirements of this subdivision by approving a work area adjacent to a building for purposes of inspecting vehicle safety systems on buses, trucks, truck tractors, trailers, and semitrailers during the initial on-site licensing inspection. Any such exception shall be documented on the report of the initial on-site licensing inspection referenced in section 3312.1 by the Bureau's representative and include a description of location and approximate size of the adjacent work area.

(f) A licensed vehicle safety systems inspection station shall afford the Bureau or its representative access to the station's premises and its inspection area as specified in subdivision (e) during normal business hours, and any time vehicle safety systems inspections are being performed.

Note: Authority cited: Sections 9882 and 9888.5, Business and Professions Code. Reference: Sections 9884.7, 9888.2 and 9888.5, Business and Professions Code.

§ 3311.2. Vehicle Safety Systems Inspection Station Standards; Equipment Requirements and Electronic Transmission.

(a) A vehicle safety systems inspection station shall have all of the following:

- (1) A current and active Automotive Repair Dealer registration;
- (2) One or more employed vehicle safety systems technicians; and
- (3) The equipment specified in chapter 9 of the Vehicle Safety Systems Inspection Manual referenced in section 3311.1.

(b) To maintain licensure, all vehicle safety systems inspection stations shall require their employees to comply with the standards and criteria contained in this Article and Article 6.5 (commencing with Section 9888.5) of the Code, and all inspections shall comply with those standards and criteria. The vehicle safety systems inspection station shall be responsible for all inspections conducted in the station by those performing the inspections.

(c) The software and components located within the OBD data acquisition device shall only be accessed by Bureau-authorized representatives or authorized manufacturer representatives.

Note: Authority cited: Sections 9882, and 9888.5, Business and Professions Code. Reference: Sections 9884.7, 9888.2 and 9888.5, Business and Professions Code.

§ 3311.3. Vehicle Safety Systems Inspection Certificates of Compliance.

(a) The charge to be assessed to a vehicle safety systems inspection station for each certificate of compliance specified in this section is \$7.00.

(b) A licensed vehicle safety systems inspection station shall issue an electronic certificate of compliance to the owner or operator of any vehicle that has passed a vehicle safety systems inspection as described in chapter 1.6 of the Vehicle Safety Systems Inspection Manual specified in section 3311.1. An electronic certificate of compliance shall consist of:

- (1) The certificate of compliance number issued by the Bureau when the vehicle passes the inspection in accordance with this Article;
- (2) The year, make, model, and Vehicle Identification Number (VIN) of the vehicle inspected;
- (3) The vehicle safety system inspection station license number where the inspection was performed;
- (4) The vehicle safety systems technician license number who performed the inspection; and
- (5) The date and time the certificate of compliance was issued by the vehicle safety systems technician upon successful completion of the inspection.

(c) A licensed vehicle safety systems inspection station shall order certificates of compliance for issuance to a vehicle upon compliance with this Article and Section 9888.6 of the Code through the BAR-SIS by accessing the “Manage Station Menu”, selecting “3. Certificates,” inputting the vehicle safety systems inspection station’s license number, inputting the desired number of books of certificates of compliance to be purchased, and inputting the Automated Clearing House (ACH) electronic debit account information for payment as described in chapter 1.9 of the Vehicle Safety Systems Inspection Manual as referenced in section 3311.1, under the following terms and conditions:

(1) A certificate of compliance shall be purchased by a licensed station for the fee set forth in subdivision (a) of this section; and

(2) Full payment is required at the time the certificates are ordered from the Bureau.

(d) When issuing a certificate of compliance to a vehicle that has passed a vehicle safety systems inspection, a licensed vehicle safety systems inspection station shall:

(1) Charge the customer a \$7.00 fee for a certificate of compliance; and

(2) Not assess sales tax on the price of the certificate in accordance with Part 1 of chapter 2 of Division 2 (commencing with Section 6051) of the Revenue and Taxation Code and Section 6012 of the Revenue and Taxation Code.

Note: Authority cited: Sections 9882, 9888.5, and 9888.6, Business and Professions Code. Reference: Sections 9884.7, 9888.2, 9888.5, and 9888.6, Business and Professions Code.

§ 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:

(1) A nonrefundable application fee of \$20.00.

(2) The following identifying information:

(A) The legal name of the applicant. An individual must apply using their full legal name: ((Last Name) (First Name) (Middle Name) and/or (Suffix)). A business entity must apply using the business' legal name.

(B) The applicant’s automotive repair dealer registration number.

(C) If the business will be carried out under a fictitious name (i.e., the applicant intends to operate under a name other than their legal name), the fictitious name shall be provided.

(i) If the business is a corporation, the corporate number assigned by the California Secretary of State.

(ii) If the business is a limited liability company (LLC), the domestic or foreign LLC number assigned by the California Secretary of State.

(D) Federal employer identification number (FEIN), if the applicant is a partnership, or the applicant's social security number or individual taxpayer identification number (ITIN) for all other applicants. If the applicant is a corporation or LLC, the applicant shall submit the social security numbers of its controlling individuals.

(E) If the applicant is a business entity, the full legal name, title, business address, telephone number, and information from a government issued photo identification including issuing authority, document title, and number for each controlling individual.

(F) Physical address of the location operated by the applicant ("location").

(G) Applicant's mailing address, if different than the physical address ("address of record").

(H) Applicant's telephone number.

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

(J) Applicants 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 old or older.

(K) 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 program in the Department of Consumer Affairs. "Discipline" for purposes of this section includes reprobation, suspension, revocation, probation or any other form of restriction placed on the license, registration, or certification

(L) If the applicant answers affirmatively to any of the items in subdivision (a)(2)(I) or (a)(2)(K) the applicant shall provide a written statement explaining details regarding any criminal conviction or disciplinary action on a separate sheet of paper as provided in this subdivision. For criminal convictions, the statement shall include: the date and place of arrest, name of court, court case number, code section violated, brief explanation of the offense, and the restriction imposed. For discipline, the written statement shall include the date and nature of the disciplinary action, name and location of public agency, and the fine or restrictions imposed.

(3) The following additional applicant identifying information to expedite the registration process, if applicable:

(A) Whether the applicant is serving, or has previously served, in the United States Armed Forces.

(B) Whether the applicant is an honorably discharged member of the United States Armed Forces. If the applicant affirmatively states they meet this criterion, they shall provide the following documentation with the application to receive expedited review: a certificate of release or discharge from active duty (DD-214) or other documentary evidence showing date and type of discharge.

(C) Whether the applicant is married to or in a domestic partnership or other legal union with an active-duty member of the United States Armed Forces assigned to a duty station in California under official active-duty military orders. If the applicant affirmatively states they meet this criterion, they shall provide the following documentation along with the application to receive expedited review: certificate of marriage, certificate of domestic partnership, or proof of other legal union; a copy of the applicant's spouse's or partner's military orders reflecting assignment to a California duty station; and proof of being licensed as a vehicle safety systems inspection station in another state, or U.S. territory or district.

(D) Whether the applicant was admitted to the United States as a refugee, has been granted asylum by the Secretary of Homeland Security or the Attorney General of the United States, or has a special immigrant visa (SIV). If the applicant affirmatively states they meet any of these criteria, they shall provide any of the following items of documentation, as applicable, with the application to receive expedited review:

(i) Form I-94, arrival/departure record, with an admission class code such as "RE" (refugee) or "AY" (asylee) or other information designating the person a refugee or asylee;

(ii) Special Immigrant Visa that includes the "SI" or "SQ";

(iii) Permanent Resident Card (Form I-551), commonly known as a "green card," with a category designation indicating that the person was admitted as a refugee or asylee; or,

(iv) An order from a court of competent jurisdiction or other documentary evidence that provides reasonable assurances to the Bureau that the applicant qualifies for expedited licensure per Section 135.4 of the Code.

(4) The applicant shall disclose whether they have read the Vehicle Safety Systems Inspection Manual referenced in section 3311.1 and whether they possess all required equipment specified in chapter 9 of the Vehicle Safety Systems Inspection Manual.

(5) A certification by the applicant under penalty of perjury under the laws of the State of California that all statements made in the application and all supporting documents provided by the applicant to the Bureau are true and correct.

(b) The abandonment date for an application that has been returned to the applicant as incomplete shall be 12 months from the date of returning the application in accordance with Section 142 of the Code. An applicant who abandons an application shall submit a new application meeting the requirements of this section to obtain licensure as a vehicle safety systems inspection station.

(c) Inspection. A vehicle safety systems inspection station license shall be issued within 10 days after a Bureau representative confirms at an initial on-site inspection (as specified in section 3303.2(b)) that the applicant meets the requirements prescribed in section 3311.2 and provides the applicant with written notice of such confirmation. A vehicle safety systems inspection station license shall expire one year from date of issuance unless renewed prior to the expiration date in accordance with this section.

(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) within fourteen (14) days of the date of making any changes, or receiving notice of any change in the case of criminal conviction or disciplinary matters referenced in subdivisions (a)(2)(I) and (a)(2)(K). For the purposes of this section, "material" means any of the following:

- (1) A change of ownership, as defined in Section 3306(c)(1);
- (2) A change to the legal or fictitious business name;
- (3) A change of address, as defined in section 3306(c)(2);
- (4) A change to controlling individuals;
- (5) A new report of a conviction by 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) 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 or formal discipline.

(f) 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 has passed since the vehicle safety system 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 system station again, they shall submit a new application and fee as specified in subdivision (a).

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

(h) 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 control or conduct the business.

(i) In addition to the any 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:

- (1) For denial of an application to be licensed as a vehicle safety systems inspection station or technician, any grounds for denial authorized by Section 480 of the Code;
- (2) Noncompliance with any provision in this Article; or,
- (3) Providing any false, or misleading information to the Department or Bureau.

Note: Authority: Sections 9882, 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 for a period of time not less than 18 months 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 and/or 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:

(1) The following identifying information:

(A) The legal name of the applicant. An individual must apply using their full legal name: ((Last Name) (First Name) (Middle Name) and/or (Suffix)). A business entity must apply using the business' legal name.

(B) The applicant’s automotive repair dealer registration number and official lamp adjusting and brake adjusting station license numbers.

(C) If the business is to be carried out under a fictitious name (i.e., the applicant intends to operate under a name other than their legal name), the fictitious name shall be provided.

(i) If the business is a corporation, the corporate number assigned by the California Secretary of State.

(ii) If the business is a limited liability company (LLC), the domestic or foreign LLC number assigned by the California Secretary of State.

(D) Federal employer identification number (FEIN), if the applicant is a partnership, or the applicant's social security number or individual taxpayer identification number (ITIN) for all other applicants. If the applicant is a corporation or LLC, the applicant shall submit the social security numbers of its controlling individuals.

(E) If the applicant is a business entity, the full legal name, title, business address, telephone number, and information from a government issued photo identification including issuing authority, document title, and number for each controlling individual.

(F) Physical address of the location operated by the applicant ("location").

(G) Applicant's mailing address ("address of record"), if different than the physical address.

(H) Applicant's telephone number.

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

(J) Applicants 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.

(K) 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 program in the Department of Consumer Affairs. "Discipline" for purposes of this section includes reprobation, suspension, revocation, probation or any other form of restriction placed on the license, registration, or certification.

(L) If the applicant answers affirmatively to any of the items in subdivision (a)(1)(I) or (a)(1)(K) the applicant shall provide a written statement explaining details regarding any criminal conviction or disciplinary action on a separate sheet of paper as provided in this subdivision. For criminal convictions, the statement shall include: the date and place of arrest, name of court, court case number, code section violated, brief explanation of the offense, and the restriction imposed. For discipline, the written statement shall include the date and nature of the disciplinary action, name and location of public agency, and the fine or restriction imposed.

(2) The following additional applicant identifying information to expedite the registration process, if applicable:

(A) Whether the applicant is serving, or has previously served, in the United States Armed Forces.

(B) Whether the applicant is an honorably discharged member of the United States Armed Forces. If the applicant affirmatively states they meet this criterion, they shall provide the following documentation with the application to receive expedited review: a certificate of release or discharge from active duty (DD-214) or other documentary evidence showing date and type of discharge.

(C) Whether the applicant is married to or in a domestic partnership or other legal union with an active-duty member of the United States Armed Forces assigned to a duty station in California under official active-duty military orders. If the applicant affirmatively states they meet this criterion, they shall provide the following documentation along with the application to receive expedited review: certificate of marriage, certificate of domestic partnership, or proof of other legal union; a copy of the applicant's spouse's or partner's military orders reflecting assignment to a California duty station; and proof of being licensed as a vehicle safety systems inspection station in another state, or U.S. territory or district.

(D) Whether the applicant was admitted to the United States as a refugee, has been granted asylum by the Secretary of Homeland Security or the Attorney General of the United States, or has a special immigrant visa (SIV). If the applicant affirmatively states they meet any of these criteria, they shall provide any of the following items of documentation, as applicable, with the application to receive expedited review:

(i) Form I-94, arrival/departure record, with an admission class code such as "RE" (refugee) or "AY" (asylee) or other information designating the person a refugee or asylee;

(ii) Special Immigrant Visa that includes the "SI" or "SQ";

(iii) Permanent Resident Card (Form I-551), commonly known as a "green card," with a category designation indicating that the person was admitted as a refugee or asylee; or,

(iv) An order from a court of competent jurisdiction or other documentary evidence that provides reasonable assurances to the Bureau that the applicant qualifies for expedited licensure per Section 135.4 of the Code.

(3) The applicant shall disclose whether they have read the Vehicle Safety Systems Inspection Manual referenced in section 3311.1 and whether they possess all required equipment specified in chapter 9 of the Vehicle Safety Systems Inspection Manual.

(4) A certification by the applicant under penalty of perjury under the laws of the State of California that all statements made in the application and all supporting documents provided by the applicant to the Bureau are true and correct.

(b) The abandonment date for an application that has been returned to the applicant as incomplete shall be 12 months from the date of returning the application in accordance with Section 142 of the Code. An applicant who abandons an application shall submit a new application meeting the requirements of this section to obtain licensure as a vehicle safety systems inspection station.

(c) Inspection. A vehicle safety systems inspection station license shall be issued within 10 days after a Bureau representative confirms at an initial on-site inspection of the station (as specified in section 3303.2(b)) that the applicant meets the requirements prescribed in section 3311.2 and provides the applicant with written notice of such confirmation.

(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) within fourteen (14) days of the date of making any changes, or receiving notice of any change in the case of criminal conviction or disciplinary matters referenced in subdivisions (a)(1)(I) and (a)(1)(K). For the purposes of this section, “material” means any of the following:

- (1) A change of ownership, as defined in Section 3306(c)(1);
- (2) A change to the legal or fictitious business name;
- (3) A change of address, as defined in section 3306(c)(2);
- (4) A change to controlling individuals;
- (5) A new report of a conviction by 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) 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 the convictions or formal discipline.

(f) For the purposes of this section, “controlling individual” means owners, directors, officers, partners, members, trustees, managers, and any other persons the applicant identifies on the application who directly or indirectly control or conduct the business.

(g) For the purposes of this section, “pending disciplinary action” means an Accusation that has been filed and served on the applicant in accordance with the Administrative Procedure Act (Government Code, section 11340 et seq.).

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

- (1) For denial of an application to be licensed vehicle safety systems inspection station or technician, any grounds for denial authorized by Section 480 of the Code;
- (2) Noncompliance with any provision in this Article; or,
- (3) Providing any false or misleading information to the Department, or Bureau.

(i) Any license issued pursuant to this section is subject to the requirements for expiration and renewal set forth in section 3312.1.

(j) This section shall become inoperative on [OAL insert date that is one year from the date of filing with the Secretary of State].

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

§ 3312.2. Display of Licenses and Posting of Prices; Equipment Maintenance; Records.

(a) A vehicle safety systems inspection station license shall be placed under glass or other transparent cover and displayed in a place where the license is visible, legible, and located adjacent to a counter where customers are served.

(b) Licenses of all licensed vehicle safety systems technicians employed at a licensed vehicle safety systems inspection station shall be mounted under glass or other transparent cover and displayed in a place where the licenses are visible, legible, and located adjacent to a counter where customers are served.

(c) Each licensed vehicle safety systems inspection station, except a station owned by a fleet owner, shall display a vehicle safety systems inspection station sign that meets the specifications in section 3313.1, and the sign shall be displayed in a location where the sign and text are visible and legible to the general public from outside of the station. For the purposes of this Article, "fleet owner" shall mean an owner of a fleet of three or more vehicles who is not an interstate carrier.

(d) Each licensed vehicle safety systems inspection station, except a station owned by a fleet owner, shall post in a location where a member of the general public within the station's place of business will be able to observe and read, the price(s) for a vehicle safety systems inspection. No charge relating to repair, replacement of parts, or adjustments shall be imposed in addition to the posted price for the inspection unless such additional work and added charges are authorized by the customer in accordance with section 3354.

(e) All inspection machines, devices, and equipment shall be maintained in good working condition by the vehicle safety systems inspection station. Good working condition shall mean that machines, devices, and equipment requiring calibration or adjustment shall be useable as intended by the manufacturer and calibrated or adjusted in accordance with the instructions of the manufacturer.

(f) Each licensed vehicle safety systems inspection station shall maintain and have available for inspection upon request of the Bureau, records relating to the vehicle safety systems inspections conducted by the licensee including certificates of compliance numbers and Vehicle Safety Report (as specified in chapter 1.8 of the Vehicle Safety Systems Inspection Manual referenced in section 3311.1) for each vehicle inspected, for not less than three (3) years after completion of any vehicle safety systems inspection.

Note: Authority: Sections 9882, 9888.5, and 9888.6, Business and Professions Code.
Reference: Sections 9884.11, 9888.2, 9888.5, Business and Professions Code.

§ 3313.1. Vehicle Safety Systems Inspection Station Signs.

(a) Each vehicle safety systems inspection station shall display a sign in accordance with section 3312.2(c) that meets the following specifications:

- (1) Dimensions. The sign shall be 24 inches wide and 30 inches high.
- (2) Sign Material. The sign shall be made of at least 0.040-inch aluminum or steel.
- (3) Content. The sign shall contain the Vehicle Safety Systems Inspection Station logo and graphics.

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

§ 3313.2. Cessation of Operations as Vehicle Safety Systems Inspection Station.

(a) A vehicle safety systems inspection station shall not perform any vehicle safety systems inspections or issue any certificates of compliance (as described in section 3311.3) at any time when it does not employ at least one licensed vehicle safety systems technician, when its station license has expired, or when its station license has been surrendered, suspended, or revoked.

(b) Within 10 days after a vehicle safety systems inspection station license has expired or has been surrendered, suspended, or revoked, the station shall return all unused certificates of compliance to the Bureau by requesting a refund for the unused certificates from the local Bureau field office.

Note: Authority: Sections 9882, 9888.5, and 9888.6, Business and Professions Code.
Reference: Sections 9888.2, 9888.5, and 9889.7 Business and Professions Code.

§ 3314.1 Licensing of Vehicle Safety Systems Inspection Technicians; Term and Renewal.

(a) Any person (“applicant”) seeking licensure as a vehicle safety systems technician shall submit a completed application which includes all of the following:

- (1) The nonrefundable application fee of \$10.00.
- (2) The applicant shall ensure proof of successful completion of the Bureau's initial licensing examination for vehicle safety systems technicians ("initial licensing examination") specified in subdivision (c). "Ensure proof of successful completion" shall mean the applicant completed the forms required by PSI Services LLC (PSI) necessary to consent to and direct submission of the applicant's examination results electronically to the Bureau by PSI and that such results list the applicant's name, applicant identifying number, and that the applicant passed the examination.
- (3) The following applicant identifying information:
- (A) Full legal name;
 - (B) Social Security number;
 - (C) Information from a government issued photo identification including issuing authority, document title, and number;
 - (D) Physical address;
 - (E) Mailing address;
 - (F) Telephone number;
 - (G) Email address, if any; and.
- (4) A current National Institute for Automotive Service Excellence (ASE) certification in each of the following areas:
- (A) Suspension and Steering (A-4);
 - (B) Brakes (A-5); and
 - (C) Electrical/Electronic Systems (A-6);
- (5) The following additional applicant identifying information to expedite the registration process, if applicable:
- (A) Whether the applicant is serving, or has previously served, in the United States Armed Forces.
 - (B) Whether the applicant is an honorably discharged member of the United States Armed Forces. If the applicant affirmatively states they meet this criterion, they shall provide the following documentation with the application to receive expedited review: a certificate of release or discharge from active duty (DD-214) or other documentary evidence showing date and type of discharge.

(C) Whether the applicant is married to or in a domestic partnership or other legal union with an active-duty member of the United States Armed Forces assigned to a duty station in California under official active-duty military orders. If the applicant affirmatively states they meet this criterion, they shall provide the following documentation along with the application to receive expedited review: certificate of marriage, certificate of domestic partnership, or proof of other legal union; a copy of the applicant's spouse's or partner's military orders reflecting assignment to a California duty station; and proof of being licensed as a vehicle safety systems inspection station in another state, or U.S. territory or district.

(D) Whether the applicant was admitted to the United States as a refugee, has been granted asylum by the Secretary of Homeland Security or the Attorney General of the United States, or has a special immigrant visa (SIV). If the applicant affirmatively states they meet any of these criteria, they shall provide any of the following items of documentation, as applicable, with the application to receive expedited review:

(i) Form I-94, arrival/departure record, with an admission class code such as "RE" (refugee) or "AY" (asylee) or other information designating the person a refugee or asylee;

(ii) Special Immigrant Visa that includes the "SI" or "SQ";

(iii) Permanent Resident Card (Form I-551), commonly known as a "green card," with a category designation indicating that the person was admitted as a refugee or asylee; or,

(iv) An order from a court of competent jurisdiction or other documentary evidence that provides reasonable assurances to the Bureau that the applicant qualifies for expedited licensure per Section 135.4 of the Code.

(6) Whether the applicant has been convicted of any crime or offense for which a license may be denied pursuant to section 480 of the Code.

(7) Applicants 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.

(8) Whether, within the preceding seven years from the date of application, the applicant has ever had a license, registration, or certification that was formally disciplined by a licensing board in or outside of California, including the Bureau, or any program 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.

(8) If the applicant answers affirmatively to any of the items in subdivisions (a)(6) or (a)(8), the applicant shall provide a written statement explaining details regarding any criminal conviction or disciplinary action on a separate sheet of paper as provided in this section. For criminal convictions, the statement shall include: the date and place of arrest, name of court,

court case number, code section violated, brief explanation of the offense, and the restriction imposed. For discipline, the written statement shall include the date and nature of the disciplinary action, name and location of public agency, and the fine or restriction imposed.

(9) A certification by the applicant under penalty of perjury under the laws of the State of California that all statements made in the application and all supporting documents provided by the applicant to the Bureau are true and correct.

(b) The abandonment date for an application that has been returned to the applicant as incomplete shall be 12 months from the date of returning the application in accordance with Section 142 of the Code. An applicant who abandons an application must submit a new application to obtain Bureau certification as a vehicle safety systems technician.

(c) (1) Notice of Eligibility. The Bureau shall review the application submitted pursuant to subdivision (a), determine that no grounds for denial exist pursuant to Section 480 of the Code, and that all information required by subdivisions (a)(1), (3)-(12) have been submitted ("determination of eligibility"). Once the Bureau makes a determination of eligibility, the Bureau shall mail the applicant a written and dated notice, within the timeframe specified in section 3303.2(d), informing them of all of the following:

(A) the applicant is eligible to take the initial licensing examination;

(B) the applicant must schedule and pass the initial licensing examination within 90 days of the Bureau's written notice or the Bureau shall reject their application as incomplete; and,

(C) information for the applicant to contact PSI to schedule the examination including the web site address, email address, telephone number and mailing address.

(2) Form and Content of Licensing Examination. The initial licensing examination shall be a computer-based test that contains questions on inspection and diagnosis of vehicle safety systems as defined in section 3303(s) and is administered by PSI.

(3) Applicant's Responsibilities. Upon receipt of written notice of approval from the Bureau as specified in this section, an applicant is responsible for contacting PSI to schedule a test date and examination site location, paying PSI's nonrefundable fees to take the examination and complying with all PSI test center procedures and rules.

(4) Re-examination Instructions. If the applicant receives notice from PSI that they have not passed the initial licensing examination, the applicant may re-take the examination by contacting PSI to schedule a new test date and examination site location and paying PSI's nonrefundable fees.

(5) Re-examination Limitations. After two unsuccessful attempts to pass the examination within 90 days following notice of eligibility by the Bureau as provided in subdivision (c)(1), the application shall be deemed incomplete, and the applicant shall submit a new application if they wish to seek licensure again as a vehicle safety systems technician as provided in subdivision (a).

(d) Vehicle safety systems technician licenses shall expire two years from the date of issuance unless renewed prior to the expiration date in accordance with this section. No person shall engage in the activities of a vehicle safety systems technician unless the person holds a current and active license and is employed at a licensed vehicle safety systems inspection station.

(e) A vehicle safety systems technician shall notify the Bureau in writing of any changes to the information submitted to the Bureau under subdivision (a)(2) within fourteen (14) days of the date of making any changes, or receiving notice of any change in the case of criminal conviction or disciplinary matters referenced in subdivisions (a)(6) and (a)(8).

(f) As a condition of renewal, a vehicle safety systems technician shall submit a renewal fee of \$10.00, and a completed renewal application to the Bureau containing the information specified in subdivision (a) prior to the expiration date of their license or as otherwise specified in this subdivision. No additional testing shall be required for license renewal provided the vehicle safety systems technician licensee renews their technician license within 30 days after the date of the license's expiration. If the technician submits the renewal fee after the license's expiration date, a delinquency fee of \$5.00 shall be assessed in addition to the \$10.00 renewal fee pursuant to section 163.5 of the Code. If more than 30 days have passed since the license expiration date, the license shall not be renewed and the license shall expire. If the individual seeks to operate as a licensed vehicle safety system technician again, they shall submit a new application and fee as specified in subdivision (a).

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

- (1) For denial of an application to be licensed vehicle safety systems inspection station or technician, any grounds for denial authorized by Section 480 of the Code;
- (2) Noncompliance with any provision in this Article; or,
- (3) Providing any false or misleading information to the Department, or Bureau.

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

§ 3314.1.1. Licensing of Vehicle Safety Systems Technicians; Term for Transition of Existing Lamp and Brake Adjusters.

(a) An applicant who possesses current, active, and unrestricted lamp and brake adjuster licenses for a period of time not less than 18 months 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 and/or is not on probation with the Bureau, and is seeking licensure as a vehicle safety systems technician shall submit a completed application which includes all of the following:

(1) The following applicant identifying information:

(A) Full legal name,

(B) Social Security number,

(C) Lamp and brake adjuster license numbers,

(D) Information from a government issued photo identification including issuing authority, document title, and number,

(E) Physical address,

(F) Mailing address,

(G) Telephone number,

(H) Email address, if any, and,

(2) The following additional applicant identifying information to expedite the registration process, if applicable:

(A) Whether the applicant is serving, or has previously served, in the United States Armed Forces.

(B) Whether the applicant is an honorably discharged member of the United States Armed Forces. If the applicant affirmatively states they meet this criterion, they shall provide the following documentation with the application to receive expedited review: a certificate of release or discharge from active duty (DD-214) or other documentary evidence showing date and type of discharge.

(C) Whether the applicant is married to or in a domestic partnership or other legal union with an active-duty member of the United States Armed Forces assigned to a duty station in California under official active-duty military orders. If the applicant affirmatively states they meet this criterion, they shall provide the following documentation along with

the application to receive expedited review: certificate of marriage, certificate of domestic partnership, or proof of other legal union; a copy of the applicant's spouse's or partner's military orders reflecting assignment to a California duty station; and proof of being licensed as a vehicle safety systems inspection station in another state, or U.S. territory or district.

(D) Whether the applicant was admitted to the United States as a refugee, has been granted asylum by the Secretary of Homeland Security or the Attorney General of the United States, or has a special immigrant visa (SIV). If the applicant affirmatively states they meet any of these criteria, they shall provide any of the following items of documentation, as applicable, with the application to receive expedited review:

(i) Form I-94, arrival/departure record, with an admission class code such as "RE" (refugee) or "AY" (asylee) or other information designating the person a refugee or asylee;

(ii) Special Immigrant Visa that includes the "SI" or "SQ";

(iii) Permanent Resident Card (Form I-551), commonly known as a "green card," with a category designation indicating that the person was admitted as a refugee or asylee; or,

(iv) An order from a court of competent jurisdiction or other documentary evidence that provides reasonable assurances to the Bureau that the applicant qualifies for expedited licensure per Section 135.4 of the Code.

(3) Whether the applicant has been convicted of any crime or offense for which a license may be denied pursuant to section 480 of the Code.

(4) Applicants 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.

(5) Whether, within the preceding seven years from the date of application, the applicant has ever had a license, registration, or certification that was formally disciplined by a licensing board in or outside of California, including the Bureau, or any program 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.

(6) If the applicant answers affirmatively to any of the items in subdivisions (a)(3) or (a)(5), the applicant shall provide a written statement explaining details regarding any criminal conviction or disciplinary action on a separate sheet of paper as provided in this section. For criminal convictions, the statement shall include: the date and place of arrest, name of court, court case number, code section violated, brief explanation of the offense, and the restriction imposed. For discipline, the written statement shall include the date and nature of the disciplinary action, name and location of public agency, and the fine or restriction imposed.

(7) A certification by the applicant under penalty of perjury under the laws of the State of California that all statements made in the application and all supporting documents provided by the applicant to the Bureau are true and correct.

(b) The abandonment date for an application that has been returned to the applicant as incomplete shall be 12 months from the date of returning the application in accordance with Section 142 of the Code. An applicant who abandons an application must submit a new application to obtain Bureau certification as a vehicle safety systems technician.

(c) Vehicle safety systems technician licenses shall expire two years from the date of issuance unless renewed in accordance with the requirements in section 3314.1. No person shall engage in the activities of a vehicle safety systems technician unless the person holds a current license and is employed at a licensed vehicle safety systems inspection station.

(d) A vehicle safety systems technician shall notify the Bureau in writing of any changes to the information submitted to the Bureau under subdivision (a)(2) within fourteen (14) days of the date of making any changes, or receiving notice of any change in the case of criminal conviction or disciplinary matters referenced in subdivisions (a)(3) and (a)(5).

(e) In addition to the any applicable grounds provided in Section 9889.2 of the Code, an application for licensure as a vehicle safety systems technician may be denied for any of the following reasons:

(1) For denial of an application to be licensed vehicle safety systems inspection station or technician, any grounds for denial authorized by Section 480 of the Code;

(2) Noncompliance with any provision in this Article; or,

(3) Providing any false, or misleading information to the Department, or Bureau.

(f) For the purposes of this section, “pending disciplinary action” means an Accusation that has been filed and served on the applicant in accordance with the Administrative Procedure Act.

(g) This section shall become inoperative on [OAL insert date that is one year from the date of filing with the Secretary of State].

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

§ 3314.2. Vehicle Safety Systems Inspection Technician Biometric Enrollment and Identity Verification Requirement; Process

(a) Vehicle safety systems technicians shall have their biometric data collected and identity verified as specified in (b)(2) of this section at a BAR field office or other BAR-designated facility prior to biometric use during inspections in accordance with this section. For purposes of this section, "biometric data" means data collected from a scan of the technician's hand(s). During initial biometric data collection and annually, vehicle safety systems technicians shall review the Notice on Collection of Personal Biometric Information and Its Use (for Vehicle Safety Systems Inspection Technician Licenses) (New 1/2023) and the Biometric Data Collection Consent Statement (for Vehicle Safety Systems Technician Inspection Licenses) (New 1/2023), which are hereby incorporated by reference, and agree to their terms as described in the form. When prompted by the BAR-SIS software, the vehicle safety systems technician shall authenticate their identity for purposes of authorizing their access to the BAR-SIS using a biometric device model specified in chapter 9 of the Vehicle Safety Systems Inspection Manual referenced in section 3311.1. If, at the time of enrollment, the biometric system is unable to collect sufficient data necessary to create a uniquely identifiable profile from the technician's hand(s), BAR shall allow access to the BAR-SIS using a BAR-assigned access code. If the Bureau determines that the reason for which the uniquely identifiable profile could not be collected is temporary, the Bureau shall establish a 30-day window during which the vehicle safety systems technician may access the BAR-SIS using a BAR-assigned access code, after the conclusion of which the vehicle safety systems technician would need to return to the BAR field office or other BAR-designated facility to enroll, which shall include the establishment of another 30-day window, if the biometric system is unable to collect sufficient data necessary to create a uniquely identifiable profile from the technician's hand(s). If, after enrollment, a vehicle safety system technician encounters circumstances where the biometric scanner is unable to collect the data required to permit them to perform a vehicle safety systems inspection, the technician shall return to the BAR field office or other BAR-designated facility for enrollment based on the changed circumstances.

(b) The procedure for the enrollment process is as follows:

(1) Enrollment at a BAR field office or a BAR-designated facility shall begin on [OAL insert date that is six months from the date of OAL's filing with the Secretary of State]. BAR will inform vehicle safety systems technicians of the mandatory enrollment start date at least 30 days prior to [OAL insert date that is six months from the date of OAL's filing with the Secretary of State] with a requirement that the technician enroll no later than 30 calendar days thereafter. Vehicle safety systems technicians licensed after [OAL insert date that is six months from the date of OAL's filing with the Secretary of State] shall enroll as outlined in subdivision (a) prior to being allowed to perform any vehicle safety systems inspections. BAR will provide written notice to all vehicle safety systems technicians of the mandatory enrollment deadlines specified in this section at least 30 days prior to the start date.

(2) BAR will verify a vehicle safety systems technician's identity using two forms of identification. One must be a valid, government-issued photo identification, other than a BAR issued license badge (e.g., driver license, passport, or military identification). The second identification must have the enrollee's signature and legal name (e.g., social security

card or credit card). If the enrollee is licensed with a name other than the enrollee's legal name, the enrollee shall correct the name with BAR to match the legal name prior to enrolling by contacting BAR's Licensing Program in writing and requesting to change their licensed name to their legal name.

(3) Enrollees shall review and agree to the Notice on Collection of Personal Biometric Information and Its Use (for Vehicle Safety Systems Inspection Technician Licenses) (New 1/2023) and the Biometric Data Collection Consent Statement (for Vehicle Safety Systems Technician Inspection Licenses) (New 1/2023). Acknowledgement and consent to collection of the applicant's biometric data shall be demonstrated by the enrollee providing their palm for scanning.

(4) Information collected during enrollment will include a photograph of the enrollee's face and a biometric scan of the enrollee's hand(s).

(c) A vehicle safety systems technician who is also licensed as a smog check inspector pursuant to section 3340.29, and has completed the biometric enrollment specified in section 3340.41(f) shall forego the biometric enrollment outlined in subdivision (a).

(d) For the purposes of this Article, "BAR" means the Bureau of Automotive Repair.

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

(4) Amend Sections 3315, 3316 in Article 3, Chapter 1, Division 33, Title 16, California Code of Regulations, to read as follows:

Article 3. Official Lamp Adjusting Stations

§ 3315. Classes of Official Lamp Adjusting Stations.

Classes of official lamp adjusting stations are established as follows:

(a) Class A official lamp adjusting stations shall be equipped to test, inspect, adjust, and repair all lamps and related electrical systems on all vehicles.

(b) Class B-limited (BL) official lamp adjusting stations shall be equipped to adjust all lamps with aiming pads on all passenger vehicles and commercial vehicles 80 inches or less in width. These stations shall be equipped to test, inspect, and repair all lamps and related electrical systems on all vehicles except motorcycles and motor-driven cycles.

(c) This section shall become inoperative on [OAL insert inoperative date that is six months from the date of OAL's filing with the Secretary of State].

Note: Authority cited: Sections 9882, 9887.1 and 9888.2, Business and Professions Code. Reference: Sections 9887.1, 9887.2, 9887.3 and 9888.2, Business and Professions Code.

§ 3316. Lamp Adjusting Station Operation and Equipment Requirements.

The operation of official lamp adjusting stations shall be subject to the following provisions:

(a) Class A official lamp adjusting stations shall provide an aiming screen or an optical type headlamp-aiming machine. Class A stations may provide, in addition, a mechanical type headlamp aiming machine and related calibration equipment. A Class BL station that limits its lamp aiming to lamps with aiming pads shall provide a mechanical type headlamp aiming machine and related calibration equipment. Each official lamp adjusting station shall be equipped with a voltmeter and other tools necessary for proper lamp servicing.

(b) Equipment for aiming headlamps and auxiliary lamps shall be approved by the ~~b~~Bureau. Aiming equipment shall be used only in the work area prescribed in subdivision (b) of Section 3305 of this chapter, and as follows:

(1) Aiming screens may be used for all headlamps and auxiliary lamps. Provision shall be made so that the screen can be shaded sufficiently from both direct and ambient light during daylight hours to perform aiming functions adequately.

(2) Optical type headlamp aiming machines may be used for all headlamps and auxiliary lamps.

(3) Mechanical type headlamp aiming machines shall be used only for lamps manufactured with three aiming pads on the lens.

(c) Each official lamp adjusting station shall maintain in a location readily accessible to licensed adjusters a current copy of the following:

(1) The ~~b~~Bureau 's Handbook for Lamp Adjusters and Stations, referenced in subdivision (a) of Section 3305 of this chapter.

(2) All appropriate and current lamp adjustment standards, specifications, directives, manuals, bulletins and instructions issued by motor vehicle and lamp manufacturers that are applicable to vehicles for which the station adjusts lamps.

(3) Service manuals and operating instructions issued by the manufacturers for all headlamp aiming instruments, machines, devices and equipment used by the station.

(d) Effective April 1, 1999, licensed stations shall purchase certificates of adjustment from the ~~b~~Bureau for a fee of three dollars and fifty cents (\$3.50) each and shall not purchase or otherwise obtain such certificates from any other source. Full payment is required at the time certificates are ordered. Certificates are not exchangeable following delivery. A licensed station shall not sell or otherwise transfer unused certificates of adjustment. Issuance of a lamp adjustment certificate shall be in accordance with the following provisions:

- (1) When a lamp adjustment certificate is issued to an applicant for an authorized emergency vehicle permit, the certificate shall certify that the vehicle has been inspected, that all lamps and related electrical systems meet all requirements of the Vehicle Code and ~~h~~Bureau regulations, and that all lamps capable of adjustment are properly adjusted.
 - (2) Where all of the lamps, lighting equipment, and related electrical systems on a vehicle have been inspected and found to be in compliance with all requirements of the Vehicle Code and ~~h~~Bureau regulations, the certificate shall certify that the entire system meets all of those requirements.
 - (3) When a customer asks for a certificate of lamp adjustment in conjunction with clearance of an enforcement form, the adjuster may, if requested, inspect and certify only the portion of the lighting system specified as defective on the enforcement form. Where the entire system has not been tested or inspected or one or more defects have been corrected, the certificate shall indicate which tests or inspections have been performed, or which defect or defects have been corrected.
 - (4) A certificate shall be valid for 90 days after its issuance to a consumer.
- (e) After correcting specified defects, official lamp adjusters shall certify that defects indicated on citations or other enforcement forms have been corrected.
- (1) The adjuster shall inform the customer of any other defective conditions present or likely to occur in the future, which have come to the adjuster's attention in conjunction with inspection of the vehicle and correction of specified defects.
 - (2) If the customer does not authorize additional repairs to correct other defects found during the inspection, the adjuster shall certify that only the specific defects listed on the enforcement form have been corrected.
 - (3) Only a licensed adjuster employed at an official adjusting station may sign an enforcement form as an official adjuster. The adjuster's license number, class, and official station number shall be included with the signature.
 - (4) Certification by a licensed adjuster on an enforcement form that a violation has been corrected shall include the date of correction, the station's and the adjuster's license numbers, and the adjuster's signature.
- (f) This section shall become inoperative on [OAL insert inoperative date that is six months from the date of OAL's filing with the Secretary of State].

Note: Authority cited: Sections 9882, 9887.1 and 9888.2, Business and Professions Code.
Reference: Sections 9887.1, 9888.2, 9889.16 and 9889.19, Business and Professions Code;
and Section 40616, Vehicle Code.

(5) Amend Sections 3320, and 3321 in Article 4, Chapter 1, Division 33, Title 16, California Code of Regulations, to read as follows:

Article 4. Official Brake Adjusting Stations

§ 3320. Classes of Official Brake Adjusting Stations.

Classes of official brake adjusting stations are established as follows:

(a) Class A official brake adjusting stations shall be equipped to test, inspect, adjust, and repair all brakes and brake systems on all vehicles.

(b) Class B official brake adjusting stations shall be equipped to test, inspect, adjust, and repair all brakes and brake systems on all buses, trucks, truck tractors, trailers, and semitrailers.

(c) Class C official brake adjusting stations shall be equipped to test, inspect, adjust, and repair all brakes and brake systems on all trucks or truck tractors having a manufacturer's gross vehicle weight rating of less than 10,000 pounds, all trailers and semitrailers that do not use compressed air or vacuum to actuate the brakes, and all passenger vehicles including motorcycles and motor-driven cycles.

(d) This section shall become inoperative on [OAL insert inoperative date that is six months from the date of OAL's filing with the Secretary of State].

Note: Authority cited: Sections 9882, 9887.1 and 9888.2, Business and Professions Code.

Reference: Sections 9887.1, 9887.3 and 9888.2, Business and Professions Code.

§ 3321. Brake Adjusting Station Operation and Equipment Requirements.

The operation of official brake adjusting stations shall be subject to the following provisions:

(a) Each station shall be equipped with the following tools according to the class of station.

(1) All stations shall be equipped with:

(A) Suitable hand tools.

(B) A brake drum diameter gauge capable of measuring increments of 0.005 inch.

(C) A disc brake rotor thickness gauge capable of measuring increments of 0.001 inch.

(D) A disc brake rotor runout gauge capable of measuring increments of 0.001 inch.

(E) Brake lining gauges capable of measuring thickness of remaining usable brake lining either in fractions of an inch or in percentage of lining remaining.

(F) Torque wrenches capable of measuring torsion in accordance with vehicle manufacturer's installation and adjustment specifications.

(2) Class A and B stations shall be equipped with:

(A) A vacuum brake test kit with a gauge capable of measuring in inches of mercury.

(B) An airbrake pressure test gauge accurate to +1 psi.

(b) Each station shall maintain in a location readily accessible to its licensed adjusters a current copy of the following:

(1) The ~~h~~Bureau 's Handbook for Brake Adjusters and Stations, referenced in subdivision (a) of Section 3305 of this chapter.

(2) All appropriate and current standards, specifications, directives, manuals, bulletins, and instructions issued by motor vehicle, brake, and brake equipment manufacturers that are applicable to vehicles for which the station adjusts brakes.

(3) Service manuals and operating instructions issued by the manufacturers for all brake inspection tools, instruments, machines, devices and equipment used by the station.

(c) Effective April 1, 1999, licensed stations shall purchase certificates of adjustment from the ~~h~~Bureau for a fee of three dollars and fifty cents (\$3.50) and shall not purchase or otherwise obtain such certificates from any other source. A licensed station shall not sell or otherwise transfer unused certificates of adjustment. Full payment is required at the time certificates are ordered. Certificates are not exchangeable following delivery. Issuance of a brake adjustment certificate shall be in accordance with the following provisions:

(1) When a brake adjustment certificate is issued to an applicant for an authorized emergency vehicle permit, the certificate shall certify that the vehicle has been road-tested and that the entire braking system meets all requirements of the Vehicle Code and ~~h~~Bureau regulations.

(2) Where the entire brake system on any vehicle has been inspected or tested and found to be in compliance with all requirements of the Vehicle Code and ~~h~~Bureau regulations, and the vehicle has been road-tested, the certificate shall certify that the entire system meets all such requirements.

(3) When a customer asks for a certificate of brake adjustment in conjunction with clearance of an enforcement form, the adjuster may, if requested, inspect and certify only the portion of the brake system specified as defective on the enforcement form. Where the entire system has not been tested or inspected or one or more defects have been corrected, the certificate shall indicate which tests or inspections have been performed, or which defect or defects have been corrected.

(4) A certificate shall be valid for 90 days after its issuance to a consumer.

(d) After correcting specified defects, official brake adjusters shall certify that defects indicated on citations or other enforcement forms have been corrected.

- (1) The adjuster shall inform the customer of any other defective conditions present or likely to occur in the future, which have come to the adjuster's attention in conjunction with inspection of the vehicle and correction of specified defects. The adjuster shall inform the customer of the percentage of braking material left on pads/shoes, as appropriate.
- (2) If the customer does not authorize additional repairs to correct other defects found during the inspection, the adjuster shall certify that only the specific defects listed on the enforcement form have been corrected.
- (3) Only a licensed adjuster employed at an official adjusting station may sign an enforcement form as an official adjuster. The adjuster's license number, the license class, and the official station license number shall be included with the signature.
- (4) Certification by a licensed adjuster on an enforcement form that a violation has been corrected shall include the date of correction, the station's and the adjuster's license numbers, and the adjuster's signature.

(e) This section shall become inoperative on [OAL insert inoperative date that is six months from the date of OAL's filing with the Secretary of State].

Note: Authority cited: Sections 9882, 9887.1 and 9888.2, Business and Professions Code.
Reference: Sections 9887.1, 9888.2 and 9889.16, Business and Professions Code; and Section 40616, Vehicle Code.