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# STORAGE FEES FOR AUTOMOTIVE REPAIR DEALERS

DEPARTMENT OF CONSUMER AFFAIRS



Bureau of Automotive Repair

MATHEW GIBSON  
FIELD OPERATIONS AND ENFORCEMENT DIVISION  
REGULATORY WORKSHOP  
OCTOBER 21, 2021

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# PURPOSE FOR REGULATION

The proposed regulation would:

- Clarify BAR's additional authority to address storage fee issues as provided for by AB 471 (Low, Chapter 372, Statutes of 2021).
- Codify BAR's guidance to the automotive repair industry regarding storage fees.
- Bring together existing laws governing storage fees from the Business and Professions Code, Civil Code, and Vehicle Code under one unified regulation.

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# PROPOSED REGULATION TEXT (1 of 4)

## § 3351.8 Storage Fees for Automotive Repair Dealers

- (a)(1) Prior to any authorized repair, an automotive repair dealer may charge storage fees when receiving possession of a motor vehicle for storage and safekeeping as referenced in Section 3068.1 of the Civil Code.
- (2) When an automotive repair dealer charges fees for the storage and safekeeping of a motor vehicle as a result of an accident or vehicle theft recovery, they shall charge those fees in accordance with Section 22524.5 of the Vehicle Code as related to the reasonableness of storage-related rates and fees and daily storage charges, and Section 3068.1 of the Civil Code as related to the imposition of daily storage charges.

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# PROPOSED REGULATION TEXT (2 of 4)

- (b)(1) Following the completion of any authorized repair, an automotive repair dealer may charge storage fees for an unpaid repair debt, after the customer is provided an invoice, or 15 days after the authorized repairs are completed, whichever occurs first as referenced in Section 3068 of the Civil Code.
- (2) To charge storage fees due to an unpaid debt, the automotive repair dealer shall have:
  - (A) Obtained customer authorization as specified in Section 3353.1 of the California Code of Regulations for the specific repair(s) being performed;

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# PROPOSED REGULATION TEXT (3 of 4)

- (B) Generated an invoice with all repair work performed and parts supplied upon completion of the authorized repairs; and
  - (C) Notified the customer in written or electronic form and/or with a posted sign that is displayed in a place and manner conspicuous to all customers of the facility's storage rates and policies.
- (3) When an automotive repair dealer charges storage fees due to completed repairs resulting from an accident or vehicle theft recovery, they shall charge those fees in accordance with Section 22524.5 of the Vehicle Code as related to the reasonableness of storage-related rates and fees and daily storage charges.

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# PROPOSED REGULATION TEXT (4 of 4)

- (4) An automotive repair dealer shall not charge storage fees while the vehicle is undergoing repairs, including the teardown of a vehicle or part in accordance with Section 3353 of the California Code of Regulations.
- (5) Upon completion of authorized repairs, an automotive repair dealer shall not dismantle, disengage, remove, or strip from the vehicle any of the parts used to complete the repairs as referenced in Section 3068 of the Civil Code.

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# QUESTIONS AND COMMENTS

Submit questions and/or comments to:

Mathew Gibson, Program Manager I

Bureau of Automotive Repair

10949 North Mather Boulevard

Rancho Cordova, CA 95670

Phone: (916) 403-8060

Email: [mathew.gibson@dca.ca.gov](mailto:mathew.gibson@dca.ca.gov)