
LEGISLATION AND REGULATIONS UPDATE

DEPARTMENT OF CONSUMER AFFAIRS

BAR

Bureau of Automotive Repair

HOLLY O'CONNOR
EXECUTIVE OFFICE
BAR ADVISORY GROUP MEETING
OCTOBER 21, 2021

LEGISLATION IMPORTANT DATES

- **October 10, 2021** – Last day for Governor to sign or veto bills.
- **January 1, 2022** – Chaptered bills take effect.
- **January 3, 2022** – Legislature reconvenes.
- **January 21, 2022** – Bills introduced in 2021 must pass out of the first house to continue forward, or they will die.

* Disclaimer: Though every effort is made to ensure information provided on these slides is the most current, given the nature of the legislative process, hearing dates or bill summaries shown here may not reflect the latest updates. Please be sure to check www.leginfo.legislature.ca.gov for the most current bill information.

2021 LEGISLATIVE BILLS CHAPTERED

- AB 471 (Low): Administration/Citations/Safety Inspections (Chapter 372, Statutes of 2021)
- SB 586 (Bradford): Peace Officers: Certification (This bill was gutted and amended on September 10, 2021 and all provisions that pertained to the Bureau were removed.)
- SB 607 (Min and Roth): Business and Professions (Chapter 367, Statutes of 2021)

AB 471 (LOW): ADMINISTRATION/ CITATIONS/SAFETY INSPECTIONS

- Status: Chaptered on September 28, 2021.
- Summary: This bill provides: (1) ARD lien authority for storage fees; (2) new requirements for recognizing educational certifications on the ARD registration application; (3) authority to provide, no earlier than July 1, 2023, an informal review process (3-member panel) for BAR-issued citations; (4) until July 1, 2026, allows for remedial training to expunge certain citations from an ARD's record if no remedial training was taken or citation became effective within the past 18 months; and (5) regulatory authority to develop a new vehicle safety systems inspection and certification program by January 1, 2024.

2021 LEGISLATIVE BILLS THAT HAVE NOT MOVED OUT OF THE FIRST HOUSE

- AB 220 (Voepel): Smog Check Exemption
- AB 294 (Santiago): Vehicle Towing and Storage Act
- AB 467 (Grayson): Historic Vehicles Exemption
- AB 646 (Low): Expunged Convictions
- AB 745 (Gipson): Clean Cars 4 All Program

BAR REGULATION PROPOSALS

- Smog Check Equipment Security and Fraud Prevention
- STAR Program Updates
- Smog Check Repair Assistance
- Laws and Regulations Training
- Auto Body Equipment and Supplemental Restraint Systems
- Citation Program for Automotive Repair Act Violations
- Storage Fees for Automotive Repair Dealers
- Auto Body and Windshield Repair

SMOG CHECK EQUIPMENT SECURITY AND FRAUD PREVENTION

- Purpose: (1) Require the use of biometric and web camera devices when performing a Smog Check. (2) Require that Smog Check stations allow BAR access whenever inspections are being performed, even if the inspections occur outside normal business hours. (3) Require that Smog Check inspectors allow BAR staff remote access to the inspection process, via the internet, when prompted by the BAR-OIS software.
- History: Submitted to DCA Legal for informal review on February 3, 2020. Public workshop held on October 22, 2020.
- Status: 45-day public comment period: September 24, 2021 to November 8, 2021.
- Next Steps: Finalize package with FSOR for DCA/BCSH and OAL review and adoption.

STAR PROGRAM UPDATES

- Purpose: (1) Amend STAR eligibility criteria; (2) provide STAR suspension process consistent with statute; and (3) delete outdated Gold Shield Program provisions.
- History: 45-day public comment period: June 25, 2021 to August 10, 2021.
- Status: Submitted FSOR to DCA/BCSH for final review on September 14, 2021.
- Next Steps: Submit to OAL for review and adoption.

SMOG CHECK REPAIR ASSISTANCE

- Purpose: Increase Smog Check repair assistance participation by: (1) providing higher repair contributions based on vehicle model year; (2) reducing pre-repair diagnostic fees for low-income vehicle owners; and (3) removing unnecessary eligibility restrictions pertaining to vehicle registration.
- History: Emergency regulation was approved by OAL and extends through January 29, 2022. 45-day public comment period: June 18, 2021 to August 3, 2021.
- Status: Finalizing package with FSOR for DCA/BCSH review.
- Next Steps: Submit to OAL for review and adoption.

LAWS AND REGULATIONS TRAINING

- Purpose: Amend BAR Disciplinary Guidelines to establish laws and regulations training as a rehabilitative option for Respondents. Administrative Law Judges and BAR would have the option to require, as a condition of probation or relicensure, training in compliance with the Automotive Repair Act and BAR regulations.
- History: Public comment period ended on June 2, 2021. Public comment period for Modified Text ended on June 28, 2021.
- Status: Submitted FSOR to DCA/BCSH for final review on August 8, 2021.
- Next Steps: Submit to OAL for review and adoption.

AUTO BODY EQUIPMENT AND SUPPLEMENTAL RESTRAINT SYSTEMS (1 of 2)

- Purpose:
 - Require autobody repair shops to have access to all repair, testing, and measuring equipment and current reference materials necessary to diagnose, section, replace, or repair structural damage.
 - Require that all auto body repair equipment meets current trade standards for the work being performed.
 - Update language to broaden vehicle restraint system to include supplemental restraint system and its components.

AUTO BODY EQUIPMENT AND SUPPLEMENTAL RESTRAINT SYSTEMS (2 of 2)

- History: Internal workgroup established November 2018. Public workshop held on April 18, 2019. Second workshop held on October 27, 2019.
- Status: Submitted to DCA for formal review on March 17, 2021. BAR addressed DCA Legal issues on August 25, 2021.
- Next Steps: Complete DCA formal review. Publish Notice with OAL to begin 45-day public comment period.

CITATION PROGRAM FOR AUTOMOTIVE REPAIR ACT VIOLATIONS

- Purpose:
 - Expand BAR's citation program to cover ARD violations of the Automotive Repair Act by specifying citable sections, establish a fee structure for citations, and clarify regulatory language under existing Articles 11.1 (Smog Check) and 11.2 (Unlicensed Activity).
- History: Public workshop held on April 22, 2021. Second workshop held on July 15, 2021.
- Status: Pending finalization of text due to AB 471.
- Next Steps: Submit to DCA Legal for informal review.

STORAGE FEES FOR AUTOMOTIVE REPAIR DEALERS

- Purpose:
 - Establishes and clarifies an ARD's ability to charge fees for unpaid repair debt and storage and safekeeping of a motor vehicle.
- History: AB 471 chaptered on September 29, 2021.
- Status: Public workshop to be held on October 21, 2021.
- Next Steps: Submit to DCA Legal for informal review.

AUTO BODY AND WINDSHIELD REPAIR

- Purpose:
 - Define “reconditioned part” for purposes of auto body and windshield repair.
 - Require all auto body and windshield repair meet current accepted trade standards for good and workmanlike repair.
 - Specify use of nationally distributed updated service specifications or guidelines in cases where there are no OEM service specification repair procedures or guidelines.
- Status: Public workshop to be held in early 2022.
- Next Steps: Submit to DCA Legal for informal review.

QUESTIONS AND COMMENTS

Submit questions and/or comments to:

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