

**BUREAU OF AUTOMOTIVE REPAIR  
PROPOSED REGULATION**

**CONSUMER ASSISTANCE PROGRAM UPDATES**

Legend:        Added text is indicated by underlining.  
                 Deleted text is indicated by ~~striketrough~~.  
                 Omitted text is indicated by (\* \* \* \*).

**(1) Amend Section 3394.3, Article 11, Chapter 1, Division 33 of Title 16 of the California Code of Regulations**

§ 3394.3. ~~State~~Vehicle Retirement and Repair Assistance Payment Limits.

An applicant determined to be eligible under the Consumer Assistance Program may receive the following assistance:

(a) Under the Vehicle Retirement option, payment of one thousand five hundred dollars (\$1,500) for each vehicle retired from operation for vehicle owners ~~that~~who meet income eligibility requirements. All other vehicle owners shall receive one thousand dollars (\$1,000) for each vehicle retired from operation. All vehicles shall be retired from operation at a dismantler operating under contract with the ~~Bureau of Automotive Repair~~.

(b) Under the Repair Assistance option, vehicle owners ~~that~~who meet income eligibility requirements ~~will~~shall receive up to five hundred dollars (\$500) in emissions-related repair services performed at a ~~licensed smog check test and repair station holding valid STAR test and repair station certification and~~ operating under an agreement with the ~~Bureau of Automotive Repair~~. Repair Assistance shall not be awarded for the following items:

- (1) Repairs necessary to make a vehicle safe to test or testable as specified in section 1.2.3 of the Smog Check Manual referenced in section 3340.45.
- (2) Repairs to tampered emissions control systems as defined by section 3340.41.5.
- (3) Repairs which are recommended based on a diagnosis that fails to comply with section 3340.41(d).
- (4) Repairs that are unnecessary to resolve the cause of the Smog Check inspection failure.
- (5) Parts that have a mark-up greater than the average mark-up for the STAR test-and-repair station conducting the repairs.
- (6) Sublet repairs that have a mark-up greater than the average mark-up for the STAR test-and-repair station conducting the repairs.
- (7) Labor operation times that are greater than the average labor operation times for a particular vehicle type and repair.

(c) If the STAR test-and-repair station requests emissions-related repairs in excess of \$500, and after evaluating the criteria listed in subsection (b)(1) through (b)(7) the Bureau concurs that those repairs are necessary to pass the Smog Check inspection, and are cost effective as specified in Health and Safety Code section 44062.1, then the vehicle owner shall receive additional emissions-related repair services in the following amounts:

(1) up to four hundred dollars (\$400) for model year 1976 through 1995 vehicles, and

(2) up to seven hundred dollars (\$700) for model year 1996 or newer vehicles.

(d) The STAR test-and-repair station's charge for diagnosis shall be a flat fee equaling 1.5 times the station's posted hourly labor rate for repairs. The diagnosis shall include a Smog Check inspection performed in pre-inspection mode, as defined by section 1.7.2 of the Smog Check Manual referenced in section 3340.45, to confirm the current condition of the vehicle.

(e) Upon completion of repairs, the STAR test-and-repair station shall perform a Smog Check inspection, as specified in section 3340.42, to confirm the effectiveness of the repairs. There shall be no charge to the vehicle owner or the Bureau for this inspection. If the vehicle passes the inspection, the vehicle owner shall pay the certificate of compliance fee as specified in sections 3340.35 and 3340.35.1.

Note: Authority cited: Sections 44001.3, 44001.5, 44002 and 44062.3, Health and Safety Code. Reference: Sections 44001.3, 44014.2, 44015, 44017, 44037.1, 44062.1, 44062.3, 44091, 44092, 44093, 44094 and 44095, Health and Safety Code.

**(2) Amend Section 3394.4, Article 11, Chapter 1, Division 33 of Title 16 of the California Code of Regulations**

§ 3394.4. Eligibility Requirements.

(a) In order to participate in the Repair Assistance option of the Consumer Assistance Program, the following requirements must be met:

(1) The applicant must be the registered owner of the vehicle with vehicle title issued in their name.

(2) The applicant must not have previously participated in the Repair Assistance option for the same vehicle.

(3) The applicant must have a household income that is less than or equal to two hundred twenty-five percent (225%) of the federal poverty level, as published in the Federal Register by the United States Department of Health and Human Services.

(4) The applicant must pay ~~the total cost of testing and diagnosing~~ a minimum of twenty percent (20%) of the total cost of diagnosis and repair of the emissions-related failure as co-payment for participating in the Repair Assistance option. Once the Bureau's eighty percent (80%) portion of the diagnosis and repair pursuant to Health and Safety Code section 44094(b)(1) has reached the maximum amount as defined by section 3394.3(c), all additional costs shall be borne by the applicant. The co-payment shall be paid directly to the station that performs the state-subsidized emissions-related repair work under an agreement with the ~~the~~ Bureau.

(5) At the time of application, the vehicle must:

(A) Have failed its biennial Smog Check inspection. Aborted, manual mode, and training mode tests do not qualify.

(B) Be currently registered with the Department of Motor Vehicles with a valid and unexpired registration sticker, or have all fees paid to the Department of Motor Vehicles and not have a registration that has been expired more than ~~120~~365 days.

~~(C) Have been continuously registered in California with the Department of Motor Vehicles without substantial lapse during the two consecutive years preceding the current registration expiration date, such that it has not experienced breaks in registration totaling more than 120 days.~~

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Note: Authority cited: Sections 44001.3, 44001.5, 44002 and 44062.3, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 44005, 44010.5, 44011, 44012, 44014.2, 44014.7, 44015, 44017, 44017.1, 44037.1, 44062.1, 44062.3, 44091, 44092, 44093, 44094, 44095 and 44125, Health and Safety Code.

### **(3) Amend Section 3394.6, Article 11, Chapter 1, Division 33 of Title 16 of the California Code of Regulations**

§ 3394.6. Application and Documentation Requirements for the Consumer Assistance Program.

(a) In order to participate in the Consumer Assistance Program, the applicant shall meet the requirements pursuant to 3394.4 et seq. and submit a completed application, CAP/APP (~~07/12~~Rev. 04/2020), which is hereby incorporated by reference, and required documentation to the Department or its designee with original signature(s).

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Note: Authority cited: Sections 44001.5, 44002, 44091 and 44094, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 44001.3, 44005, 44010.5, 44011, 44012, 44014, 44014.2, 44015, 44017, 44017.1, 44062.1, 44092, 44093, 44094 and 44095, Health and Safety Code.