

BUREAU OF AUTOMOTIVE REPAIR
PROPOSED REGULATIONS

SMOG CHECK INSPECTION EQUIPMENT, PROCEDURES, AND REFERENCE DOCUMENTS

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(1) Amend Section 3340.17 of Article 5.5, Chapter 1, Division 33, Title 16, California Code of Regulations, to read as follows:

§ 3340.17. Test Equipment, Electronic Transmission, Maintenance and Calibration Requirements.

(a) The BAR-97 Emissions Inspection System (EIS) shall meet the specifications contained in the BAR-97 Emissions Inspection System Specifications dated ~~May 1996, as revised through July 2009~~ July 2017, which is hereby incorporated by reference. Vehicle data emission test results shall be transmitted to the bureau's centralized database in accordance with the procedures contained in these specifications, which include the form, manner and frequency of data transmittals. The EIS shall be maintained and calibrated in accordance with the bureau's BAR-97 Emissions Inspection System Specifications referenced in this subsection, and in accordance with the manufacturer's specifications. The EIS shall be calibrated only with bureau approved gases that are certified in accordance with section 3340.18 of this article. The EIS shall have the most current software and hardware updates required by the bureau.

(b) The OBD data acquisition device shall meet the specifications contained in the BAR OBD Inspection System Data Acquisition Device Specification dated, October 22, 2012, which is hereby incorporated by reference.

(c) Vehicle data and test results from the OBD Inspection System (OIS) shall be transmitted to the bureau's centralized database.

(d) Only bureau-authorized representatives or authorized manufacturer representatives shall have access to the following for service, inspection, or replacement: the locked areas of the EIS, the components or software located within the Low-Pressure Fuel Evaporative Test (LPFET), the components or software located within the OBD Data Acquisition Device.

(e) The LPFET equipment shall meet the specifications contained in the LPFET Specification dated January 2012, hereby incorporated by reference. Vehicle data emission test results shall be transmitted to the bureau's database in accordance with the procedures contained in the LPFET specification, which include the form, manner and frequency of data transmittals. The LPFET equipment shall be maintained and calibrated in accordance with the bureau's LPFET specification referenced in this subsection, and in accordance with the manufacturer's operating instructions. The LPFET equipment shall have the most current software and hardware updates required by the bureau.

(f) Any EIS, LPFET or OBD Inspection System (OIS) that the bureau finds does not comply with the hardware and software requirements and specifications established in this article will be disabled from communicating with the bureau's database and thereby preventing smog check inspections, and the transmittal of certificates of compliance to the Department of Motor Vehicles, until they are brought into compliance. When any non-compliant EIS, LPFET or OIS communicates with the database, the database will disable the ability of the EIS, LPFET or OIS to issue certificates of compliance and to perform Smog Check tests or inspections.

Note: Authority cited: Sections 44002, 44036 and 44037.1, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 44012, 44036 and 44037.1, Health and Safety Code.

(2) Amend Section 3340.41 of Article 5.5, Chapter 1, Division 33, Title 16, California Code of Regulations, to read as follows:

§ 3340.41. Inspection, Test, and Repair Requirements.

(a) A licensed station shall give a copy of the test report printed from the ~~emissions inspection system~~ BAR-97 Emissions Inspection System or the OBD Inspection System to the customer. The report shall be attached to the customer's invoice.

(b) No person shall enter into the ~~emissions inspection system~~ BAR-97 Emissions Inspection System or the OBD Inspection System any access or qualification number other than as authorized by the bureau, nor in any way tamper with the ~~emissions inspection system~~ BAR-97 Emissions Inspection System or the OBD Inspection System.

(c) No person shall enter into the ~~emissions inspection system~~ BAR-97 Emissions Inspection System or the OBD Inspection System any vehicle identification information or emission control system identification data for any vehicle other than the one being tested. Nor shall any person

knowingly enter into the ~~emissions inspection system~~ BAR-97 Emissions Inspection System or the OBD Inspection System any false information about the vehicle being tested.

(d) The specifications and procedures required by Section 44016 of the Health and Safety Code shall be the vehicle manufacturer's recommended procedures for emission problem diagnosis and repair or the emission diagnosis and repair procedures found in industry-standard reference manuals and periodicals published by nationally recognized repair information providers. Smog check stations and smog check technicians shall, at a minimum, follow the applicable specifications and procedures when diagnosing defects or performing repairs for vehicles that fail a smog check test.

~~(e) Effective through December 31, 2012, a smog check station shall not perform an initial test, except for an official pre-test, on or issue a certificate of compliance to any vehicle that has been directed to a test only station for its biennial smog check pursuant to Sections 44010.5 or 44014.7 of the Health and Safety Code, unless the station is licensed as a test only station pursuant to subdivision (b) of Section 44014 of the Health and Safety Code. The reinspection and certification of a test only directed vehicle that has failed an initial test at a test only station and has undergone subsequent repairs to correct the cause of the failure, may be performed by a test only station, or by a test and repair station that performs those repairs and that is also certified as a Gold Shield station pursuant to Section 44014.2 of the Health and Safety Code and Article 10 (commencing with section 3392.1) of this chapter.~~

~~(f)~~ (e) Effective January 1, 2013, a smog check station may not perform an initial test, except for an official pre-test, on any vehicle or issue a certificate of compliance to any vehicle that has been directed to a STAR station for its biennial smog check pursuant to Sections 44010.5 or 44014.7 of the Health and Safety Code, unless the station is certified as a STAR station pursuant to Sections 44014.2 or 44014.5 of the Health and Safety Code. The re-inspection and certification of a directed vehicle that has failed an initial test at a STAR station and has undergone subsequent repairs to correct the cause of the failure shall be performed by a STAR station.

Note: Authority cited: Sections 44002, 44016 and 44030, Health and Safety Code; and Section 9882, Business and Profession Code. Reference: Sections 44010.5, 44012, 44014, 44014.2, 44014.7, 44016, 44030, 44036(a) and (b), 44050 and 44051.5, Health and Safety Code.

(3) Amend Section 3340.45 of Article 5.5, Chapter 1, Division 33, Title 16, California Code of Regulations, to read as follows:

§ 3340.45. Smog Check Manual.

(a) All Smog Check inspections shall be performed in accordance with requirements and procedures prescribed in the following:

~~(1) Smog Check Inspection Procedures Manual, dated August 2009, which is hereby incorporated by reference. This manual shall become effective until subparagraph (2) is implemented.~~

~~(2) (1) Smog Check Manual, dated 2013, which is hereby incorporated by reference. This manual shall become~~ became effective on or after January 1, 2013. This manual shall remain in effect until subparagraph (2) is implemented.

(2) Smog Check Manual, dated November 2017, which is hereby incorporated by reference. This manual shall become effective on or after July 1, 2018.

Note: Authority cited: Section 44002, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 44002, 44003, 44005, 44010, 44011, 44011.3, 44012, 44012.1, 44013, 44014, 44014.5, 44014.7, 44015 and 44032, Health and Safety Code.