
LEGISLATION / REGULATIONS UPDATE

DEPARTMENT OF CONSUMER AFFAIRS



Bureau of Automotive Repair

BRIAN CLARK
EXECUTIVE OFFICE
BAR ADVISORY GROUP MEETING
APRIL 19, 2018

LEGISLATION

AB 2276 (Burke): Motor Vehicle Insurance: Auto Body Repair

AB 2392 (Santiago): Towing and Storage

AB 2832 (Dahle): Lithium-ion Battery Recycling and Reuse

AB 2908 (Berman): Tire Recycling

AB 3097 (Salas): Smog Check Report

LEGISLATION (CONTINUED)

AB 3102 (Gray): Heavy-Duty Motor Vehicles

AB 3141 (Low): Bureau of Automotive Repair

* 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.

LEGISLATION (CONTINUED 2)

SB 210 (Leyva): Heavy-Duty Vehicle Smog Check Program

SB 1267 (Nielsen): Automotive Fuels and Products

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AB 2276 (BURKE): MOTOR VEHICLE INSURANCE: AUTO BODY REPAIR

- Status: Introduced on 02/13/18. Referred to Assembly Insurance Committee on 03/01/18.
- Date of Next Hearing: 04/18/18, Assembly Insurance Committee.
- Summary:
 - Requires insurers using or conducting labor rate surveys that establish labor rates in specific geographic areas to report results to CDI every 12 months.
 - Replaces provisions established by CDI regulations requiring insurers conducting surveys to set a specified prevailing rate in a specific geographic area.

AB 2276 (BURKE): MOTOR VEHICLE INSURANCE: AUTO BODY REPAIR (CONTINUED)

- Requires auto body labor rate surveys to ask specific questions and meet minimum reporting standards, including auto body shop names, contact information, and number of shops surveyed.
- Permits an auto body repair shop to negotiate a labor rate that differs from the prevailing auto body labor rate.
- Permits an insurer to adjust the labor rate in a written estimate provided by a claimants chosen repair shop if certain criteria are met.

AB 2392 (SANTIAGO): TOWING AND STORAGE

- Status: Introduced on 02/14/18. Referred to Assembly Transportation Committee on 03/05/18.
- Date of Next Hearing: None scheduled.
- Summary:
 - Amends requirements that a facility may charge a vehicle owner a storage fee during the first 15 days of possession, to the first 5 days and for any time during 3 days thereafter when the vehicle owner has been notified.
 - Requires a facility to contact the insurer of a vehicle when unable to successfully notify a vehicle owner and the insurer is known.

AB 2392 (SANTIAGO): TOWING AND STORAGE (CONTINUED)

- Established criteria to determine reasonable storage fees charged to an insurer responsible for storage and towing performed as a result of an accident or stolen recovery.
- Requires facilities to be open normal business hours and allow owners to inspect a stored vehicle for no less than 3 hours.
- Removes an exemption for notice to be posted by repair shops that charge for vehicle storage but do not provide towing services.

AB 2832 (DAHLE): LITHIUM-ION BATTERY RECYCLING AND REUSE

- Status: Introduced on 02/16/18. Referred to Assembly Environmental Safety and Toxic Materials Committee on 03/08/18. Passed Assembly Environmental Safety and Toxic Materials Committee on 04/11/18 and referred to Assembly Appropriations Committee.
- Date of Hearing: 04/10/18.
- Summary:
 - Requires Dept. of Toxic Substances Control (DTSC) to work with BAR, ARB, CalRecycle, California Energy Commission, and other stakeholders to identify approaches for the reuse or recycling of lithium-ion batteries from electric vehicles. DTSC must submit a report of those findings to the Legislature by July 1, 2020.

AB 2832 (DAHLE): LITHIUM-ION BATTERY RECYCLING AND REUSE (CONTINUED)

- Requires DTSC to establish a grant program to fund the development of recycling and reuse opportunities for lithium-ion batteries from electric vehicles when no longer suitable for their intended purposes.
- Requires CalRecycle to develop a process to allow consumers to properly dispose of lithium-ion batteries from electric vehicles at no cost to the consumer.

AB 2908 (BERMAN): TIRE RECYCLING

- Status: Introduced on 02/16/18. Referred to Assembly Natural Resources Committee on 03/08/18.
- Date of Hearing: 04/09/18.
- Summary:
 - Requires CalRecycle to adopt regulations establishing the CA tire regulatory fee based on specific criteria and not to exceed \$1 per new tire sold.
 - Authorizes CalRecycle to set different fees based upon the number of tires wasted, nature of activity generating waste tires, and other factors as appropriate.

AB 2908 (BERMAN): TIRE RECYCLING (CONTINUED)

- Establishes a goal of not less than 75% of solid waste tires generated be source-reduced or recycled in the state by 2020.
- Requires a waste tire generator that is a retail seller of new tires for consumer vehicles to pay a CA tire regulatory fee and remit fees quarterly to the CA Tire Recycling Management Fund.
- Enacts the Tire Recycling Incentive Program Act, requiring CalRecycle to establish an incentive program for entities that purchase waste tire products for incorporation in products for sale for use in local public works.

AB 3097 (SALAS) PREVIOUSLY: CHILD CARE, NOW: SMOG CHECK REPORT

- Status: Introduced on 02/16/18. Referred to Assembly Transportation Committee on 02/22/18. Amended on 03/22/18 and re-referred to Transportation Committee.
- Date of Next Hearing: None scheduled.
- Summary:
 - The amended bill will require the annual Smog Check Performance Report to include the number of vehicles that are unregistered and the number of vehicles that do not renew registration after failing a Smog Check.

AB 3102 (GRAY), PREVIOUSLY: HEAVY-DUTY MOTOR VEHICLES, NOW: LAKE OR STREAMBED ALTERATION AGREEMENTS

- Status: Introduced on 02/16/18. Amended on 03/22/18.
- Date of Next Hearing: None scheduled.
- Summary:
 - The bill has been amended to address limits on fish and wildlife resource protections.

AB 3141 (LOW): BUREAU OF AUTOMOTIVE REPAIR

- Status: Introduced on 02/16/18. Referred to Assembly Business and Professions Committee on 03/12/18.
- Date of Hearing: Sunset Review Oversight Hearing held on 03/05/18.
- Summary:
 - Amends Business and Professions Code § 9882 to provide that the powers and duties of BAR be subject to review by the appropriate policy committees of the Legislature as if the Automotive Repair Act were to be repealed on January 1, 2023.

SB 210 (LEYVA): HEAVY-DUTY VEHICLE SMOG CHECK PROGRAM

- Status: Introduced on 02/01/17. Passed Senate on 05/31/17 and referred to Assembly. Referred to Assembly Committees on Education and Environmental Safety and Toxic Materials on 06/12/17. Amended on 08/23/17 and re-referred to Education Committee. Referred to Assembly Rules Committee on 08/28/17
- Date of Next Hearing: None scheduled
- Summary:
 - Passed Senate as a drinking water safety bill. The amended bill authorizes the Air Resources Board to develop and implement a Heavy-Duty Vehicle Inspection and Maintenance program for non-gasoline heavy-duty on road vehicles. The bill permits the Board to impose fees to recover its program implementation costs.

SB 1267 (NIELSEN): AUTOMOTIVE FUELS AND PRODUCTS

- Status: Introduced on 02/16/18. Referred to Senate Rules Committee on 03/01/18.
- Date of Next Hearing: None scheduled
- Summary:
 - This is a spot bill making technical, non-substantive changes to Business and Professions Code section 13404.5.

PENDING BAR REGULATIONS

- Electronic Documents and Consumer Authorization
- BAR-97 Specifications
- ARD Oil Change Requirements
- Training Provider Requirements
- STAR Program Clean-Up
- Exempt Services

ELECTRONIC DOCUMENTS AND CONSUMER AUTHORIZATION

- Purpose: To (1) allow for electronic estimates and authorizations, transmission, and storage of repair transaction documents; (2) reorganize estimate, work order, and invoice provisions to more closely align with automotive repair transactions; and (3) clarify language as necessary.
- History: Public workshops held 07/09/14, 07/23/15, 10/21/15, and 07/21/16. Public hearing held on 09/26/17. First 15-day public comment period ended 11/18/17. Second 15-day public comment period ended 12/19/17. Third 15-day public comment period ended on 01/25/18.
- Status: Submitted to DCA / BCSH for final review on 03/30/18.
- Next Step: Finalize rulemaking package and submit to OAL.

BAR-97 SPECIFICATIONS

- Purpose: To modernize BAR-97 equipment standards for Smog Check stations by: (1) removing dedicated analog phone line requirement; (2) requiring LPFET to communicate directly with BAR-97; and (3) updating minimum computer hardware and software standards.
- History: Public workshop on 10/20/16. ET Blasts on 04/07/17, 1/10/18, 3/30/18 and 4/16/18. Winter 2017 and Spring 2018 ARSC newsletters. Public Hearing on 02/12/18.
- Status: Submitted to DCA / BCSH for final review on 02/23/18.
- Next Step: Submit final rulemaking file to OAL; upon approval file with Secretary of State for immediate adoption.

ARD OIL CHANGE REQUIREMENTS

- Purpose:
 - Require ARDs to adhere to maintenance schedule published by vehicle manufacturer, industry accepted and nationally distributed automotive service specification provider, or CalRecycle, when making a recommendation to the customer; and
 - Does not prohibit customer from requesting an interval that differs from manufacturer's published maintenance schedule; and
 - Require ARDs, when completing an oil change, to include the following statement on the invoice,
“Your vehicle’s manufacturer publishes oil change intervals, and the conditions and factors that influence those intervals, in the owner’s manual.”

ARD OIL CHANGE REQUIREMENTS (CONTINUED)

- History: Public workshops held on 04/20/17 and 09/26/17. Notice filing with OAL on 02/27/18.
- Status: 45-day public comment period began on 03/09/18.
- Next Step: Public hearing at BAR Headquarters on 04/23/18.

TRAINING PROVIDER REQUIREMENTS

- Purpose: To (1) make requirements for certification of Smog Check training providers consistent with current licensing requirements; (2) authorize training for compliance with laws and regulations; and (3) make conforming changes to Disciplinary Guidelines.
- History: Public workshops held on 01/09/14 and 10/21/15. Submitted for DCA formal review on 12/01/17.
- Status: BAR is revising ISOR.
- Next Steps: Completion of DCA / BCSH formal review; file with OAL to begin 45-day public comment period.

STAR PROGRAM CLEAN-UP

- Purpose: To (1) delete outdated Gold Shield Program provisions; (2) amend STAR eligibility criteria; and (3) revise STAR suspension process to be consistent with statute.
- History: Public workshop held on 07/21/16.
- Status: Preparing rulemaking package for submission to DCA / BCSH by end of 04/18 for formal review.
- Next Step: File with OAL to begin 45-day public comment period.

EXEMPT SERVICES

- Purpose: To exempt roadside and other services from the definition of “repair of motor vehicles”.
- History: Public workshops held on 04/22/15, 07/20/17 and 02/12/18.
- Status: Reviewing workshop comments.
- Next Step: Review and/or revise proposed regulations text.

QUESTIONS AND COMMENTS

Submit questions and/or comments to:

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