

TITLE 16. BUREAU OF AUTOMOTIVE REPAIR

MOBILE AUTOMOTIVE REPAIR ADVERTISING

SECOND MODIFIED LANGUAGE OF PROPOSED REGULATIONS

Legend:

- Changes made to the existing regulatory language are shown by ~~strikethrough~~ for deleted language and underline for added language.
- Changes made to the first modified language, i.e. in the first 15-day notice, are shown by ~~double strikethrough~~ for deleted language and double underline for added language.
- Changes made to the second modified text, i.e. in the second 15-day notice, are shown by ~~**bold double strikethrough and bold single underline**~~ for deleted language and **double underline** for added language.

(1) Add Article 6.1, Chapter 1, Division 33, Title 16, California Code of Regulations, to read as follows:

Article 6.1. Mobile Automotive Repair

§ 3351.7.1 Scope.

- (a) The provisions of this article shall apply to automotive repair dealers that engage in the business of mobile automotive repair and do not operate a currently registered place of business where the diagnosis or repair of motor vehicles is performed.

§ 3351.7.2 Definitions.

- (a) “Mobile automotive repair” means the repair of motor vehicles as defined in Business and Professions Code section 9880.1, which relies on a motor vehicle to transport an automotive technician as defined in that same section, and any tools and equipment necessary to perform the repair.

§ 3351.7.3. Requirements of mobile automotive repair.

- (a) It is unlawful for any person to engage in the business of mobile automotive repair that is not considered a minor service per Business and Professions Code section 9880.1(e) unless that person has registered as an automotive repair dealer in accordance with this chapter and that registration is currently valid.
- (b) ~~An automotive repair dealer~~A person engaged in the business of mobile automotive repair shall hold a unique registration number for each motor vehicle used to perform mobile automotive repair.

~~(c) No automotive repair dealer engaged in the business of mobile automotive repair shall cause to be published, uttered, or made any false or misleading statement or advertisement which is known or by the exercise of reasonable care should be known to be false or misleading.~~

(c) A mobile automotive repair dealer person engaged in the business of automotive repair must shall clearly display on any vehicle used to perform mobile automotive repair and in any Internet-based advertising the following:

1. Firm Name. The dealer's firm name as it appears on the State registration certificate as an automotive repair dealer;
2. ~~Telephone Number. The telephone number displayed on the vehicle or in an internet based advertisement shall be the same as that listed for the dealer's firm name in the Bureau's records.~~ Registration Number. The number issued by the Bureau to the dealer as proof of registration as an automotive repair dealer.
3. ~~Registration Number. The number issued by the Bureau to the dealer as proof of registration as an automotive repair dealer.~~ Telephone Number. The telephone number shall be the same as that listed for the dealer's firm name in the Bureau's records.

(d) A person engaged in the business of mobile automotive repair shall display, on each motor vehicle used to perform mobile automotive repair, the same information prescribed in subsection (c). The firm name and registration number shall be in a clearly visible location in print type of at least 72 point font or three-quarters of an inch in height and width.

~~(d)(c) An automotive repair dealer~~ A person engaged in the business of mobile automotive repair shall provide to every customer, with ~~the customer's a~~ copy of the work order as required by Section 9884.7(a)(3) of the Business and Professions Code, a copy of ~~an the~~ official automotive repair dealer's sign that is worded as specified in §3351.4(a)(1) and that meets the specifications of §3351.3(b)(1)-(4).

~~(e)(f) An automotive repair dealer~~ A person engaged in the business of mobile automotive repair is subject to the customer estimate, work order, and invoice requirements of Article 7 and all other provisions of this chapter to the extent they do not conflict with the requirements set forth in this Article.

Note: Authority cited: Sections 9882 and 9884.19, Business and Professions Code. Reference: Sections 9880.1, 9884.6, 9884.19, 17500 and 17505, Business and Professions Code.

(2) Amend Section 3371.1 of Article 9, Chapter 1, Division 33, Title 16, California Code of Regulations, to read as follows:

§ 3371.1. Presumption As Automotive Repair Dealer.

A person shall be deemed to be an automotive repair dealer as defined by subdivision (a) of section 9880.1 of the Business and Professions Code when such person:

(a) Solicits or advertises the repair of motor vehicles by telephone directory, newspaper, periodical, airwave transmission, the Internet, printed handbill, printed business card, printed poster, **lettering on motor vehicles**, or painted or electric sign, and repairs motor vehicles, or

(b) maintains an establishment for the repair of motor vehicles where within or outside the establishment is a sign, poster, or other representation which might reasonably lead a member of the public to believe that such establishment performs the repair of motor vehicles, or

(c) holds a retail sellers permit when such permit has been acquired for the purpose of, or has been used for, obtaining parts for the repair of motor vehicles, or

(d) holds himself or herself out to the public as an automotive repair dealer and receives a motor vehicle from the public and transmits or renders control of the motor vehicle to another for repair.

A person will be deemed to be holding himself or herself out to the public as an automotive repair dealer within the meaning of subdivision (d) above when such person solicits such business in a manner which might reasonably lead the public to believe that such person is an automotive repair dealer, or when the person receiving the service is billed on such person's own invoice.

Note: Authority cited: Sections 9882 and 9884.19, Business and Professions Code. Reference: Section 9884.19, 17500 and 17505, Business and Professions Code.