

Department of Consumer Affairs Puts the Squeeze On “Lemons” (Lemon Law 20th Anniversary Celebrated at the Capitol)

By: Lana K. Wilson-Combs and Glenn Mason, DCA Communications and Education Division

Imagine buying or leasing a brand new car and within days or even hours after driving it off the lot, it breaks down. You take the car back to the dealer to get it fixed, only to have the problem reoccur. Chances are you may have a “lemon.” But there is help for consumers thanks to California’s Lemon Law. Since 1982, the Lemon Law has protected consumers who buy or lease new vehicles with serious warranty defects that the dealer or manufacturer can’t repair after a reasonable number of attempts. One option is allowing consumers to go to third party arbitration to decide whether the manufacturer must replace the vehicle or give a refund when repairs can’t be made.

The landmark legislation is so groundbreaking that it has set the standard for similar Lemon Laws in all 50 states.

Several politicians, media and consumer advocates attended the 20th anniversary Lemon Law celebration at the State Capitol on Wednesday, June 19, 2002. They included: Kathleen Hamilton, Director of



From Left to Right: Kathleen Hamilton, Director, Dept. of Consumer Affairs, Sally Tanner, Former Assemblymember and author of the Lemon Law, and Aileen Adams, Secretary, State & Consumer Services Agency spoke at the State Capitol during the 20th Anniversary celebration of California’s Lemon Law.

Lemon Law (page 2)

“E-COMMERCE” COMES TO BAR REGULATIONS

Additional Authorizations Brought Into the New Millennium

By: Jim Allen, BAR Legislative and Regulatory Analyst

The Bureau of Automotive Repair (BAR) has adopted amendments to Sections 3303, 3353 and 3361.1 of the California Code of Regulations, that became effective June 1, 2002. These amendments establish appropriate definitions and applicable procedures to be followed by Automotive Repair Dealers when revised estimates and requests for additional authorization are transmitted to customers via fax or e-mail and/or when customer authorization is returned by similar means. The amendments maintain all of the prior protections provided to consumers when estimates are revised, while providing for the maximum convenience and efficiency available through modern communication technology. Full disclosure and complete documentation - similar to that required for oral/telephonic authorizations - is required under the newly enacted provisions. In addition-

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Lemon Law (continued)

the Department of Consumer Affairs and Former Assemblymember, Sally Tanner, who authored the original Lemon Law legislation. Other attendees were: Secretary for the State & Consumer Services Agency, Aileen Adams, Assemblymember, Chair, Assembly Business & Professions Committee, Lou Correa, Director, Department of Motor Vehicles, Steve Gourley, and Rosemary Shahan from the Consumers for Auto Reliability and Safety.

“I never thought I’d see this day come to be,” an enthused Tanner told the crowd assembled in front of the north steps of the Capitol. “California’s Lemon Law is undoubtedly the single most important advance in consumer protection. There were a lot of people who contributed in making this law a reality.” They include people like Shahan. The consumer rights advocate told the audience that in 1979 she took her new car to Lemon Grove, near San Diego, for collision repairs. After three months she still didn’t have her car fixed.

“They hadn’t even ordered the parts,” said Shahan. “The dealer told me that if I complained too much they would fix my car with bad parts.”

Those tactics might have intimidated most people, but not Shahan. She picketed the dealership. “People saw me outside with a sign and started to come by and tell me about their problems. Even the press became curious and wanted to know what was going on.” After the media scrutiny and public pressure became too much for the dealership, they ended up paying Shahan \$10,410 - the total cost of her car, and \$25 for every day it was delayed for repairs.

Shahan says she felt empowered by her victory. It led her to form the organization, Motor Voter, which later became Consumers for Auto Reliability and Safety.

Advocates like Tanner and Shahan prompted many other consumers to voice their concerns and seek relief for their automotive problems through the State Department of Consumer Affairs’ Arbitration Certification Program (ACP).

“I can’t say enough about the program,” says Rebecca Crane who insisted on making the trek to the Capitol from Modesto to tell her Lemon Law story. Crane bought a 1999 car from a Modesto dealership. A month later she had all sorts of problems. “I kept taking it back to get it fixed. After a while they got

tired of me and threw me out of my warranty. They became really annoyed and said they didn’t have time for me. One guy there encouraged me to get a lawyer but told me there was no way I was going to win this. He said, ‘I have more money than you and more money than God.’”

“I got a lawyer and within two and a half years, I got all my money back. If it weren’t for people like Rosemary Shahan and Sally Tanner that would not have been possible. The Lemon Law rights all wrongs. It is a consumers’ best friend.”

Editor’s Note: If consumers believe the vehicle they purchased or leased meets the definition of a “lemon,” then the California Department of Consumer Affairs, along with its Arbitration Certification Program, may be able to help. Consumers can get more information by logging onto the Department’s Web site at www.dca.ca.gov or by calling **1-800-952-5210**.



California State University Northridge Students Get Lessons in Consumer Affairs

By: Lana K. Wilson-Combs, DCA
Communications and Education Division

Students from California State University Northridge's Consumer Advocacy and Education class recently visited the Bureau of Automotive Repair (BAR) headquarters in Sacramento and learned that BAR does much more than administer the state's Smog Check program.

"I was really impressed that there are so many facets to BAR," said Joseph Medina, a graduate student who hopes to one day put his volunteer experience and degree to work with BAR or another division within the California Department of Consumer Affairs.

"Although licensing and regulation are a large part of what BAR does, the educational community outreach events such as the department's Roadside Inspection and Auto Body Inspection programs are great consumer services," adds Medina. "These are the areas that really interested us most during the visit. We're fortunate that the University offers this program and has a partnership with the Department of Consumer Affairs."

The California State University campuses in Northridge, Sacramento, and Long Beach, as well as Cal Poly – San Luis Obispo, are the only colleges in the state that offer degrees in Consumer Affairs.

Dr. Allen Martin, Coordinator of Northridge's Consumer Affairs Department says enrollment for the Consumer Affairs major continues to soar. "The demand is clearly there," says Dr. Martin. "Many people are discovering the program and what the course entails."

Martin says the Consumer Advocacy and Education course focuses on individual, group, and government advocacy on behalf of consumers. Individual advocacy



Photograph By: Loren Reed

BAR lead technician Joe Gibson shows California State University Northridge students fraudulent repair work done by automotive shops on several cars at BAR's undercover documentation lab.

includes mediation, arbitration, or small claims court resolutions of consumer problems. The course also covers the legislative and advocacy processes involved in passing consumer protection legislation. As part of that segment, students study specific consumer-related bills pending in the California legislature.

This year, 30 students are enrolled in the Consumer Advocacy and Education class, which is taught by Professor Ann Stahl. They are all upper-division students except for four who are in graduate school. The Sacramento field trip is offered as an optional enhancement to the course. For graduate students like Medina, he says the experience is more valuable than most anything students could learn in the classroom.

Medina and the students listened attentively as BAR's Deputy Chiefs, Richard Mundy and Gary Hunter facilitated the hour-long meeting and discussed how DCA's Communications and Education Division works directly with BAR to disseminate its consumer news to the media. Some of the recently implemented programs both Mundy and Hunter talked about included:

◆ **Vehicle Test Query Report**

This on-line service allows consumers to find out about various Smog Check tests done on vehicles, simply by entering the license plate number.

◆ **License Search For Auto Repair Dealers**

This on-line service allows consumers to check the license status of a repair dealer, view their complaint history, and check for possible disciplinary actions.

◆ **File A Consumer Complaint**

If for some reason consumers have been unable to resolve a dispute with an auto repair dealer or Smog Check station, BAR will mediate your complaint.

"We've received very positive feedback from people who have used these services," Mundy told the students. "Our goal at BAR is to empower consumers with as much knowledge as possible. Having access to our Web site, brochures, and other community events, are some of the best ways consumers can make informed decisions about their vehicles."

The students ended their visit with a tour of BAR's documentation auto lab. Lead technician Joe Gibson showed them the extensive preparation vehicles must undergo for various undercover operations. They also saw cars that BAR confiscated after they were fraudulently repaired by unscrupulous auto body shops.

"We really value the relationship with Consumer Affairs and BAR," said Professor Stahl. "We believe these student trips enhance our program as well as BAR's."



Bureau of Automotive Repair Celebrates Its 30th Anniversary



By: Lana K. Wilson-Combs,
DCA Communications and Education Division

For the past 30 years, the Bureau of Automotive Repair (BAR) has been helping California motorists not only keep their cars on the road but also stay informed about important changes in the industry that may affect them. BAR provides services that range from registering and regulating auto repair shops to administering the state's Smog Check program.

BAR was established as part of the Department of Consumer Affairs in 1972. It was formed through the Automotive Repair Act of 1971 and enacted by the California Legislature in response to consumer and industry concerns about fraud and unscrupulous Automotive Repair shops. The agency which is headquartered in Sacramento has 11 field offices around the state. It is recognized as one of the best in the nation in auto repair enforcement and consumer protection.

During the 2000/2001 fiscal year, BAR returned \$4.9 million to California consumers in the form of refunds, rewards and adjustments.

In addition to these accomplishments, Acting BAR Chief Patrick Dorais says the Bureau plans to continue to raise public awareness by holding informational automotive fairs, Smog Check testing, roadside inspections and other outreach and educational programs, particularly in minority communities.

"There are still many people who don't know about all the services we provide," says Dorais. "There's also a perception that we are just an enforcement agency. Our primary responsibility is consumer advocacy and protection. We want to let Californians know that we're a consumer-friendly organization and here to help."

Within the last two years BAR has implemented services and programs to further protect and assist consumers. Some of them include:

◆ **The Auto Body Inspection Program**

This program allows consumers to have their vehicles inspected by the state for free, provided they meet these qualifications:

- (1) The collision repairs must have been performed in the last 120 days.
- (2) Repair costs must have exceeded \$2,500.
- (3) Consumers need a copy of the invoice listing the repairs performed.

◆ **Consumer Assistance Program**

The Repair Assistance Program allows qualified motorists to receive up to \$500 in emissions-related repairs from the state. Participants must take their vehicles to Smog Check repair stations specifically authorized by the state to perform repair assistance services. Motorists can qualify if their household income is at or below 85% of the federal poverty guidelines. Motorists can also qualify for repair assistance if their vehicles are required to have their Smog Check inspections at stations that perform only tests and no repairs.

◆ **Online Test-Only Station Locator**

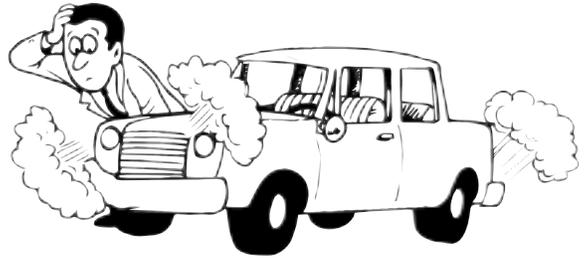
For consumers who need information on a Test-Only Smog Check station, help is now a phone call away. They can dial **1-800-952-5210**, follow the prompts and enter their zip code. They will be given the name, address and telephone number of three randomly selected Test-Only stations in that area.

"These services are part of BAR's continuing effort to get consumers information they need as quickly as possible," adds Dorais. "We've received a tremendous response from people who are pleased with the convenience that all these services provide."

Summertime and the Driving Is Easy (Make Sure Your Car Is Ready For Warm Weather Travel)

By: Lana K. Wilson-Combs, DCA Communications and Education Division

It's summertime. And chances are your customers are probably thinking about hopping in their cars and heading out on the highway for a long road trip and vacation. But before they do, here are a few tips they should consider which might help keep their dream vacation from becoming a nightmare.



◆ Help Your Car Keep Its Cool

Excessive heat can be your engine's biggest enemy, especially in the summer. One of the main reasons motorists are left stranded on the side of the road, is because their cars have overheated. To prevent this, check your cooling system regularly. Make sure you have the proper mix of coolant/antifreeze and water. Remember appearances can be deceiving. If the condition of your engine's coolant is unknown, have your auto repair person check it with a coolant tester.

◆ Have Your Car Serviced

"Even if your car doesn't have a history of maintenance problems, it's still a good idea to play it safe and have it checked out," says Donna Wagner, President of the Car Care Council. "Consumers should have their vehicles inspected by quality repair shops and have needed repairs and maintenance performed," explains Wagner. "This inspection should include but is not limited to all basic underhood checks such as belts and hoses, fluid levels, air conditioner, tire condition, lights and wipers."

Wagner adds that some people who are avid car care fanatics are likely to perform all the required maintenance according to their owner's manual. Many others, however, get caught up in the details of planning a vacation and forget that the one thing standing between them and that care-free drive is a well-maintained, properly functioning vehicle.

"What's happened is newer technology has lengthened service intervals," says Wagner. "Consequently, the car's computer adjusts for minor discrepancies that occur when a vehicle is not

properly maintained. It's likely consumers wouldn't notice a change in performance. In a society of "gas and go," we don't necessarily think about adding the car to the must do list before a vacation. But, we absolutely should."

◆ Prepare For Emergencies

When traveling, the unexpected can always happen. Before it does, it's best to be prepared. Always keep a kit in your trunk stocked with items such as first aid supplies, battery jumper cables, gas can, flares and flashlight (with fresh batteries). Also keep a blanket or two handy, nonperishable food items and a fully charged cell phone.

**For additional information and tips about care maintenance, visit the Car Care Council's Web site at: www.carcarecouncil.org

Please note that DCA/BAR cannot attest to the accuracy of information provided by the Car Care Council. This also does not constitute an endorsement by DCA/BAR or any of its employees.

Editor's Note: Some information for this story was compiled from the ASE Web site.



Smog License Required When Repairing Smog Failures

By: George Adelsperger, BAR Staff

Automotive repair dealers are reminded that it is illegal to conduct Smog Check related repairs on vehicles that have failed a Smog Check inspection, unless they are licensed as a Smog Check Test-and-Repair Station, and employ a licensed Smog Check technician.

The Bureau of Automotive Repair (BAR) frequently receives reports that a general auto repair dealer is conducting repairs on Smog Check failures. Health and Safety Code sections 4401 (a) and 44032, and California Code of Regulations section 3340.10 (f) clearly require Smog Check station and technician licenses when performing a diagnosis, or conducting repairs on a vehicle that has failed a Smog Check inspection. BAR acts on these tips and takes appropriate action against the offending repair shop.

These laws and regulations were adopted so that consumers are afforded the appropriate expertise and

protections that are built into the Smog Check Program. Licensed Smog Check stations and technicians are trained and tested on diagnosis of emission failures, repair techniques, cost effective emission reductions and retest procedures. Smog Check stations are also equipped to replicate actual test procedures to help ensure that the vehicle will pass inspection after repair. Finally, Smog Check stations are prepared to provide consumers with details about the various assistance programs that are available, including the Smog Check Referee, Repair Cost Waivers as well as the Repair Assistance and Vehicle Retirement options of the Consumer Assistance Program (CAP).

To obtain a Smog Check station or technician license application, call the Department of Consumer Affairs toll-free at **1-800-952-5210**, or visit your local BAR Field Office.

“E-COMMERCE” (continued)

tion, multiple methods of communication are permitted in a single transaction (i.e., a faxed revised estimate may be responded to either by fax, e-mail or telephone), thereby providing the maximum degree of flexibility and convenience.

These regulation amendments implement the provisions of Assembly Bill 1778 (Lowenthal, Chapter 336, Statutes of 2000). AB 1778, among other things, recognized the convenience and efficiency of current technology in the exchange of information. It prompts consumers and automotive repair dealers to take advantage of the modern methods for receipt and transmission of information, by allowing for revisions to original estimates through means of fax or e-mail. However, AB 1778 did not provide any specific procedures to be followed when additional repair authorization is obtained electronically; it directed the BAR to adopt specific regulations for that purpose.

For years, the Automotive Repair Act (Business and Professions Code, Chapter 20.3, Article 1, Section 9880, et seq.) has required disclosure, authorization and documentation regarding estimates and revised estimates in order to prevent or decrease the occurrence of what was commonly called “the five o’clock surprise.” Prior to enactment of the Automotive Repair Act, it was not uncommon for a customer to arrive at the Automotive Repair Dealer, at or near closing time, to pick up his or her vehicle only to learn for the first time that a \$100 repair bill had, for example,

somehow increased to \$800. In these situations, the consumer was at a distinct disadvantage – the shop had the car; the consumer needed it back. Generally, the only immediate solution to the problem was to pay the bill and try to work it out later. The statutes and regulations regarding estimates, revised estimates, and invoices have provided the automotive repair industry and the BAR, with the necessary tools to prevent “the five o’clock surprise” and/or assist consumers who may be victims of this practice. The newly enacted provisions recognize the fax and e-mail as proper methods of communicating and authorizing revised estimates.

These days it’s almost impossible to ignore “E-Commerce” in our technological society. Many consumers have access to either fax machines or electronic mail (e-mail). Even government agencies have begun to recognize the advantages of doing business on-line, and the same has been true of many automotive repair dealers whose customers rely on the convenience of electronic communication.

Below are the affected regulations, with the newly enacted provisions, that became effective this past June 1st.

§ 3303. Definitions.

In this chapter, unless the context otherwise requires:

* * * * 1

(k) "Authorization" means consent. Authorization shall consist of the customer's signature on the work order, taken before repair work begins. Authorization shall be valid without the customer's signature only when oral or electronic authorization is documented in accordance with applicable sections of these regulations.

* * * *

§ 3353. Written Estimate Required for Repair or Maintenance; Exceeding Estimate; Authorization Required.

No work for compensation shall be commenced and no charges shall accrue without specific authorization from the customer in accordance with the following requirements:

(a) **Estimate for Parts and Labor.** Every dealer shall give to each customer a written estimated price for parts and labor for a specific job.

(b) **Estimate for Auto Body or Collision Repairs.** Every dealer, when doing auto body or collision repairs, shall give to each customer a written estimated price for parts and labor for a specific job. Parts and labor shall be described separately and each part shall be identified, indicating whether the replacement part is new, used, rebuilt, or reconditioned. The estimate shall also describe replacement crash parts as original equipment manufacturer (OEM) crash parts or non-OEM aftermarket crash parts.

(c) **Additional Authorization.** The dealer shall obtain the customer's authorization before any additional work not estimated is done or parts not estimated are supplied. This authorization shall be in written, oral, or electronic form, and shall describe the additional repairs, parts, labor and the total additional cost.

(1) If the authorization from the customer for additional repairs, parts, or labor in excess of the written estimated price is obtained orally, the dealer shall also make a notation on the work order and on the invoice of the date, time, name of the person authorizing the additional repairs, and the telephone number called, if any, together with the specification of the additional repairs, parts, labor and the total additional cost.

(2) If the authorization from the customer for additional repairs, parts, or labor in excess of the written estimated price is obtained by facsimile transmission (fax), the dealer shall also attach to the work order and the invoice, a faxed document that is signed and dated by the customer and shows the date and time of transmission and describes the additional repairs, parts, labor and the total additional cost.

(3) If the authorization from the customer for additional repairs, parts, or labor in excess of the written estimated price is obtained by electronic mail (e-mail), the dealer shall print and attach to the work order and invoice, the e-mail authorization which shows the date and time of transmission and describes the additional repairs, parts, labor and the total additional cost.

(4) The additional repairs, parts, labor, total additional cost, and a statement that the additional repairs were authorized either orally, or by fax, or by e-mail shall be recorded on the final invoice pursuant to Section 9884.9 of the Business and Professions Code. All documentation must be retained pursuant to Section 9884.11 of the Business and Professions Code.

(d) **Estimated Price to Tear Down, Inspect, Report and Reassemble.** For purposes of this article, to "tear down" shall mean to disassemble, and "teardown" shall mean the act of disassembly. If it is necessary to tear down a vehicle component in order to prepare a written estimated price for required repair, the dealer shall first give the customer a written estimated price for the teardown. This price shall include the cost of reassembly of the component. The estimated price shall also include the cost of parts and necessary labor to replace items such as gaskets, seals and O rings that are normally destroyed by teardown of the component. If the act of teardown might prevent the restoration of the component to its former condition, the dealer shall write that information on the work order containing the teardown estimate before the work order is signed by the customer.

The repair dealer shall notify the customer orally and conspicuously in writing on the teardown estimate the maximum time it will take the repair dealer to reassemble the vehicle or the vehicle component in the event the customer elects not to proceed with the repair or maintenance of the vehicle and shall reassemble the vehicle within that time period if the customer elects not to proceed with the repair or maintenance. The maximum time shall be counted from the date of authorization of teardown.

After the teardown has been performed, the dealer shall prepare a written estimated price for labor and parts necessary for the required repair. All parts required for such repair shall be listed on the estimate. The dealer shall then obtain the customer's authorization for either repair or reassembly before any further work is done.

(e) **Revising an Itemized Work Order.** If the customer has authorized repairs according to a work order on which parts and labor are itemized, the dealer shall not change the method of repair or parts supplied without the written, oral, or electronic authorization of the customer. The authorization shall be obtained from the customer as provided in subsection (c) and Section 9884.9 of the Business and Professions Code.

(f) **Unusual Circumstances; Authorization Required.** When the customer is unable to deliver the motor vehicle to the dealer during business hours or if the motor vehicle is towed to the dealer without the customer during business hours, and the customer has requested the dealer to take possession of the motor vehicle for the purpose of repairing or estimating the cost of repairing the motor vehicle, the dealer shall not undertake the diagnosing or repairing of any malfunction of the motor vehicle for

compensation unless such dealer has complied with all of the following conditions:

- (1) The dealer has prepared a work order stating the written estimated price for labor and parts, as specified in subsection (a) or (b), necessary to repair the motor vehicle; and
- (2) By telephone, fax or e-mail, the customer has been given all of the information on the work order and the customer has approved the work order; and
- (3) The customer has given oral, written or electronic authorization to the dealer to make the repairs and the dealer has documented the authorization as provided in subsection (c) and Section 9884.9 of the Business and Professions Code.

Any charge for parts or labor in excess of the original written estimated price must be separately authorized by the customer and documented by the dealer, as provided in subsection (c) and Section 9884.9 of the Business and Professions Code.

(g) Definitions. As used in this section, “written” shall mean the communication of information in writing, other than by electronic means; “oral” shall mean the oral communication of information either in person or telephonically; “electronic” shall mean the communication of information by facsimile transmission (fax) or electronic mail (e-mail).

§3361.1. Automatic Transmissions.

The following minimum requirements specifying accepted trade standards for good and workmanlike rebuilding of automatic transmissions are intended to define terms that have caused confusion to the public and unfair competition within the automotive repair industry. The term “automatic transmission” shall also apply to the automatic transmission portion of transaxles for the purposes of this regulation, unless both the automatic transmission portion and the differential portion of the transaxle share a common oil supply, in which case the term “automatic transmission” shall apply to both portions of the transaxle. These minimum requirements shall not be used to promote the sale of “rebuilt” automatic transmissions when a less extensive and/or less costly repair is desired by the customer. Any automotive repair dealer who represents to customers that the following sections require the rebuilding of automatic transmissions is subject to the sanctions prescribed by the Automotive Repair Act. All automotive repair dealers engaged in the repair, sale, or installation of automatic transmissions in vehicles covered under the Act shall be subject to the following minimum requirements:

(a) Before an automatic transmission is removed from a motor vehicle for purposes of repair or rebuilding, it shall be inspected. Such inspection shall determine whether or not the replacement or adjustment of any external part or parts will correct the specific malfunction of the automatic transmission. In the case of an electronically controlled

automatic transmission, this inspection shall include a diagnostic check, including the retrieval of any diagnostic trouble codes, of the electronic control module that controls the operation of the transmission. If minor service and/or replacement or adjustment of any external part or parts and/or of companion units can reasonably be expected to correct the specific malfunction of the automatic transmission, then prior to removal of the automatic transmission from the vehicle, the customer shall be informed of that fact as required by section 3353 of these regulations. Before removing an automatic transmission from a motor vehicle, the dealer shall also comply with the provisions of section 3353(d), and disclose any applicable guarantee or warranty as provided in sections 3375, 3376 and 3377 of these regulations. If a diagnostic check of an electronic control module cannot be completed due to the condition of the transmission, the customer shall be informed of that fact and a notation shall be made on the estimate, in accordance with section 3353 of these regulations.

(b) When the word “exchanged” is used to describe an automatic transmission, it shall mean that the automatic transmission is not the customer’s unit that was removed from the customer’s vehicle. Whenever the word “exchanged” is used to describe an automatic transmission, it shall be accompanied by a word or descriptive term such as “new,” “used,” rebuilt,” “remanufactured,” “reconditioned,” or “overhauled,” or by an expression of like meaning.

(c) Any automotive repair dealer that advertises or performs, directly or through a sublet contractor, automatic transmission work and uses the words “exchanged,” “rebuilt,” “remanufactured,” “reconditioned,” or “overhauled,” or any expression of like meaning, to describe an automatic transmission in any form of advertising or on a written estimate or invoice shall only do so when all of the following work has been done since the transmission was last used:

- (1) All internal and external parts, including case and housing, have been thoroughly cleaned and inspected.
- (2) The valve body has been disassembled and thoroughly cleaned and inspected unless otherwise specified by the manufacturer.
- (3) All bands have been replaced with new or relined bands.
- (4) All the following parts have been replaced with new parts:
 - (A) Lined friction plates
 - (B) Internal and external seals including seals that are bonded to metal parts
 - (C) All sealing rings
 - (D) Gaskets

(E) Organic media disposable type filters (if the transmission is so equipped)

(5) All impaired, defective, or substantially worn parts not mentioned above have been restored to a sound condition or replaced with new, rebuilt, or unimpaired parts. All measuring and adjusting of such parts has been performed as necessary.

(6) The transmission's electronic components, if so equipped, have been inspected and found to be functioning properly or have been replaced with new, rebuilt, or unimpaired components that function properly.

(7) The torque converter has been inspected and serviced in accordance with subsection (d) of this regulation.

(d) The torque converter is considered to be part of the

automatic transmission and shall be examined, cleaned, and made serviceable before the rebuilt, remanufactured or overhauled transmission is installed. If the torque converter cannot be restored to a serviceable condition, then the customer shall be so informed. With the customer's authorization, the converter shall be replaced with a new, rebuilt, remanufactured, reconditioned, overhauled, or unimpaired used torque converter. A torque converter shall not be represented as rebuilt, remanufactured, reconditioned, or overhauled unless the torque converter shell has been opened, all components of the overrunning clutch assembly have been inspected and replaced as required, all friction materials have been replaced as required, all rotating parts have been examined and replaced as required, the shell has been resealed, and the unit has been pressure tested.

1 (* * * *) Indicates omitted text not affected by the subject amendments.

DISCIPLINARY ACTIONS

NORTHERN CALIFORNIA

Clovis Avenue Brake, Lube And Tire — Fresno

Daniel Gabrielson, Owner

Order: Respondent's ARD registration revoked. (11/05/01)

C & H AUTO CENTER 2 —Fresno — and —

C & H AUTO CENTER — Fresno

Chheng Khauv Hy, Owner

Order: ARD registrations revoked. It is further ordered that should Respondent ever successfully petition for reinstatement for any other license from the Bureau, as a precondition to licensure Respondent shall reimburse the Bureau for its cost of investigation and prosecution of this case in the amount of \$32,548.90. (08/03/01)

Van Wyks Of Bakersfield Inc. – Bakersfield

John Scott Van Wyk, President

Order: ARD registration revoked, stayed, suspended for one (1) day, and placed on probation for a period of three years on the following terms and conditions: Comply with all laws and regulations, report to BAR on prescribed schedule and report any financial interest in any other repair facility. Respondent shall reimburse BAR for the costs of investigating and prosecuting the case in the amount of \$10,000.00. (11/01/01)

BROWN'S TRANSMISSIONS —Turlock

Arthur Shirl Brown, Owner

Order: ARD registration permanently invalidated. (08/20/01)

NEW IMAGE — San Jose

Manuel Parks, Owner

Order: ARD registration revoked. (08/20/01)

Goodman Precision Smog — Sacramento

Wendell Goodman, Owner

Order: Respondent's ARD registration revoked. (10/01/01)

WORLD WIDE AUTO—Milpitas

Sonny Lam, Owner/Adjuster

Order: ARD registration revoked, stayed, placed on probation for a period of three years on the following terms and conditions. Comply with all laws and regulations, report to BAR on prescribed schedule and report any financial interest in any other repair facility. It is further ordered that Respondent's Official Lamp Station License, Official Brake Station License, Lamp Adjuster License and Brake Adjuster License are revoked. (08/20/01)

SOUTHERN CALIFORNIA

Castillo's Body Shop – Bakersfield

Coni Castillo, Owner

Order: ARD registration permanently invalidated. (10/01/01)

Paint and Body By Gus – Hanford

Gustavo Amaral, Owner

Order: ARD registration revoked. (10/24/01)

Rocha Collision Repair – Visalia

Jimmy George Rocha, Owner

Order: ARD registration revoked. Respondent shall reimburse BAR for the costs of investigating and prosecuting this case in the amount of \$12,952.00. In addition, Respondent is ordered to reimburse his customer in the amount of \$2,100.00.

(10/10/01)

Clovis Avenue Brake, Lube And Tire — Fresno

Daniel Gabrielson, Owner

Order: Respondent's ARD registration revoked.

(11/05/01)

Van Wyks Of Bakersfield Inc. – Bakersfield

John Scott Van Wyk, President

Order: ARD registration revoked, stayed, suspended for one (1) day, and placed on probation for a period of three years on the following terms and conditions: Comply with all laws and regulations, report to BAR on prescribed schedule and report any financial interest in any other repair facility. Respondent shall reimburse BAR for the costs of investigating and prosecuting the case in the amount of \$10,000.00.

(11/01/01)

Advanced Automotive – Aliso Viejo

Manijeh Karimian, Owner

Order: Application for ARD registration denied.

(11/21/01)

Broadway Shell Auto Tech - Los Angeles

Taik Chung, Owner

Order: Brake Station License and Lamp Station License are revoked. Brake Adjuster License and Lamp Adjuster License issued to Harold Chang aka Tae Young Jang are revoked. (11/21/01)

Crown Coachwork's Inc., Autobody & Paint – Los Angeles

Jacob Dunkel, President/Vice President

Order: Application for ARD registration denied.

(11/01/01)

Mens Transmission (Formerly, Joy Transmission) – Los Angeles

Chong Lee, Owner

Order: ARD registration revoked. (11/21/01)

Beverly Hills Elite Auto Body – Los Angeles

George Bacchous, Owner

Order: ARD registration revoked. (11/12/01)

Silva's Autobody & Paint – Westminster

John Silva, Owner

Order: ARD registration revoked, stayed, suspended three (3) days, and placed on probation for a period of three years on the following terms and conditions.

Comply with all laws and regulations, report to BAR on prescribed schedule and report any financial interest in any other repair facility. Respondent shall reimburse BAR for the costs of investigating and prosecuting the case in the amount of \$4,000.00.

(11/21/01)

AJ's Automotive – San Bernardino

Dorothy Jane Graziano, Owner

Order: Application for ARD registration denied.

(10/15/01)

Before And After Body Shop – Los Angeles

Meir Attia, Owner

Order: Application for ARD registration denied.

(10/01/01)

Best Deal Transmission – Anaheim

Enrique Contreras, Owner

Order: ARD registration permanently invalidated.

(10/01/01)

Budget Autow – San Diego

Mohammad M. Konjedi, Owner

Order: ARD registration revoked. (10/24/01)

Century Auto Transmission, INC., dba Century Transmissions – Los Angeles

Akbar Ally Razack, President

Order: ARD registration permanently invalidated.

(10/24/01)

Luma Diversified Inc., NV dba Certified Engine And Auto Repair - Ontario

Jeries A. Fakhoury, President

Order: ARD registration revoked. (10/01/01)

Deluxe Auto Body, Inc. – Los Angeles

Meir Attia, President

Order: Application for ARD registration denied.

(10/1/01)

Poursalmi & Sons, Inc. dba And**Midas Muffler & Brakes – Encino****Midas Muffler & Brakes – Los Angeles**

Mehrdad Poursalimi, President

Mehrdad Poursalimi, Owner

Order: ARD registrations permanently invalidated. Respondent shall reimburse BAR for the costs of investigating and prosecuting this case in the amount of \$24,327.50.

(10/15/01)

Snaz, Inc., dba**Purrfect Auto Service – Torrance**

Mohammad Saood Naz, Director

Karim Sheikh, Director

Order: Application for ARD registration denied.

(10/01/01)

ARNOLD AUTO CENTER — Los Angeles

Jooro Hwang, aka Joo Ro Hwang, Owner
Order: Official Smog Check Station License, Official Lamp Station License, Official Brake Station License, Lamp Adjuster License and Brake Adjuster License are revoked. It is further ordered that Respondent will retain his ARD License and will abide by all orders of the Criminal Court and other courts of competent jurisdiction. (08/20/01)

CRENSHAW AUTO BODY SHOP — Los Angeles

Gerald Hutchinson, Owner
Order: ARD registration permanently invalidated. (08/27/01)

MIKE'S AUTO BODY — Thousand Oaks

Michael Lynn Oberle, Owner
Order: ARD registration revoked, stayed, and placed on three years probation on the following terms and conditions: ARD registration suspended three days, post BAR sign indicating dates of and reason for suspension, comply with all laws and regulations, report to Bar on prescribed schedule and report any financial interest in any other automotive repair facility. Respondent shall reimburse the 21st Century Insurance Company in the amount of \$2,397.33 and pay \$3,600.00 to BAR for reimbursement of its investigation and prosecution costs. (08/20/01)

MIR GENERAL AUTO — La Habra

Mihrgan Gungor, Owner
Order: Application for ARD registration and Smog Check Station License denied. (08/09/01)

RODS & RIDES — Garden Grove

Wesley Grey Lakey, Owner
Order: Application for ARD registration denied. (08/20/01)

SHERMAN OAKS EXCLUSIVE AUTO REPAIR — Sherman Oaks

Mansour B. Javadi, aka Mansour Baradran Javadi, Owner
Order: ARD registration permanently invalidated, stayed, and placed on probation for a period of three years on the following terms and conditions: Comply with all laws and regulations, ARD registration suspended three days, post BAR sign indicating dates of and reason for suspension, report to BAR on prescribed schedule, report any financial interest in any other automotive repair business, provide Bureau representatives unrestricted access to inspect all vehicles (including parts) undergoing repairs, up to and including the point of completion. Reimburse the

Bureau's enforcement costs in the amount of \$6,000.00. (08/20/01)

Advanced Automotive – Aliso Viejo

Manijeh Karimian, Owner
Order: Application for ARD registration denied. (11/21/01)

Broadway Shell Auto Tech - Los Angeles

Taik Chung, Owner
Order: Brake Station License and Lamp Station License are revoked. Brake Adjuster License and Lamp Adjuster License issued to Harold Chang aka Tae Young Jang are revoked. (11/21/01)

Crown Coachwork's Inc., Autobody & Paint – Los Angeles

Jacob Dunkel, President/Vice President
Order: Application for ARD registration denied. (11/01/01)

Mens Transmission (Formerly, Joy Transmission) – Los Angeles

Chong Lee, Owner
Order: ARD registration revoked. (11/21/01)

Beverly Hills Elite Auto Body – Los Angeles

George Bacchous, Owner
Order: ARD registration revoked. (11/12/01)

Silva's Autobody & Paint – Westminster

John Silva, Owner
Order: ARD registration revoked, stayed, suspended three (3) days, and placed on probation for a period of three years on the following terms and conditions. Comply with all laws and regulations, report to BAR on prescribed schedule and report any financial interest in any other repair facility. Respondent shall reimburse BAR for the costs of investigating and prosecuting the case in the amount of \$4,000.00. (11/21/01)





REPAIR REPORTER

Official Publication of the California Department of Consumer Affairs/Bureau of Automotive Repair

SPRING/SUMMER 2002

Gray Davis
Governor,
State of California

Kathleen Hamilton
Director, California
Dept. of Consumer Affairs

Patrick Dorais
Acting Chief, Bureau
of Automotive Repair

Bureau of Automotive Repair

10240 Systems Parkway
Sacramento, CA 95827

BAR FIELD OFFICE PHONE NUMBERS

Bakersfield	(661) 833-6304
Canoga Park	(818) 596-4400
Culver City	(310) 410-0024
Fresno	(559) 445-5015
Oceanside	(760) 439-0942
Placentia	(714) 961-7940
Richmond	(510) 243-9410
Riverside	(909) 782-4250
Sacramento	(916) 255-4200
San Jose	(408) 277-1860
South El Monte	(626) 575-6934

OTHER HELPFUL NUMBERS

DCA Consumer Information Center	(800) 952-5210
BAR Licensing	(916) 255-3145
ET Help Desk (Licensees Only)	(866) 860-8509
MCI	(800) 731-SMOG
(Then press 5 for technical support)	
Referee Scheduling Center	(800) 622-7733
Parts Locator	(800) 826-3566
Auto Body Inspection Pilot	(866) 881-1332



Little Scoops

BAR completed a new Laws and Regulations booklet recently, that contains all laws and regulations adopted through December 31, 2001. In March 2002, a copy was mailed to each registered Automotive Repair Dealer.

Each copy will include a searchable CD-Rom that will operate on any Windows PC with a CD-ROM drive. Only the search engine will load onto the PC's hard drive, using minimal disk space.

BAR hopes to issue a new booklet each year and mail updates to the booklet as needed throughout the year with the Repair Reporter.

Copies of BAR's Laws and Regulations are also available at any BAR Field Office.

Repair Reporter Staff

Patrick Dorais
Acting Chief, BAR

Gary Hunter
Deputy Chief, Smog Check Operations and Engineering

Richard Mundy
Deputy Chief, Field Operations and Enforcement

Lana K. Wilson-Combs
Editor-In-Chief, DCA

Jim Allen
Contributing Writer, BAR Staff

George Adelsperger
Contributing Writer, BAR Staff

Angelica Anguiano
Design/Layout, DCA

If you have news stories or other items you'd like to submit to the *Repair Reporter*, please send them to:

Lana K. Wilson-Combs
Editor-In-Chief, DCA

**Department of
Consumer Affairs,
Communications and
Education Division**

400 R Street
Suite 3060
Sacramento, CA 95814

All submissions must be received by the 1st of each month and include a current telephone number.