



SMOG CHECK ADVISORY

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

April 1999

New Law Provides Consumer Pre-Inspection Rights

Effective January 1, 1999, a new law (SB 1754, Chapter 938, Statutes of 1998) gives consumers who elect to have pretests performed on their vehicles the **right to complete pretests**, if pretests are a service provided by the licensed smog station.

But, if consumers request a partial pretest, stations must inform consumers that a partial pretest may not indicate whether the vehicle is likely to pass an official Smog Check.

"In other words, even though a car passes a pretest it may not pass an official test," said BAR Chief Marty Keller.

"This new law gives consumers the right to a complete pretest, or a partial pretest **only** if they ask for one," Keller said. "And it then requires stations to take the responsibility for informing consumers of the consequences of any requests for partial pretests."

As defined by Section 44011.3 of the Health and Safety Code, "...a pretest is a smog inspection in which the motor vehicle is submitted to some or all of the required elements of the emissions inspection as specified in Section 44012, the results of which will not be reported to the Department of Motor Vehicles and for which a certificate will not be issued.

"A person choosing to have his or her vehicle pretested has the **right to have a complete pretest of the vehicle unless the person requests a partial pretest. If the person requests a partial pretest, the licensed technician or an authorized representative of the licensed smog check station shall inform the vehicle**

owner that the partial pretest may not indicate the likelihood of the vehicle passing a subsequent official inspection." (Emphasis added.)

"This new law gives consumers the right to a complete pretest, or a partial pretest **only** if they ask for one," Keller said.

A complete pretest includes both visual and functional checks of a vehicle's required emissions control system, as specified in the Smog Check Manual, in addition to an emissions (or tailpipe) test.

"In the event there is any confusion among smog technicians, there are two

key things to remember regarding pretests," said BAR Chief of Smog Check Field Operations Mike Vanderlaan. "Pretests must be conducted in the training mode on the BAR-90 Test Analyzer System [TAS] and in the official pretest ["Q-Mode"] sequence [not in the training or manual mode] on the BAR-97 Emissions Inspection System [EIS]." Either of these pretest modes will produce a Vehicle Inspection Report (VIR) so that the consumer can be provided a written result of the pre-inspection.

If consumers elect to have only a partial pretest, it must be fully disclosed on their estimates and invoices that a partial pretest does not guarantee that the vehicle will pass an official [certification] inspection."

(See **Pretest** page 2.)

License Renewal Process Can Be Lengthy

Technicians are urged to submit their Smog Check license renewal applications to the Department of Consumer Affairs well in advance of the license expiration date.

It takes four to six weeks for the Department's Licensing Division to process a license application and electronically notify the exam administration contractor that a technician is eligible to test.

Within two days of receiving the technician's eligibility file from the Licensing Division, the exam contractor will mail a registration packet.

Additionally, technicians need to allow time to meet the training and certification requirements before they file a license renewal application, according to George Adelsperger, BAR's Technical Support Branch Manager.

"The results of the May 1999 ASE exams won't be released until early July," he said. "For technicians whose licenses expire in July, August, or September, there isn't enough time to apply, have the application processed, and have at least one chance to pass the exam before their licenses expire."

(See **License Renewal** page 5.)



SNAPSHOT

Below are the Smog Check inspection and repair statistics for the months of January and February 1999. Acceleration Simulation Mode (ASM) and Two-Speed Idle (TSI) data are combined.

	JANUARY	FEBRUARY
Program Volume		
Tests Conducted	942,305 *	917,766 *
Vehicles Tested	747,885	715,851
Vehicles Failed	59,812	56,505
Certificates Issued	802,909	783,034
Type of Failure		
Tailpipe:	45,069 (6.0%)	42,489 (5.9%)
Gross Polluters	12,730 (1.7%) **	11,911 (1.7%) **
Visual	10,841 (1.4%)	10,644 (1.5%)
Functional	27,274 (3.6%)	26,001 (3.6%)
Failure by Station Type		
Test & Repair	22,512 (5.2%)	20,869 (5.0%)
GSGR	11,127 (6.6%)	10,673 (6.7%)
GPC	5,151 (8.0%)	4,908 (7.8%)
Test-Only	21,014 (27.2%)	20,048 (27.2%)
Other (fleets)	8 (2.3%)	7 (1.8%)
Consumer Assistance/Referee Centers		
Tests	1,417	1,581
Failures	805 (56.8%)	913 (57.7%)
Gross Polluter Tests	30	26
Gross Polluter Failures	12 (40.0%)	7 (26.9%)
Certificates Issued	850	968
Cost Waivers Issued	85	92
Hardship Extensions Issued	167	212
Average Reported Repair Costs		
Vehicles Repaired	57,917	57,361
Average Cost (statewide)	\$ 95	\$ 95
Test & Repair Stations	\$ 86	\$ 86
GSGR Stations	\$ 99	\$ 98
GPC Pilot Stations	\$138	\$138

* Includes multiple tests on same vehicle.

** Subset of tailpipe failures.

Pretest (continued from page 1)

Technicians should also be aware that some BAR-97 EIS machines will **not** allow pretests in the “Q-Mode” on vehicles that have been directed to Test-Only stations. However, this glitch is expected to be corrected by manufacturers shortly. A Q-Mode pretest allows licensed Smog Check stations the opportunity to repair the vehicle, if necessary, **before** an official (certification) inspection at a Test-Only station, thus saving many consumers a second trip to a Test-Only station if repairs are done correctly the first time.

In addition, technicians will find that the BAR-90 software update, expected at the same time as the start of fuel cap testing in Non-Enhanced Areas on July 1, will contain a pretest sequence, much like the BAR-97 EIS. BAR-90 pretests will then be required to be done in the new pretest mode.

Another provision in the law requires BAR to notify consumers in their vehicle registration renewal notice that they have the right to a pre-inspection. That message, along with an explanation of other helpful hints about the Smog Check program and its various elements, is currently provided on a two-sided, one-page insert in the registration renewal notices sent to motorists by the Department of Motor Vehicles (DMV).

“The important point about consumer requests for pretests is that technicians must handle them carefully,” Vanderlaan added. “They have to make certain that consumers are given a complete pretest, unless otherwise requested, and that they understand that the partial pretest is no guarantee of an official pass or fail.” ❖

Complete Pretest or Official Smog Check Required on Proposed VRP Vehicles

To be eligible to participate in BAR’s Vehicle Retirement Program (VRP), a motorist is required to present a Vehicle Inspection Report (VIR) showing a failed result from a complete pretest in the “Q-Mode” on a BAR-97 EIS (see related story on page 1) or an official Smog Check on the vehicle.

However, a VIR generated by a pretest in the training mode on a BAR-90 or BAR-97 is **not** acceptable documentation for the VRP, because such a pretest is not recorded in the Vehicle Information Database (VID), and the motorist’s application will be rejected. ❖

Eleven Gold Shield Stations Lose Authority to Certify Gross Polluters

Eleven Gold Shield Gross Polluter Certification (GPC) stations have been removed from the GPC pilot program, according to Mike Vanderlaan, BAR's Smog Check Enforcement Manager.

"These stations are out of the pilot because they were issued citations as a result of undercover runs," he said. "Receiving a citation is reason for removal from the GPC program."

When stations are selected as GPC stations, they sign a Memorandum of Agreement (MOA) with the Department of Consumer Affairs/Bureau of Automotive Repair (DCA/BAR) that requires them to comply with all laws and regulations, including smog requirements. The eleven stations were notified by letter of their decertification, and within 72 hours their GPC status was removed from the Vehicle Information Database (VID). The stations will no longer be able to certify repaired Gross Polluter vehicles.

As a result of being removed from the GPC pilot program, two of the stations also lose their ability to participate in the Low-Income Repair Assistance Program (LIRAP). Only GPC stations are eligible to participate in LIRAP.

Three of the decertified stations are located in Orange County, three in San Diego County, two in Los Angeles County, one in Butte County, one in Fresno County, and one in the San Francisco Bay Area.

BAR will also be taking a close look at GPC stations that have not been meeting the performance criteria outlined in their MOAs and determine appropriate action if their performance does not improve.

"The intent of the GPC pilot program is to identify the most competent and ethical providers of test-and-repair services in the state," said BAR Chief Marty Keller. A successful pilot would allow California to make a case to the United States Environmental Protection Agency (USEPA) that such a program could be expanded to include other highly qualified stations and possibly other authorized services, while providing maximum convenience for Smog Check consumers.

"Our enforcement actions against stations in the pilot program are—and will continue to be—motivated by the need for a quality inspection and maintenance program, one that is above reproach from USEPA and achieves California's vehicle emissions

reduction requirements—an additional 112 tons a day by February 2000," added Keller.

Listed below are the 11 stations that have been removed from the GPC pilot program:

I Stop Shop (AA107558)
Escondido

Bill Schuster & Sons, Inc. (AD015078)
Laguna Beach

Buddy's Auto Repair (AA176201)
Garden Grove

Carbex (AM114439)
Clovis

Ellis Automotive (AB176845)
Oroville

Greg's Automotive Service (AK040699)
Los Angeles

JCG Smog & Auto Repair (AJ185519)
Vista

Rancho Del Oro Unocal (AN181742)
Oceanside

Seal Beach Arco Smog Pros (AK196616)
Seal Beach

Shore Acres Auto Repair (AH119363)
West Pittsburg

Smog Pros (AM164071)
Pasadena

Despite Manufacturer Assurances, BAR-90 TAS May Not Be Year 2000 Compliant

Auto repair shop owners with BAR-90 Test Analyzer Systems (TAS) should clarify with their manufacturers that their analyzers are Year 2000 (Y2K) compliant.

The BAR-90 manufacturers have assured BAR and many in the Smog Check industry that their machines are Y2K compliant. However, this verbal assurance may not be enough for some shop owners.

"Specifications for the BAR-90 analyzers were written more than ten years ago, and those machines were not required to be Year 2000 compliant," said BAR Chief Marty Keller.

"This might be a good time for stations to consider upgrading to a BAR-97, which *is* required to be Y2K-compliant."

Shop owners who choose to upgrade to the BAR-97 Emissions Inspection System (EIS) would have to purchase

only the analyzer and not the accompanying dynamometer and related software necessary for stations conducting Acceleration Simulation Mode (ASM) testing. Only a change in the law or a request from the local air quality district could change the dynamometer requirement. ❖

SMOG CHECK STATION CITATIONS



FACILITY NAME	ADDRESS	CITY	ZIP	LEVEL	ARD NUMBER	CITATION NUMBER	ASSESS AMOUNT	ASSESS DATE	DATE MAILED
Smog Pros	40077 Mission Blvd.	Fremont	94539	1	AH119677	C99-0160	\$250.00	1/11/99	11/16/98
* 1 Stop Shop	231 Vinewood Street	Escondido	92029	1	AA107558	C99-0162	\$250.00	12/20/98	11/17/98
Shawl's Unocal	1395 Blaine Street	Riverside	92507	1	AG189919	C99-0164	\$250.00	1/4/99	11/17/98
California Auto Works	6333 Riverdale Street	San Diego	92120	1	AA151549	C99-0166	\$250.00	1/11/99	11/17/98
Airport Shell	1465 West Fifth Street	Oxnard	93030	3	AD171970	C99-0170	\$1,500.00	11/29/98	11/17/98
Tune-Up Masters #046	2204 Pacific Coast Hwy.	Lomita	90717	1	AC062828	C99-0172	\$250.00	12/30/98	11/17/98
College Smog PROS	5111 College Avenue	San Diego	92115	1	AJ105258	C99-0174	\$250.00	12/22/98	11/17/98
Tune Ups Plus	540 East 5th Street	Oxnard	93030	2	AJ174536	C99-0176	\$750.00	1/12/99	11/17/98
Arceos Smog Automotive	568 Pacific Avenue	Oxnard	93030	2	AE153929	C99-0178	\$750.00	1/4/99	11/17/98
UFO Auto Repair	4025 South Avalon Blvd.	Los Angeles	90011	1	AB152120	C99-0182	\$250.00	12/20/98	11/17/98
Low Price Smog Center	916 South Santa Anita	Arcadia	91006	1	AE194551	C99-0185	\$250.00	12/21/98	11/19/98
Auto Quality Care	202 North Glassell	Orange	92666	2	AC198411	C99-0187	\$750.00	1/14/99	11/19/98
* Ellis Automotive	1230 Huntoon Street	Oroville	95965	1	AB176845	C99-0188	\$250.00	1/28/99	11/19/98
Precision Tune	3586 Mission Avenue	Oceanside	92054	1	AL181157	C99-0190	\$250.00	1/11/99	11/23/98
Victor Auto Repair Inc.	8914 Garvey Avenue	Rosemead	91770	1	AD188675	C99-0192	\$250.00	12/16/98	11/23/98
Samos Smog Check II Test Only	103 East Arrow Hwy. #A	Glendora	91740	1	AK196853	C99-0194	\$250.00	12/21/98	11/23/98
Concord Smog Tune & Brake	2510 Monument Blvd.	Concord	94520	1	AA170495	C99-0196	\$250.00	1/19/99	11/30/98
Ray's Texaco	2325 West Colorado Blvd.	Los Angeles	90041	1	AA144470	C99-0198	\$250.00	1/15/99	12/1/98
Ben's Auto Service	3636 San Fernando Road	Glendale	91204	1	AL128612	C99-0200	\$250.00	1/4/99	12/2/98
Smog Masters Test Only Center	3435 Tyler Avenue	El Monte	91731	1	AA192845	C99-0202	\$250.00	1/19/99	12/2/98
Express Auto Center	2676 State Street #A	Carlsbad	92008	1	AF161192	C99-0204	\$250.00	2/20/99	12/2/98
Auto Works	1136 Patterson Road	Oxnard	93035	3	AB171088	C99-0206	\$1,500.00	3/5/99	12/2/98
Performance Automotive	14626 Valley Blvd. #B	La Puente	91746	1	AD177778	C99-0208	\$250.00	12/29/98	12/2/98
Harloff BMW Chevrolet	1302 Encinitas Blvd.	Encinitas	92024	1	AA003706	C99-0210	\$250.00	1/22/99	12/15/98
Steve Martin Chevron	Hwy. 299E @ Mackinac	Burney	96013	1	AC146014	C99-0212	\$250.00	1/28/99	12/18/98

* Citation also resulted in removal from GPC pilot program (see story page 3).

THE BOTTOMLINE

- 108** Cut score on the current smog exam.
- 70.85** Percent of technicians passed EA Smog Check exam in February 1999.
- 9,805** Technicians completed BAR-97 8-hour Transition Training.
- 5,261** Technicians completed the BAR-97 20-Hour Update Training (of approximately 8,700 EA technicians that will need it by June 30, 2000).
- 8,680** Advanced (EA) technicians licensed as of February 1999.
- 4,367** Basic (EB) Area technicians licensed as of February 1999.
- 252** Test-Only stations with a total of 363 lanes (as of March 26, 1999).
- 2,568** Gold Shield Guaranteed Repair (GSGR) stations (as of March 1, 1999).
- 400** Gross Polluter Certification (GPC) Pilot stations (as of March 26, 1999).



New Licensing Rules Cancel Delinquent Registrations

A new law effective January 1, 1999, gives BAR the authority to cancel auto repair dealer (ARD) registrations that have been delinquent more than three years.

In addition, if a registration is canceled due to delinquency, the registrant must do all of the following:

- Apply for a new registration.
- Meet current registration requirements.
- Pay applicable fees.

Expired registrations that are renewed within three years are also subject to all accrued renewal and delinquency fees.

It should also be noted that operating an auto repair facility with an expired registration is illegal and may result in administrative disciplinary action and/or criminal action. ❖



Analysis Shows Fuel Cap Testing Effective

Testing and replacing leaking fuel caps will reduce emissions by an estimated 1,485 tons in the Non-Enhanced (Basic) Areas of the state in the first year of testing, according to a recent analysis.

Furthermore, a replacement fuel cap will pay for itself in fuel savings to the consumer. ❖

Little Scoops...

- ❖ Mark your calendars! April 15 isn't just tax day this year. It's also the deadline for Smog Check stations in Non-Enhanced Areas to purchase BAR-90 fuel cap testing equipment and related software to guarantee that their manufacturer will have them ready to begin testing when the program officially starts on July 1.
 - ❖ As of March 23rd, 63 licensed Smog Check stations are under contract to perform repair services under BAR's Low-Income Repair Assistance Program (LIRAP). Program results show that 80 vehicles have been approved for repair, with 35 actually having been repaired at an average cost of \$653 (BAR's share is \$389).
 - ❖ BAR Quality Assurance Teams are finding that technicians either are not entering repair data into the Vehicle Information Database (VID) or are not entering *all* the information about the repairs performed when they *do* enter it into the VID. These kinds of mistakes will earn the station and technician a low performance evaluation, which could lead to a citation if not corrected.
 - ❖ VRP statistics are beginning to add up to significant emissions reductions. Of the 184 vehicles that have been voluntarily retired, 128 were Gross Polluters. The retirement of these vehicles is calculated to reduce vehicle emissions by a total of 91 tons per year. The average model year being retired is a 1982 vehicle.
 - ❖ While Smog Check-related calls to the DCA Consumer Information Center (CIC) in February 1999 increased 94 percent over the call volume for February 1998, they were down compared to January 1999.
- Of the 37,714 calls received in February 1999, 1,697 consumers requested Economic Hardship Extension applications, 404 asked for Vehicle Retirement Program (VRP) materials, and 342 were sent Low-Income Repair Assistance Program (LIRAP) information and/or applications.
- ❖ A Gross Polluter Certification station owner with a BAR-97 in a Non-Enhanced Area of the state says he's getting a lot of incorrect referrals to his station by other stations in his area. The vehicles should have been directed to a Test-Only station for smog testing. BAR reminds stations to check to be sure they are sending customers to the correct location.

License Renewal *(continued from page 1)*

As a result, those technicians should consider attending BAR-certified alternative courses and filing a license application 12 to 16 weeks before license expiration.

While BAR mails license renewal packets to technicians five months before their licenses expire, technicians should not wait to receive those packets before signing up for needed ASE exams, alternative courses, or update classes.

"Technicians who have stayed on top of the situation by getting the needed certifications and completing the required courses may apply up to six months before license expiration," Adelsperger added.

Applications are available on the Smog Check website, www.smogcheck.ca.gov, at BAR field offices, or by calling the DCA Consumer Information Center (CIC) at 800-952-5210. ❖



is published by the
**California Department
of Consumer Affairs'
Bureau of Automotive Repair**
400 R Street, Sacramento, CA 95814

Bulk Rate
U.S. Postage
PAID
Sacramento, CA
Permit No. 2083

**BAR FIELD OFFICE
PHONE NUMBERS**

- Bakersfield (661) 833-6304
 - Riverside (909) 782-4250
 - Canoga Park (818) 596-4400
 - Sacramento (916) 255-4200
 - Culver City (310) 410-0024
 - San Jose (408) 277-1860
 - Fresno (559) 445-5015
 - South El Monte . (626) 575-6934
 - Fullerton (714) 680-7851
 - Hayward (510) 785-1961
 - Oceanside (760) 439-0942
 - DCA Cashiering (916) 322-7002
 - DCA Licensing .. (916) 322-4010
 - ET Help Desk ... (916) 255-4476
 - MCI (800) 731-SMOG
(Then press 5 for technical support)
- Consumer Assistance and
Referee Center: (800) 622-7733**
- DCA HOTLINE: (800) 952-5210**

1999 Calendar of Coming Events



April

- 6 Ontario—General Meeting**
Consumer Protection & Smog Check
Ontario Airport Marriott
2200 East Holt Blvd.
Call (909) 975-5000 for directions
6:00–9:00 p.m.
- 1 2 San Diego—General Meeting**
Consumer Protection & Smog Check
Travelodge Hotel—Harbor Island
1960 Harbor Island Drive
Call (619) 291-6700 for directions
6:00–9:00 p.m.

- 1 5 Fresno—General Meeting**
Consumer Protection & Smog Check
Radisson Hotel
2233 Ventura Street
Call (559) 268-1000 for directions
6:30–9:30 p.m.
- 1 5 Deadline** to purchase BAR-90
fuel cap testing equipment and
receive manufacturer’s guarantee
to have software installed by
July 1.

May

- 4 ASE 1999 exams**
- 6 ASE 1999 exams**
- 1 1 ASE 1999 exams**
- 3 1 State Holiday—
Memorial Day**

July

- 1 Fuel Cap Testing Begins
in Non-Enhanced Areas**
- 5 State Holiday—
Independence Day**