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# LEGISLATION AND REGULATIONS UPDATE

DEPARTMENT OF CONSUMER AFFAIRS



Bureau of Automotive Repair

HOLLY O'CONNOR  
EXECUTIVE OFFICE  
BAR ADVISORY GROUP MEETING  
JULY 15, 2021

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# LEGISLATION IMPORTANT DATES

- **July 14, 2021** – Last day for policy committees to meet and reports bills.
- **August 27, 2021**– Last day for fiscal committees to meet and report bills.
- **September 3, 2021** – Last day to **amend** bills on the floor.
- **September 10, 2021** – Last day for any bill to be passed.
- **October 10, 2021** – Last day for Governor to sign or veto bills.

\* 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](http://www.leginfo.legislature.ca.gov) for the most current bill information.

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# 2021 LEGISLATIVE BILLS

- AB 220 (Voepel): Smog Check Exemption
- AB 294 (Santiago): Vehicle Towing and Storage Act
- AB 467 (Grayson): Historic Vehicles Exemption
- AB 471 (Low): Administration/Citations/Safety Inspections
- AB 646 (Low): Expunged Convictions
- AB 745 (Gipson): Clean Cars 4 All Program
- SB 586 (Bradford): Criminal Fees

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# AB 220 (VOEPEL): SMOG CHECK EXEMPTION

- Status: Amended and re-referred to Assembly Committee on Transportation on April 13, 2021.
- Summary: This bill would exempt motor vehicles manufactured between 1976 and 1983 from Smog Check if the owner can provide proof that the vehicle is insured as a collector car.
- Exemption currently applies to pre-1976 vehicles.

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# AB 294 (SANTIAGO): VEHICLE TOWING AND STORAGE ACT (1 of 3)

- Status: Referred to Assembly Committees on Transportation and Business and Professions on January 28, 2021.
- Summary: This bill would do the following:
  - Establish a 9-member Vehicle Storage and Tow Board (VTSB) within DCA to:
    - Issue permits (upon payment of annual fee) to any business that tows and/or stores a vehicle;
      - Example: ARD storage of a vehicle after total loss determination by an insurance company.
    - Maintain a public database of permit holders;

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# AB 294 (SANTIAGO): VEHICLE TOWING AND STORAGE ACT (2 of 3)

- Resolve disputes and make determinations (including assessment of penalties) associated with the tow and storage of vehicles; and
  - Exceptions: (1) tow/storage charges for tows initiated by motor clubs holding a certificate of authority pursuant to Insurance Code; and (2) tow/storage charges based on a written agreement between vehicle owner and the business.
- Enforce the Act's provisions.
- Repeal existing law that deems storage fees reasonable if they are comparable to storage-related rates and fees charged by other facilities in the same locale.

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# AB 294 (SANTIAGO): VEHICLE TOWING AND STORAGE ACT (3 of 3)

- Instead, towing and storage fees are capped by the daily storage rates charged by CHP in a geographic region in response to other public agency requests.
- Add VTSB authority information to the current *Towing and Storage Fees and Access Notice*.
  - Notice (and permit) must be posted in plain view of the public (with copies of Notice readily available) at facilities that charge for towing and/or storage.
  - ARDs that do not provide towing services are exempt from the Notice posting requirements.
- Establish penalties up to \$10,000 for each violation.

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# AB 467 (GRAYSON): HISTORIC VEHICLES EXEMPTION (1 of 2)

- Status: Referred to Assembly Committee on Transportation on February 18, 2021.
- Summary: This bill would exempt from Smog Check all motor vehicles that have been issued a license plate in accordance with Vehicle Code section 5004.
  - Exemption would apply to vehicle owners who obtained a special identification plate for the following types of vehicles operated or moved over the highway for purpose of historic exhibition:
    - A motor vehicle with an engine of 16 or more cylinders manufactured prior to 1965;



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# AB 467 (GRAYSON): HISTORIC VEHICLES EXEMPTION (2 of 2)

- A motor vehicle manufactured prior to 1923;
- A vehicle manufactured after 1922, is at least 25 years old, and is of historic interest.
  - A vehicle is of historic interest if it is collected, restored, maintained, and operated by a collector or hobbyist principally for purposes of exhibition and historic vehicle club activities.

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# AB 471 (LOW): ADMINISTRATION/ CITATIONS/SAFETY INSPECTIONS

- Status: Passed by the Assembly on June 1, 2021. Referred to Senate Committee on Business, Professions, and Economic Development and Senate Judiciary Committee on June 9, 2021, and amended and rereferred to Committee on Business, Professions, and Economic Development on June 15, 2021.
- Summary: This bill seeks to provide: (1) ARD lien authority for storage fees; (2) new requirements for recognizing educational certifications on the ARD registration application; (3) discretion to provide an informal review process (3-member panel) for BAR-issued citations; (4) a certification program for remedial training providers; (5) regulatory authority to develop a new vehicle safety systems inspection and certification program by January 1, 2024.

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# AB 646 (LOW): EXPUNGED CONVICTIONS

- Status: Re-referred to Assembly Committee on Appropriations March 23, 2021. Hearing set on April 21, 2021; postponed on May 20, 2021.
- Summary: This bill would require DCA Boards/Bureaus to do the following when a person's license is revoked due to a criminal conviction and the person has obtained an expungement:
  - If the person reapplies for licensure or has been relicensed, post notification of expungement order on Board/Bureau website.
  - If the person is not currently licensed and does not apply for relicensure, remove the initial website posting of the license revocation.
  - Authorizes the DCA Boards/Bureaus to collect a fee not to exceed the reasonable cost of administering this section.

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# AB 745 (GIPSON): CLEAN CARS 4 ALL PROGRAM

- Status: Re-referred to Appropriations Committee on Appropriations April 27, 2021. Hearing set on May 12, 2021; postponed on May 20, 2021.
- Summary: This bill would require the Air Resources Board to provide vouchers to low-income persons living in disadvantaged communities. The vouchers would be used to purchase zero-emission vehicles that fail their Smog Check inspection. The repair cost of each replaced vehicle must be greater than the maximum amount provided by BAR's Consumer Assistance Program.

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# SB 586 (BRADFORD): CRIMINAL FEES

## (1 of 2)

- Status: Passed by the Senate on June 2, 2021. Referred to Assembly Committee on Public Safety on June 10, 2021.
- Summary: This bill would require every ignition interlock provider to annually report to BAR the following:
  - Provider's fee schedule
  - Total number of people for whom income verification was conducted
  - Number of people for whom a reduction of charges was made
  - Amount of the reductions

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# SB 586 (BRADFORD): CRIMINAL FEES

## (2 of 2)

- Total dollar amount collected for charges related to the charges of installed device
  - Total dollar amount that remains unpaid for charges related to the costs of installed devices
  - Provider's standard ignition interlock device program charges upon which the fee schedule in Vehicle Code section 23575.3(k) is based
- Failure to meet this requirement would be punishable as a crime.

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# BAR REGULATION PROPOSALS

- Smog Check Equipment Security and Fraud Prevention
- STAR Program Updates
- Smog Check Repair Assistance
- Laws and Regulations Training
- Auto Body Equipment and Supplemental Restraint Systems
- Citation Program for Automotive Repair Act Violations

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# SMOG CHECK EQUIPMENT SECURITY AND FRAUD PREVENTION

- Purpose: (1) Require the use of biometric and web camera devices when performing a Smog Check. (2) Require that Smog Check stations allow BAR access whenever inspections are being performed, even if the inspections occur outside normal business hours. (3) Require that Smog Check inspectors allow BAR staff remote access to the inspection process, via the internet, when prompted by the BAR-OIS software.
- History: Submitted to DCA Legal for informal review on February 3, 2020. Public workshop held on October 22, 2020.
- Status: Undergoing DCA Legal formal review.
- Next Steps: Complete DCA formal review; publish Notice with OAL to begin the 45-day public comment period.



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# STAR PROGRAM UPDATES

- Purpose: (1) Amend STAR eligibility criteria; (2) provide STAR suspension process consistent with statute; and (3) delete outdated Gold Shield Program provisions.
- History: Submitted to DCA for formal review on November 1, 2019.
- Status: 45-day public comment period: June 25, 2021 to August 10, 2021.
- Next Steps: Finalize package with FSOR for DCA/BCSH and OAL review and adoption.

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# SMOG CHECK REPAIR ASSISTANCE

- Purpose: Increase Smog Check repair assistance participation by: (1) providing higher repair contributions based on vehicle model year; (2) reducing pre-repair diagnostic fees for low-income vehicle owners; and (3) removing unnecessary eligibility restrictions pertaining to vehicle registration.
- History: Emergency regulation was approved by OAL and became effective on August 31, 2020 and extends through January 29, 2022.
- Status: 45-day public comment period: June 18, 2021 to August 3, 2021.
- Next Steps: Finalize package with FSOR for DCA/BCSH and OAL review and adoption.

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# LAWS AND REGULATIONS TRAINING

- Purpose: Amend BAR Disciplinary Guidelines to establish laws and regulations training as a rehabilitative option for respondents. Administrative law judges and BAR would have the option to require, as a condition of probation or relicensure, training in compliance with the Automotive Repair Act and regulations.
- History: Public comment period ended on June 2, 2021.
- Status: Public comment period for Modified Text: June 11, 2021 to June 28, 2021.
- Next Steps: Finalizing package with FSOR for DCA/BCSH review. Submit to OAL for review and adoption.

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# AUTO BODY EQUIPMENT AND SUPPLEMENTAL RESTRAINT SYSTEMS

## (1 of 2)

- Purpose:

- Require autobody repair shops to have access to all repair, testing, and measuring equipment and current reference materials necessary to diagnose, section, replace, or repair structural damage.
- Require that all auto body repair equipment meets current trade standards for the work being performed
- Adopt the following components to the definition of supplemental restraint system: airbag modules, airbag sensors, computer modules, inflatable restraint systems, seatbelts, seatbelt pre-tensioners, seat structural components, and steering columns.

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# AUTO BODY EQUIPMENT AND SUPPLEMENTAL RESTRAINT SYSTEMS (2 of 2)

- History: Internal workgroup established November 2018. Public workshop held on April 18, 2019. Submitted to DCA for informal review on June 22, 2020. Completed DCA informal review March 17, 2021.
- Status: Submitted to DCA for formal review on March 17, 2021. BAR is working to address DCA Legal issues.
- Next Steps: Complete DCA formal review. Publish Notice to begin the 45-day public comment period.

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# CITATION PROGRAM FOR AUTOMOTIVE REPAIR ACT VIOLATIONS

- Purpose:
  - Expands BAR's citation program to cover ARD violations of the Automotive Repair Act by specifying citable sections, establishing a fee structure for citations, and clarifying regulatory language under existing Articles 11.1 (Smog Check) and 11.2 (Unlicensed Activity).
- History: Public workshop held on April 22, 2021.
- Status: Second workshop to be held on July 15, 2021.
- Next Steps: Submit to DCA Legal for informal review.

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# QUESTIONS AND COMMENTS

Submit questions and/or comments to:

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