

BUREAU OF AUTOMOTIVE REPAIR

PROPOSED LANGUAGE OF REGULATIONS

DISCIPLINARY GUIDELINES AMENDMENTS

Legend: Added text is indicated by underlining.
 Deleted text is indicated by ~~striketrough~~.

(1) Amend Section 3395.4, Article 12, Chapter 1, Division 33, Title 16, California Code of Regulations, to read as follows:

§ 3395.4. Disciplinary Guidelines.

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code ~~Section~~ Section 11400 et seq.), including formal hearings conducted by the Office of Administrative Hearings, the Bureau of Automotive Repair shall consider the disciplinary guidelines entitled “Guidelines for Disciplinary Orders and Terms of Probation” [Rev. ~~March 2016~~ January 2020] which are hereby incorporated by reference. The “Guidelines for Disciplinary Orders and Terms of Probation” are advisory. Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the Bureau of Automotive Repair in its sole discretion determines that the facts of the particular case warrant such deviation.

Note: Authority cited: Sections 480, 9882, 9884.2, 9884.7, 9884.12, 9889.1, 9889.2, 9889.3, and 9889.4, Business and Professions Code; Sections 11400.20, Government Code; and Section 44072.1, Health and Safety Code. Reference: Sections 480, 9884.2, 9884.7, 9884.12, 9889.1, 9889.2, 9889.3, and 9889.4, Business and Professions Code; Sections 11400.20 and 11425.50(e), Government Code; and Section(s) and 44072.1 of the Health and Safety Code.