

TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
Division 33
Chapter 1

DEPARTMENT OF CONSUMER AFFAIRS
BUREAU OF AUTOMOTIVE REPAIR

INITIAL STATEMENT OF REASONS

Hearing Date: No hearing has been scheduled.

Subject Matter of Proposed Regulations: Automotive Repair Dealer Registration
Renewal Requirements

Section(s) Affected: Title 16, California Code of Regulations (CCR), section 3351.2

Specific purpose of each adoption, amendment, or repeal:

1. Background/Statement of the Problem

The Department of Consumer Affairs (DCA), Bureau of Automotive Repair (BAR or Bureau), is the state agency charged with licensing automotive repair dealers (ARDs), Smog Check stations, STAR stations, brake and lamp stations, and their respective inspectors, repair technicians, and adjusters.

Before January 1, 2022, Business and Professions Code section 9884 (BPC) required ARDs to register with the Director (of DCA) upon forms prescribed by the Director that contained sufficient information to identify the automotive repair dealer, including, among other things, the address of each location and the dealer's retail seller's permit number if a permit is required by law. Assembly Bill (AB) 471 (Low, Chapter 372, Statutes of 2021) amended BPC section 9884 to additionally require the forms to include, among other things, the automotive repair dealer's telephone number, email address, educational certifications, and motor vehicle license plate number if engaged in mobile automotive repairs.

In this rulemaking proposal, the Bureau proposes to: (1) amend existing section 3351.2 of Article 1 of Chapter 1 of Division 33 of Title 16 of the CCR as follows:

Section 3351.2 will clearly articulate that when a registrant is renewing their automotive repair dealer registration, the registrant shall inform the Bureau of any changes to information required in section 3351, Registration of Automotive Repair Dealers, as well as any additionally required information to the extent that it has not already been provided.

2. Anticipated Benefits

By requiring registrants to renew their license pursuant to the requirements of this section the Bureau ensures complete collection of required information, including the additional information resulting from the adoption the new BPC 9884. Requiring registrants to update any changes to information upon renewal ensures the Bureau keeps updated records, thus ensuring a more efficient and effective communication with ARD applications and enhancing Bureau efficiency in processing applications.

Additionally, the language will give the Bureau the ability to collect the additional information, pursuant to the new BPC section 9884. Again, this will ensure registrants records are current and complete, allowing the Bureau to process the renewals more efficiently.

Factual Basis/Rationale

A detailed explanation of the amendments are as follows:

1) Amend section 3351.2, Renewal of Automotive Repair Dealer Registration.

Subdivision (a)

The Bureau proposes to adopt a subdivision (a) and amend the text to add “unless renewed in compliance with this section.”

The purpose of adopting a subdivision (a) is to clearly delineate the terms of license expiration apart from the requirements of license renewal. This subdivision will specify that a license will expire within one year from the last date of the month unless the registrant adheres to the requirements pursuant to this section.

This addition is necessary because it clarifies that a license will expire unless the registrant complies with this section.

Subdivision (b)

The Bureau proposes to adopt subdivision (b) to provide “(b) As a condition of renewal, the registrant shall, prior to the expiration date of their registration, provide the Bureau with written notice of any material changes in information as specified in section 3351(e) to the extent it has not already been provided to the Bureau since the registrant's initial application, last renewal or in writing in accordance with section 3351(e), and submit the renewal fee provided in section 3351.1.”

The purpose of adopting a subdivision (b) is to provide clear requirements regarding the

renewal of a license. This subdivision will clarify that a registrant will notify the Bureau of any changes in information, pursuant to 3351(e) prior to the expiration of the license.

Additionally, subdivision (b) will require existing registrants to provide all newly required information pursuant to 3351(e) upon renewal of the license.

Section 3351(e) outlines that an applicant for ARD registration shall notify the Bureau of any material changes under subdivision (a)(2), such as changes in educational certifications, criminal conviction, or disciplinary actions. Subdivision (a)(2) outlines all required identifying information, such as the applicant's email address and applicable licenses, necessary for an ARD to complete registration.

Lastly, subdivision (b) clarifies that upon updating any changes in material information the registrant shall also submit the registration renewal fee pursuant to section 3351.1.

Section 3351.1 outlines the registration fee for initial, renewal, change of ownership, change of business name, and fees to replace lost, mutilated, or destroyed registration certifications.

The adoption of this text is necessary because the subdivision will clearly state that all information required by section 3351 must be updated upon renewal, thus ensuring licensees are aware of what information must be provided and submitted in order to renew one's license. Furthermore, this section will allow the Bureau to collect specific ARD information consistent with the new requirements of BPC section 9884.

2) Amend NOTE

The Bureau proposes to amend the Authority cited to add "and 9884" and amend the sections listed in Reference to delete ", and" and add "and 9884.4".

The purpose of this is to clarify the Business and Professions Codes pertinent to the revisions made to the subdivisions (a) and (b).

Subdivision (b) states that without accurate information the registration application ceases to be valid pursuant to 9884.4.

These amendments are necessary because of the adoption of AB 471.

Underlying Data

Assembly Bill (AB) 471 (Low, Chapter 372, Statutes of 2021)

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB471

Business Impact

BAR made the initial determination that the proposed regulations will not have statewide adverse economic impact directly affecting businesses including the inability of California businesses to compete with businesses in other States. This proposal simply specifies an ARD will inform the Bureau of material changes in required information upon renewal of a license.

Economic Impact Assessment

BAR has determined that this regulatory proposal will have no economic or fiscal impacts.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Bureau would be more effective in carrying out the purpose for which it was proposed or would be as effective and less burdensome to affected private persons or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the adopted regulation.

The Bureau only considered one alternative to the proposed regulations. The Bureau considered taking no action to establish the ARD application renewal requirements in regulation. However, if the Bureau took no action, the Bureau would miss an opportunity to collect complete and correct ARD records upon registration application renewals.