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# AUTOMOTIVE REPAIR DEALER CITATION PROGRAM

DEPARTMENT OF CONSUMER AFFAIRS

**BAR**

Bureau of Automotive Repair

MATHEW GIBSON  
EXECUTIVE OFFICE  
PUBLIC WORKSHOP  
JANUARY 27, 2022

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# PROPOSED REGULATION TEXT SUMMARY

- Creates Article 11.3 in California Code of Regulations, Title 16 – “Administrative Citations and Fines, and Orders of Abatement to Automotive Repair Dealers”
- The proposed regulation text includes:
  - Citable violations
  - Fine amounts
  - Appeal process
  - Provisions for nondisclosure of an ARD citation

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# CITABLE VIOLATIONS

- Negligence (*new* CCR 3351.7)
- Inaccurate Invoice (B&P 9884.8)
- Maintenance of Records (CCR 3358)
- Accepted Trade Standards (CCR 3360 – 3368)
- Equipment Requirements (CCR 3351.5, 3351.6)

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# FINE AMOUNTS

- Citations shall include an order of abatement
- Fine amounts will not exceed \$5,000, even if the citation lists multiple violations
- Fine amounts will be based upon 7 factors in aggravation and mitigation

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# APPEAL PROCESS

- ARDs may contest a citation within 30 days of issuance
- Appeals will go through an informal citation review process prior to a formal appeal
- Those citation review conferences will be heard by a 3-member panel
  - Panel will consist of a representative from:
    - BAR
    - Industry
    - Public

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# NONDISCLOSURE OF AN ARD CITATION

- Allows BAR to offer remedial training to prevent public disclosure of a citation under the following conditions:
  - Only for violations that BAR deems to be minor in nature
  - Training must be successfully completed by someone who directly or indirectly controls or conducts business at the ARD
  - Available only once every 18 months

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# QUESTIONS AND COMMENTS

Submit questions and/or comments to:

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