

# PROPOSED RULEMAKING

DEPARTMENT OF CONSUMER AFFAIRS



**Bureau of Automotive Repair**

Workshop  
September 17, 2013

# SUBJECT MATTER OF PROPOSED REGULATIONS:

- I. Smog Check Licensing - §§ 3340.1, 3340.10, 3340.28
- II. Disciplinary Guidelines - § 3395.4
- III. Probationary Registration/License - § 3395.5

# I. SMOG CHECK LICENSES

- Amend § 3340.1 – Definitions
- Amend § 3340.10 – Licensing of Smog Stations
- Amend § 3340.28 – Licenses and Qualifications

# I. SMOG CHECK LICENSES

## Amend § 3340.1 – Definitions

- Add “Advanced emission specialist technician”
- Add “Basic area technician”
- Amend “Repair-Only station” to “Smog Check repair-only station” or “repair-only station”
- Amend definition of “Smog Check station” to include all station types
- Other minor, technical, grammatical, and editorial changes

# I. SMOG CHECK LICENSES

## **Amend § 3340.10 – Licensing of Smog Check Stations**

- Update station types
- Application to change license type considered application for an initial license
- Specify the Bureau's continued jurisdiction and enforcement over stations upon redesignation from one station type to another station type

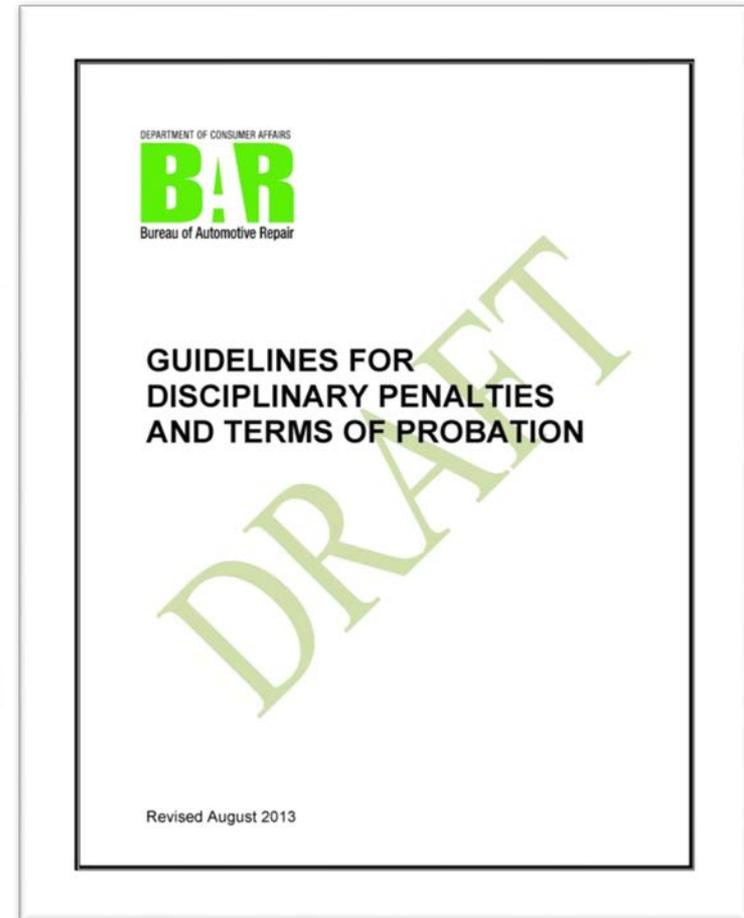
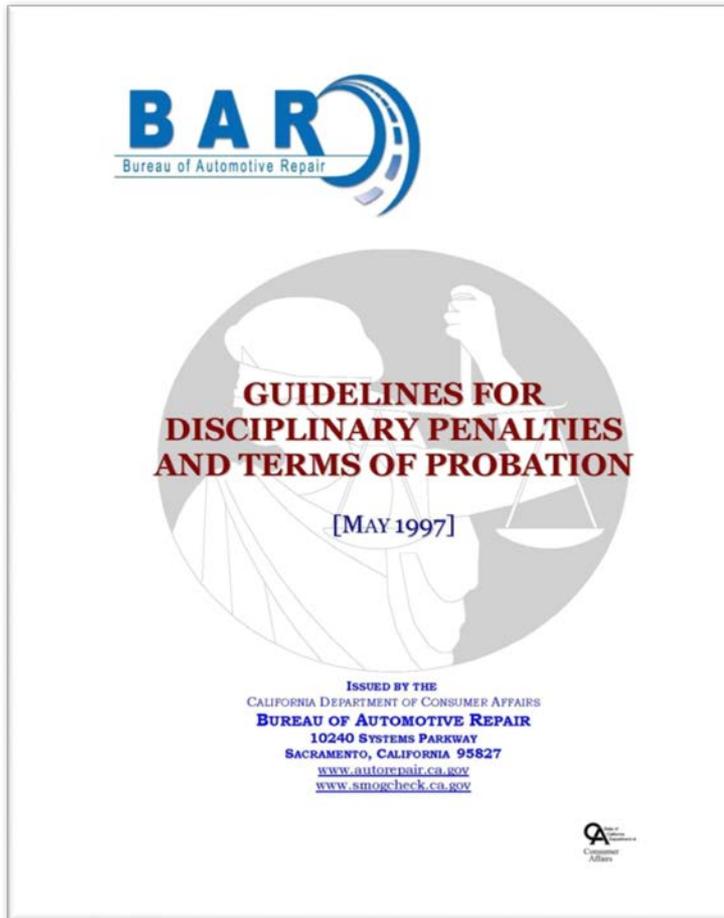
# I. SMOG CHECK LICENSES

## **Amend § 3340.28 – Licenses and Qualifications for Smog Check Inspectors and Repair Technicians**

- Specify the Bureau's continued jurisdiction and enforcement over technicians upon redesignation to the new license types

# II. DISCIPLINARY GUIDELINES

## Amend § 3340.28 – Disciplinary Guidelines



## II. DISCIPLINARY GUIDELINES

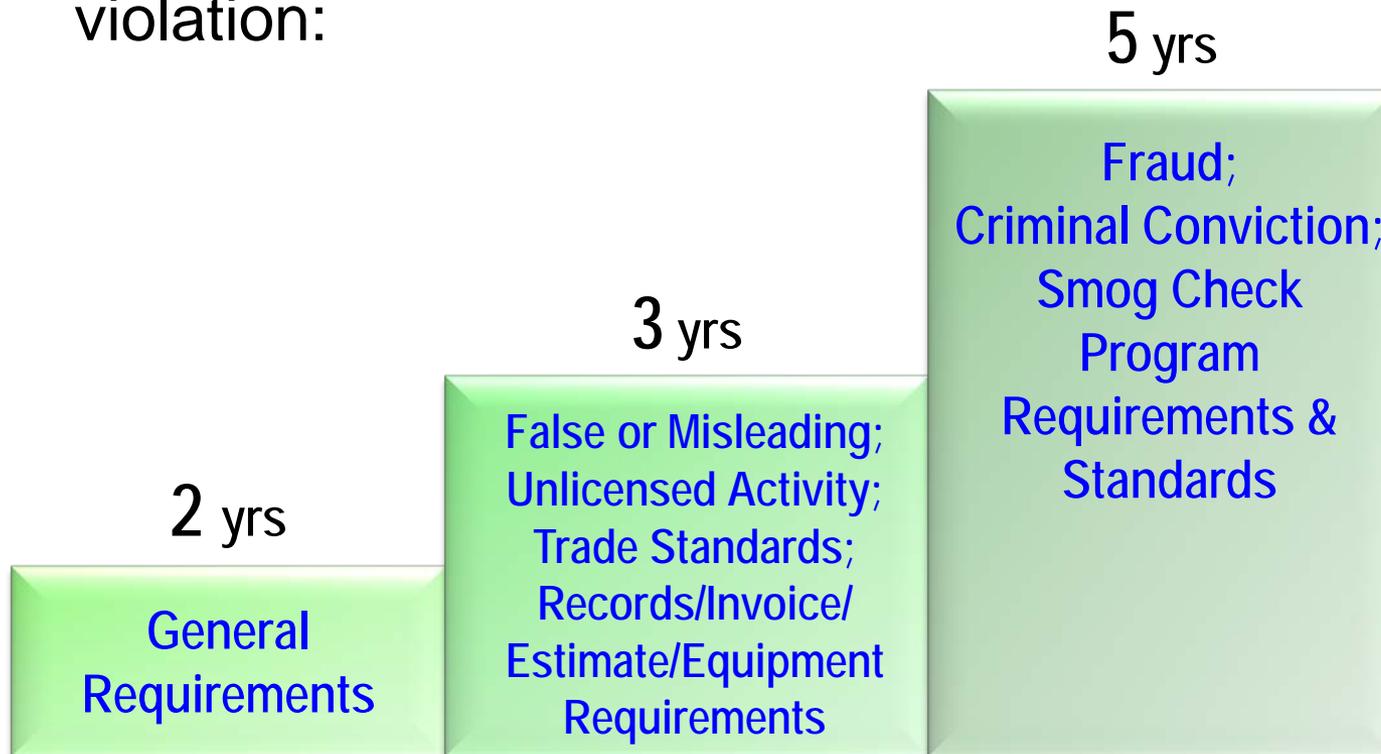
- Revised format
- New General Considerations section
- Revised Factors in Aggravation and Mitigation
- New Model Disciplinary Orders
- Revised Terms and Conditions of Probation

## II. DISCIPLINARY GUIDELINES

- Revised Penalty Tables
  - Three separate tables by statutory or regulatory category
  - Incorporates legislative and regulatory changes
  - Maximum Penalty = Revocation
  - Minimum Penalty =
    - “Invalidation/Revocation of applicable registration/license, invalidation/revocation stayed, suspension, and X years probation.”

## II. DISCIPLINARY GUIDELINES

- Revised Penalty Tables (Con't)
  - Revised probation terms based on category of violation:



## III. PROBATIONARY REGISTRATION/LICENSE

### **Add § 3395.5 – Probationary Registration or License**

BPC § 9884.21 states, in part,  
“...the director may...issue a probationary  
registration to an applicant subject to terms  
and conditions deemed appropriate by the  
director...”

# III. PROBATIONARY REGISTRATION/LICENSE

- Proposed language includes:
  - Process for offering and issuing a probationary registration/license to applicant who has been denied a standard registration/license
  - Specifies standard terms and conditions
  - Term limit up to three (3) years
  - Process for obtaining a standard registration/license

# NEXT STEPS ?

## I. Comment Period

Please submit any written comments concerning the proposed rulemaking to the following contact by COB on Tuesday, October 1, 2013:

Name: Vincent Somma

Address: 10949 N. Mather Blvd.

Rancho Cordova, CA 95670

E-Mail Address: [vincent.somma@dca.ca.gov](mailto:vincent.somma@dca.ca.gov)

## NEXT STEPS ?

- II. Finalize Rulemaking Package
- III. Initiate Review Process
- IV. File Notice of Proposed Action with the Office of Administrative Law