

**TITLE 16. BUREAU OF AUTOMOTIVE REPAIR
PROPOSED REGULATIONS**

GENERAL DEFINITIONS AND WRITTEN ESTIMATES

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Added text is indicated by underlining.
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(1) Amend Section 3303 of Article 1, Chapter 1, Division 33, Title 16, California Code or Regulations to read as follows:

§ 3303. Definitions.

In this chapter, unless the context otherwise requires:

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(s) "Signature" means a handwritten or electronic identifier or depiction of an individual's name used as proof of identity and intent.

Note: Authority cited: Sections 9882, 9884.9, 9884.19 and 9887.1, Business and Professions Code. Reference: Sections 9880.1(a), (e) and (f), 9882, 9884.7(a)(2), 9884.9, 9889.50, 9889.51 and 9889.52, Business and Professions Code; Sections 1633, 1633.2, 1633.4, 1633.5, 1633.6, 1633.7, and 1633.8, Civil Code.

3353. Written Estimate Required for Repair or Maintenance; Exceeding Estimate; Authorization Required.

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(c) Additional Authorization. Except as provided in subsection (f), the dealer shall obtain the customer's authorization before any additional work not estimated is done or parts not estimated are supplied. This authorization shall be in written, oral, or electronic form, and shall describe the additional repairs, parts, labor, and the total additional cost.

(1) If the authorization from the customer for additional repairs, parts, or labor in excess of the written estimated price is obtained orally, the dealer shall also make a notation on the work order and on the invoice of the date, time, name of the person authorizing the additional repairs, and the telephone number called, if any, together with the specification of the additional repairs, parts, labor, and the total additional cost.

(2) If the authorization from the customer for additional repairs, parts, or labor in excess of the written estimated price is obtained by facsimile transmission (fax), the dealer shall also attach to the work order and the invoice, a faxed document that is signed and dated by the customer,

~~and~~ shows the date and time of transmission, and describes the additional repairs, parts, labor, and the total additional cost.

(3) If the authorization from the customer for additional repairs, parts, or labor in excess of the written estimated price is obtained by electronic mail (e-mail), the dealer shall ~~print and~~ attach to the work order and invoice, the e-mail authorization which shows the date and time of transmission and describes the additional repairs, parts, labor, and the total additional cost.

(4) The additional repairs, parts, labor, total additional cost, and a statement that the additional repairs were authorized either orally, ~~or~~ by fax, or by e-mail shall be recorded on the final invoice pursuant to Section 9884.9 of the Business and Professions Code. All documentation must be retained pursuant to Section 9884.11 of the Business and Professions Code.

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(h) Definitions. As used in this section, “written” shall mean the communication of information in writing, ~~other than~~ including by electronic means; “oral” shall mean the oral communication of information either in person or telephonically; “electronic” shall mean the communication of information by facsimile transmission (fax) or electronic mail (e-mail).

Note: Authority cited: Sections 9882 and 9884.9, Business and Professions Code. Reference: Sections 9884.8, 9884.9, 9889.50 and 9889.52, Business and Professions Code.