

BUREAU OF AUTOMOTIVE REPAIR

PROPOSED LANGUAGE OF REGULATIONS

Certified Training Institutions and Instructors

Legend: Added text is indicated by underlining.

Deleted text is indicated by ~~strikethrough~~.

(1) Amend Subsection (c) of Section 3340.28 as follows:

3340.28. Licenses and Qualifications for Smog Check Inspectors and Repair Technicians.

(c) Smog Check Repair Technician Qualifications. The Smog Check Repair Technician license requires an examination. The qualifications to take the examination for the Smog Check Repair Technician license are:

(1) The applicant must provide proof, satisfactory to the bureau, of:

(A) Possession of an Associate of Arts or Associate of Science degree or higher in Automotive Technology, from a state accredited or recognized college, public school, or trade school, and one year automotive repair experience in the engine performance area; or

(B) Possession of a certificate in automotive technology, from a state accredited or recognized college, public school, or trade school with a minimum of 720 hours course work that includes at least 280 hours course work in the engine performance area, and one year of automotive repair experience in the engine performance area; or

(C) A minimum of two years of automotive repair experience in the engine performance area, and successful completion of bureau specified diagnostic and repair training within the last five years; or

(D) The applicant must provide proof, satisfactory to the bureau, of certification in the categories of Electrical/Electronic Systems (A6), Engine Performance (A8) and Advanced Engine Performance Specialist (L1) from the National Institute for Automotive Service Excellence, or other such established and nationally recognized automotive repair certification institution as determined by the bureau.

(2) Update Training. The bureau may require update training as part of the requirements for license renewal. An applicant for renewal of a license must provide proof, satisfactory to the bureau, of successful completion of a minimum of 16 hours of bureau specified updated

training. Update training may include emissions related diagnostic and repair training provided by a vehicle manufacturer. At the bureau's discretion, a repair technician may take a challenge test in lieu of taking the update training.

Note: Authority cited: Sections 44002, 44014, and 44045.5, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 44014, 44031.5, 44045.5, Health and Safety Code.

(2) Delete Sections 3340.32 and 3340.33 from Article 5.5 of Chapter 1, of Division 33, of Title 16 of the California Code of Regulations as follows:

~~3340.32. Standards for the Certification of Institutions Providing Retraining to Licensed Technicians or Prerequisite Training to Those Seeking to Become Licensed Technicians.~~

~~(a) An institution providing prerequisite training under subdivisions (a) and (b) of section 44045.6 of the Health and Safety Code to those seeking to become licensed technicians, or providing retraining to licensed technicians cited under the provisions of subdivision (c) of section 44045.6 of the Health and Safety Code, or providing retraining to licensed technicians cited under the provisions of subdivision (b) of section 44050 of the Health and Safety Code, or providing retraining to licensed technicians under the provisions of subdivision (b) of section 44031.5 of the Health and Safety Code must be certified by the bureau prior to providing that training or retraining.~~

~~(b) A school may be certified to instruct one or more of the following smog technician training courses:~~

~~(1) The Basic Smog Technician courses which consist of the Basic Clean Air Car Course, the Citation Retraining Course for Basic Area Technicians, the Bureau Training Program, and the Update Training for Basic Area Technicians.~~

~~(2) The Advanced Smog Technician courses which consist of the Advanced Clean Air Car Course, the BAR 97 Transition Course, the Citation Retraining Course for Advanced Emission Specialist Technicians, the Bureau Training Program, and the Update Training Course for Advanced Emission Specialist Technicians.~~

~~(c) To become certified, an institution shall submit an application to the bureau on form TS-1 (10-99), "Application to Become a BAR Certified Training Institution."~~

~~(d) An initial application shall be subject to the review procedures specified in Section 3303.2. of Article 1 of this Chapter.~~

~~(e) An applicant shall meet the following requirements:~~

~~(1) All institutions wishing to be certified to offer training to qualify an individual for a technician license shall provide satisfactory evidence of:~~

~~(A) Approval from the Department's Bureau for Private Postsecondary and Vocational Education, if applicable. That approval shall remain current at all times.~~

~~(B) Possession of current course materials.~~

~~(C) Lecture and shop facilities sufficient to adequately train all participating students.~~

~~(D) Instructors certified by the bureau pursuant to Section 3340.33 of this article to offer instruction.~~

~~(E) Having functional access to a bureau-designated web site and having an electronic mail address where the institution can receive electronic information from, and send electronic information to the bureau.~~

~~(2) An institution wishing to be certified to offer Basic Smog Technician courses shall have the following tools and materials in quantities sufficient to adequately train all participating students:~~

~~(A) An emissions inspection system as provided by and in accordance with, subsection (a) of Section 3340.17 of this article.~~

~~(B) An engine performance analyzer containing an electronic device capable of displaying and printing diagnostic information related to the engine ignition and fuel systems of the vehicle being tested.~~

~~(C) A tachometer/dwell meter.~~

~~(D) An ignition timing light which measures ignition advance.~~

~~(E) A hand vacuum pump, and a vacuum gauge.~~

~~(F) An ammeter capable of measuring amps and milliamps.~~

~~(G) A digital volt/ohm meter.~~

~~(H) A compression tester.~~

~~(I) Current emission control service manuals and systems application guides.~~

~~(J) Automotive computer diagnostic and repair manuals.~~

~~(K) Electronic component location manuals.~~

~~(L) Hand tools necessary to inspect, adjust, maintain, and repair vehicular ignition, fuel delivery, and emission control systems.~~

~~(M) Audio-visual equipment sufficient to adequately present the required course material.~~

~~(N) A diagnostic device capable of retrieving diagnostic trouble codes, interpreting codes, and displaying and storing data streams from the on-board computer systems of vehicles. Diagnostic data modules required to operate the device shall be kept updated to the current available calendar year. The device shall be On-Board Diagnostic II compliant, and shall have the Enhanced E/E Diagnostic Test Modes capabilities as noted in the Society of Automotive Engineer's document number J2190 dated June 1993.~~

~~(O) A fuel pressure gauge capable of measuring the higher pressures of fuel-injected vehicles.~~

~~(P) A Propane enrichment kit.~~

~~(Q) Fuel fillpipe restrictor dowel gauge meeting the following specifications:~~

~~1. Made of a non-sparking material meeting the standard for hardness of aluminum alloy No. 5052 as defined in Volume 02.02 of section 2 of the 1986 Annual Book of Standards published by the American Society for Testing and Materials;~~

~~2. Having a radiused test portion;~~

~~3. Having a test portion diameter not less than 0.9375 inches or more than 0.950 inches;~~

~~4. Having an overall length not less than 5 inches or more than 12 inches;~~

~~5. Having a handle no less than 1.25 inches in diameter, and no less than 4 inches in length; and~~

~~6. Constructed of solid bar stock or tubing with a minimum wall thickness of 3/16 of an inch.~~

~~(R) The currently available bureau manuals and bulletins.~~

~~(S) A minimum of one operational demonstration vehicle, or stationary engine per every four students attending a course must be available and must be used for demonstration and student laboratory assignments involving testing, diagnosis and repair procedures. The vehicle or stationary engine must be appropriate to the demonstration or laboratory assignment. At least one demonstration vehicle must be owned, rented or leased by the institution. Demonstration vehicles and stationary engines must be fully operational with computer-controlled systems.~~

~~(3) An institution wishing to be certified to offer Advanced Smog Technician courses shall, in addition to the equipment required by paragraph 2 of subsection (e) of this section, have the following equipment:~~

~~(A) An emissions inspection system in accordance with the bureau's emissions inspection system specifications referenced in subsection (b) of Section 3340.17 of this article.~~

~~(B) An evaporative emission control test system approved by the bureau for use in an enhanced program area.~~

~~(C) An electronic device capable of graphically displaying any electrical or electronic signal used by an automotive computer system. The device shall have the capability of displaying the electrical or electronic signal using a voltage and time scale that is adjustable. The device shall have the capability of capturing and displaying a high frequency abnormal signal, regardless of time per division setting, or screen refresh rate.~~

~~(f) Institutional certification by the bureau shall not exceed one year. Institutions shall renew their certification electronically using form TS-1 (10-99); "Application To Become A Bureau Certified Training Institution" located at a bureau designated Internet web site.~~

~~(g) All institutions certified shall:~~

~~(1) Maintain adequate lecture and shop facilities, sufficient tools and materials, and current course materials.~~

~~(2) Identify in writing to all potential students the level of certification training the institution will provide and any limitations to this training applicable to obtaining a technician license. This written disclosure shall be presented to students no later than their first class meeting.~~

~~(3) Provide competent instruction to students, including lab exercises and hands-on work.~~

~~(4) Advise prospective students of the automotive mechanical experience and automotive mechanical course-work requirements at the time of application.~~

~~(5) Evaluate applications to verify that the applicant meets the applicable qualification requirements specified in subsection (b) of section 3340.28 of this article.~~

~~(6) Instruct a maximum of twenty-five students per instructor at any one time.~~

~~(7) Allow the bureau or authorized representative reasonable access during normal business hours to training records, equipment and facilities.~~

~~(8) Report to the bureau on form TS-5 (10-99), "Certified Institution's Training Record," the number of students receiving training or retraining courses prescribed by the bureau, the names of those students successfully completing training or retraining courses, and in the case of students taking retraining courses pursuant to section 3340.31 of this article, the names of those failing to complete such retraining courses. Reporting shall be performed electronically using form TS-5 (10-99); "Certified Institution's Training Record" located at a bureau designated Internet web site.~~

~~(9) Have available for students the current year editions of all required vehicle reference and repair manuals, in electronic or print media.~~

~~(10) Have available for students the current operating instructions for all training aids and automotive test equipment.~~

~~(11) Have available for students an adequate number and variety of training aids such as demonstration engines, carburetors, and emission control devices, in order to meet student training needs and to ensure proper understanding of the course content and laboratory assignments.~~

~~(h) Pursuant to section 44045.5 of the Health and Safety Code, an institution may be certified to instruct the Bureau Training Program to meet the prerequisite for licensure, as follows:~~

~~(1) The institution shall use training materials, course-work, and examinations developed by a bureau approved publisher.~~

~~(2) The institution shall obtain all training materials, course-work, and examinations from a bureau approved publisher. Failure to use training materials, course-work, or examinations developed by a bureau approved publisher may result in the disapproval of the training program or decertification of the institution.~~

~~(3) The institution's administration of examinations shall meet bureau standards, as outlined in the "Bureau Training Program Standards" (3-95), herein incorporated by reference, and meet or exceed all statutory requirements and federal and state standards regarding examination development. Failure to meet bureau standards, as outlined in the "Bureau Training Program Standards" (3-95), and meet or exceed all statutory requirements and federal and state standards regarding examination development, may result in the disapproval of the training program or decertification of the institution.~~

~~(4) The institution shall instruct the training program in accordance with the requirements outlined in the "Bureau Training Program Standards" (3-95). Failure to provide instruction that meets the requirements outlined in the "Bureau Training Program Standards" (3-95) may result in the disapproval of the training program or decertification of the institution.~~

~~(5) The bureau reserves the right to review and recommend changes to an institution's methods of instruction and/or administration of examinations. Failure to comply with the bureau's recommended changes to an institution's methods of instruction and/or administration of examinations may result in the disapproval of the training program or decertification of the institution.~~

~~*Note: Authority cited: Section 44002, Health and Safety Code. Reference: Sections 44030.5, 44031.5(b), 44045.6 and 44050, Health and Safety Code.*~~

~~§ 3340.33. Standards for the Certification of Basic and Advanced Instructors Providing Retraining to Intern, Basic Area, and Advanced Emission Specialist Licensed Technicians or Prerequisite Training to Those Seeking to Become Intern, Basic Area, or Advanced Emission Specialist Licensed Technicians.~~

~~(a) There are the following instructor certification categories in the smog check program:~~

~~(1) Basic Instructor. An instructor providing Basic smog technician courses, or prerequisite training to those seeking to become Intern, or Basic Area licensed technicians, or providing retraining to Intern, or Basic Area technicians cited under the provisions of subdivision (b) of Section 44050 of the Health and Safety Code, or providing retraining to Intern, or Basic Area licensed technicians under provision of subdivision (b) of Section 44031.5 of the Health and Safety Code, or providing retraining to Intern, or Basic Area licensed technicians under Subdivision (c) of Section 44045.6 of the Health and Safety Code. A Basic instructor must have certification from the bureau prior to providing such training or retraining.~~

~~(2) Advanced Instructor. An instructor providing Advanced Smog Technician Courses, or prerequisite training to those seeking to become Intern, Basic Area, or Advanced Emission Specialist licensed technicians, or providing retraining to Intern, Basic Area, or Advanced Emission Specialist licensed technicians cited under the provisions of Subdivision (b) of Section 44050 of the Health and Safety Code, or providing retraining to Intern, Basic Area, or Advanced Emission Specialist licensed technicians under Subdivision (c) of Section 44045.6 of the Health and Safety Code. An Advanced Instructor must have certification from the bureau prior to providing such training or retraining.~~

~~(b) Application.~~

~~(1) To become certified as a Basic instructor, an individual shall submit an application to the bureau on form TS-2 (10-99), "Application To Become a Bureau Certified Basic Instructor."~~

~~(2) To become certified as an Advanced instructor, an individual shall submit an application to the bureau on form TS-3 (10-99) "Application To Become a Bureau Certified Advanced Instructor."~~

~~(c) Initial Application Review. An initial application shall be subject to the review procedures specified in section 3303.2. of Article 1 of this Chapter.~~

~~(d) Applicant Criteria.~~

~~(1) An applicant to be certified as a Basic Instructor shall:~~

~~(A) Be licensed by the bureau as an Advanced Emission Specialist Technician.~~

~~(B) Possess current certification from the National Institute for Automotive Service Excellence in the certification categories of Electrical/Electronic Systems (A6), Engine Performance (A8), and Advanced Engine Performance Specialist (L1).~~

~~(C) Meet at least one of the following criteria:~~

~~1. Possess a current credential recognized by the State Department of Education in the field of automotive technology; or~~

~~2. Meet the current California Community College eligibility requirements for a credential in the field of automotive technology; or~~

~~3. Possess an automotive-related degree, or credential, or other qualifying experience, which the bureau determines, upon the petition of the applicant, to be substantially equivalent to a California Community College's instructor's qualifications or credential or a credential recognized by the State Department of Education, in the field of automotive technology (more specifically described on bureau form TS-2 dated 10-99, "An Application To Become a Bureau Certified Basic Instructor," herein incorporated by reference).~~

~~(D) Have functional access to a bureau-designated web site and have an electronic mail address where the instructor can receive electronic information from, and send electronic information to the bureau.~~

~~(2) An applicant to be certified as an Advanced Instructor shall:~~

~~(A) Be currently certified as an Basic Instructor.~~

~~(B) Complete an Advanced Instructor training course prescribed by the bureau. Advanced Instructor training need not exceed 40 hours.~~

~~1. An individual submitting an application for initial certification as an instructor or renewal of certification as a instructor, may have the certification endorsed to instruct a gaseous fuels course by requesting the endorsement on the application and providing proof of qualification pursuant to subsection (e) of this section.~~

~~2. An individual may have an existing certification endorsed to instruct a gaseous fuels course by submitting a letter to the bureau requesting the endorsement be added to his/her existing certification and providing proof of qualification pursuant to subsection (e) of this section.~~

~~(e) Optional Endorsement for Gaseous Fuels. An optional endorsement to instruct a gaseous fuel course is available for a certified instructor with an Advanced Emission Specialist Technician license endorsed to test and repair vehicles powered by gaseous fuels, either solely or in combination with gasoline.~~

~~(f) Instructor certification by the bureau shall not exceed one year. Instructors shall renew their certification electronically using a form TS-4 (10-99) "Bureau Certified Instructor Renewal Application" located at a bureau-designated web site.~~

~~(g) Certified Basic or Advanced instructors may be required to complete training on new automotive technology, as prescribed by the bureau, in order to instruct training courses. Failure to successfully complete bureau prescribed training may result in grounds for decertification or denial of certification, pursuant to section 3340.33.1 of this Article.~~

~~(h) Certification Renewal. To renew certification as a Basic or Advanced instructor, an individual shall be subject again to the requirements of subsections (b), (c), and (d) of this section.~~

Note: Authority cited: Section 44002, Health and Safety Code. Reference: Sections 44030.5, 44031.5(b), 44045.6 and 44050, Health and Safety Code.

(3) Amend Section 3395.4 of 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 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 ~~Penalties~~ Orders and Terms of Probation” [~~Rev. May, 1997~~ March 2015] which are hereby incorporated by reference. The “Guidelines for Disciplinary ~~Penalties~~ 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, ~~for example: the presence of mitigating factors; the age of the case; evidentiary problems.~~

Note: Authority cited: Section 9882, Business and Professions Code; and Sections 11400.20 and 11400.24, Government Code. Reference: Sections 11400.20, 11400.24 and 11425.50(e), Government Code.

(4) Add Section 3396. To Article 12 of Chapter 1, Division 33, of Title 16, of the California Code of Regulations, as follows:

§ 3396. Compliance with Laws and Regulations.

- (a) An automotive repair dealer or brake and lamp licensee who is required as a result of a disciplinary action to complete training as described in this section, shall obtain this training from a training provider that meets the requirements of this section.
- (b) Training Provider. The training provider shall be a public postsecondary educational institution, or a private institution that is approved by or has obtained an exemption from the Bureau for Private Postsecondary Education (BPPE).
- (c) Instructors. The training provider shall utilize instructors who meet at least one of the following two requirements:
 - (1) Have at least two years of experience teaching at the postsecondary level; and
 - (A) Possess a valid license or registration in the field of automotive repair; or
 - (B) Have at least four years of working experience in the field of automotive repair.

(2) Possess a valid professional license or otherwise be qualified, by virtue of prior training, education and experience, to teach a course in laws and regulations or professionalism.

(d) Training Criteria.

(1) Content. Instruction shall be instructor led and shall include instruction in compliance with the laws and regulations related to the following content areas:

- A. Estimate Requirements
- B. Customer Consent
- C. Invoice Requirements
- D. Accepted Trade Standards
- E. Sublet Repair
- F. Return of Parts
- G. Fraud
- H. Gross Negligence
- I. False or Misleading Statements and Advertising
- J. Guarantees and Warranties
- K. Maintenance of Records

(2) Duration. The training shall consist of a minimum of 8 hours.

(3) Evaluation. An examination is required to verify students can apply the laws and regulations to scenarios that reflect the day to day transactions in which the content areas specified in subsection (c)(1) apply.

(e) Proof of Completion. Persons referenced in section 3396(a) who complete training shall provide the Bureau with proof that they have completed the training.

Note: Authority cited: Sections 9882, 9884.2, 9884.19, 9884.21, and 9889.5, Business and Professions Code. Reference: Sections 9880.3, 9884.2, 9884.19, 9884.21, and 9889.5, Business and Professions Code

(5) Add Article 13 to Chapter 1, of Division 33, of Title 16, of the California Code of Regulations as follows:

Article 13

Certification of Training Institutions and Instructors

(6) Add Section 3400. to Article 13 of Chapter 1, of Division 33, of Title 16, of the California Code of Regulations to read as follows:

3400. Definitions.

In this article, unless otherwise noted:

(a) "Bureau Certified Training Institution," "Bureau Certified Institution," "Certified Institution," or "Institution" means a training institution certified by the Bureau to provide training and retraining relating to the licensing requirements of a smog check inspector or repair technician.

(b) "Bureau Certified Smog Check Instructor," "Bureau Certified Instructor," "Certified Instructor," or "Instructor" means an individual certified by the Bureau to provide training and retraining relating to the licensing requirements of a smog check inspector or repair technician.

Note: Authority cited: Section 44002, 44030.5, and 44045.6, Health and Safety Code. Reference: Sections 44030.5, 44031.5, 44045.5, 44045.6 and 44050 of the Health and Safety Code.

(7) Add Section 3401. to Article 13 of Chapter 1, of Division 33, of Title 16, of the California Code of the Regulations as follows:

3401. Bureau Certified Training Institutions

(a) An institution providing prerequisite training under Subdivisions (a) and (b) of Section 44045.6 of the Health and Safety Code to individuals seeking to become licensed smog check technicians, or providing retraining to licensed smog check technicians cited under the provisions of Subdivision (c) of Section 44045.6 of the Health and Safety Code, or providing retraining to licensed smog check technicians cited under the provisions of subdivision (b) of Section 44050 of the Health and Safety Code, or providing retraining to licensed smog check technicians under the provisions of subdivision (b) of Section 44031.5 of the Health and Safety Code must be certified by the Bureau prior to providing that training or retraining.

(b) No institution may provide training or retraining pursuant to this section unless it has met the requirements of this section and has been issued a certification by the Bureau.

(c) Application. To become a Certified Institution, an institution shall submit to the Bureau a completed Bureau Certified Training Institution Application, Form TS-1 (Revised September 2015), hereby incorporated by reference. The application shall be subject to the review criteria specified in Section 3303.2 of Article 1 of this Chapter, as applicable.

(d) Certification Term. The term of certification shall not exceed two years commencing from the date of issuance. However, the Bureau may advance the initial certification term as necessary to correspond with a common expiration date for all Certified Institutions.

(e) Renewal. Institutions shall renew their certification every two years using the Bureau Certified Training Institution Application, Form TS-1 (Revised September 2015).

(f) Approval from the Department of Consumer Affairs Bureau for Private Postsecondary Education. Private institutions shall be approved by or have obtained an exemption from the Bureau for Private Postsecondary Education (BPPE). When applicable, BPPE approval shall remain current at all times.

(g) Certified Instructors. Except as provided in Subsection (1) below, a Certified Institution shall utilize Bureau Certified Instructors to conduct training or retraining, pursuant to Section 3402 of this Article.

(1) A Certified Institution may temporarily utilize guest trainers representing vehicle manufacturers or automotive component manufacturers to present training specific to their respective products and/or technologies. In instances where a guest trainer is utilized, a Certified Instructor shall be present during the training and the institution shall be responsible for the training in the same manner as if the training was conducted directly by the Certified Institution.

(h) Instructional Tools and Training Aids. A Certified Institution shall maintain a lecture area, presentation media, and shop facilities sufficient to train all participating students. Presentation media include handouts, writing boards, computers, projectors, internet access, and any other media necessary to meet student training needs. Furthermore, a Certified Institution must have available for students a variety of training aids, including demonstration vehicles, engine and emissions control components, and any other aids necessary to meet student training needs.

(i) Equipment. A Certified Institution shall possess all diagnostic, test, and repair equipment, and tools and materials needed to train students, including the equipment, tools and materials required for a STAR Test-and-Repair Station as specified in the Smog Check Manual referenced in Section 3340.45 of Article 5.5 of this Chapter. All equipment shall be maintained in good working order and calibrated in accordance with the equipment manufacturer's requirements.

(j) Instruction. Certified Institutions providing training under this section shall administer the training in accordance with "Bureau of Automotive Repair Training Standards" (Revised September 2015), hereby incorporated by reference.

(k) Compliance with Americans with Disabilities Act. A Certified Institution shall be compliant with all applicable provisions of the Americans with Disabilities Act.

(l) Training Records. A Certified Institution shall retain training records, including student enrollment information, examination results and course completion certificates, for a period of at least three years from each student's completion date of the training.

(m) Audit. For the purposes of an audit, Certified Institutions shall allow the Bureau or its authorized representative reasonable access during normal business hours to monitor or attend training sessions and inspect training records, equipment, tools, and facilities.

(n) Refund Policy. Certified Institutions must have a published policy that shall be provided to students prior to, or at the time of enrollment, which provides information on:

(1) Refunds in cases of non-attendance and/or cancellation,

(2) Time period for return of fees, and

(3) Notification in cases of course cancellation.

(o) State Examination Results. For each Certified Institution, the Bureau may publically report cumulative student pass rates for applicable state licensing examinations.

(p) An unexpired certification issued prior to the effective date of this regulation shall remain in effect through the remainder of its one year term. Upon renewal, the certification shall be renewed in accordance with the requirements of this section.

Note: Authority cited: Sections 44002, 44030.5, 44031.5, and 44045.6 Health and Safety Code. Reference: Sections 44030.5, 44031.5, 44045.6 and 44050, Health and Safety Code.

(8) Add Section 3402. To Article 13 of Chapter 1, Division 33, of Title 16, of the California Code of Regulations, as follows:

3402. Bureau Certified Smog Check Instructors

(a) An individual must be a Bureau Certified Instructor to provide training or retraining in a Bureau Certified Institution.

(b) Application. To become a Certified Instructor, an individual shall submit to the Bureau a completed Bureau Certified Instructor Application, Form TS-2 (Revised September 2015), hereby incorporated by reference. The application shall be subject to the review criteria specified in Section 3303.2 of Article 1 of this Chapter, as applicable.

(c) Certification Term. Instructor certification shall not exceed two years from the date of issuance. However, the Bureau may advance the initial certification term to correspond with a common expiration date for all Certified Instructors or with the expiration date of the instructor's Smog Check Repair Technician license.

(d) Renewal. Instructors shall renew their certification every two years using the Bureau Certified Instructor Application, Form TS-2 (Revised September 2015).

(e) Certification Requirements. A Certified Instructor shall meet the following requirements:

(1) Be currently licensed by the Bureau as a Smog Check Inspector and Smog Check Repair Technician pursuant to Section 3340.28 of Article 5.5 of this Chapter.

(2) Possess current certification from the National Institute for Automotive Service Excellence in the certification categories of Electrical/Electronic Systems (A6), Engine Performance (A8), Advanced Engine Performance Specialist (L1), and, if providing diesel training, Light Vehicle Diesel Engines (A9).

(3) Meet at least one of the following criteria:

(A) Possess a current credential recognized by the California Department of Education; or

(B) Meet the current California Community College eligibility requirements for a credential or certificate in the field of automotive technology; or

(C) Possess a bachelor's degree in vocational education; or

(D) Have a minimum of four years automotive diagnostic and repair experience, and possess an associate degree or certificate with at least 720 hours of course work in automotive technology; or

(E) Have a minimum of six years diagnostic and repair experience in the engine performance area.

(4) Upon initial application, pass a Bureau assessment consisting of a written examination and an evaluation of the applicant's instructional presentation abilities. Instructional presentation abilities will be judged on the applicant's ability to accurately communicate the technical aspects of the training materials.

(A) An applicant shall be granted two attempts to pass the assessment. .

(B) An applicant who fails the second assessment may reapply for certification after 180 days from the date of the second assessment.

(f) Certified Instructors may use training related to certification with the National Automotive Technicians Education Foundation, vehicle manufacturer training, or other nationally recognized organizations as determined by the Bureau, to satisfy the update training requirements of Section 3340.28 (c) (2) of Article 5.5 of this Chapter, provided that training relates to smog check repairs.

(g) Instruction. Certified Instructors providing training under this section shall administer the training in accordance with the Bureau of Automotive Repair Training Standards (Revised September 2015), incorporated by reference in section 3401(j).

(h) An unexpired certification issued prior to the effective date of this regulation shall remain in effect through the remainder of its one year term. Upon renewal, the certification shall be renewed under the provisions of this Section.

Note: Authority cited: Sections 44002, 44030.5, 44031.5 and 44045.6, Health and Safety Code. Reference: Sections 44030.5, 44031.5, 44045.6 and 44050, Health and Safety Code.

(9) Move Section 3340.32.1 of Article 5.5 of Chapter 1, of Division 33, of Title 16, of the California Code of Regulations to Article 13 of Chapter 1, of Division 33, of Title 16, of the California Code of Regulations, renumber to Section 3403, and amend as follows:

~~3340.32.1. Standards for the 3403. Denial, Decertification and Recertification of Bureau Training Institutions Providing Retraining to Licensed Technicians or Prerequisite Training to Those Seeking to Become Licensed Technicians.~~

(a) An application for certification may be denied or an institution may be decertified for any of the following reasons:

(1) Failure to comply with the provisions of Section ~~3340.32~~ 3401 of this article; as applicable;
or

(2) Misrepresentation of a material fact in obtaining or attempting to obtain certification as an institution; or

(3) Suspension or revocation of any bureau-issued license, registration, or qualification certificate held by the institution or by any owner, partner, officer, director, or manager of the institution, if the grounds for suspension or revocation are substantially related to the qualifications of the institution to provide bureau-prescribed training courses of instruction; or

(4) Conviction of a crime or conduct which would be cause for denial of a license pursuant to Section 480 of the Business and Professions Code, or for suspension or revocation of a license pursuant to Section 490 of the Business and Professions Code.

(b) A decertified Institution~~Institutions~~ may be recertified as follows:

(1) Upon completion of an application for recertification; and

(2) After an audit on-site inspection of the institution has been ~~accomplished~~ conducted by the bureau and a determination made by the bureau that the institution is again qualified to instruct students. In considering whether to make such determination, the bureau will evaluate the rehabilitation of the applicant based upon the criteria set forth in Section 3395 of this Chapter.

(c) Any denial or decertification proceeding under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Division 3, Title 2 of the Government Code.

Note: Authority cited: Sections 44002, 44030.5, and 44045.6, Health and Safety Code. Reference: Sections 44030.5, 44045.6 and 44050, Health and Safety Code; Sections 480 and 490, Business and Professions Code; and Section 11500, et.seq., Government Code.

(10) Move Section 3340.33.1 of Article 5.5 of Chapter 1, of Division 33, of Title 16, of the California Code of Regulations to Article 13 of Chapter 1, of Division 33, of Title 16, of the California Code of Regulations, and renumber to Section 3404, and amend as follows:

~~3340.33.1. Standards for the 3404. Denial, Decertification and Recertification of Smog Check Instructors Providing Retraining to Licensed Technicians or Prerequisite Training to Those Seeking to Become Licensed Technicians.~~

(a) An application for certification may be denied or an instructor may be decertified for any of the following reasons:

- (1) Failure to comply with the provisions of Section ~~3340.33~~ 3402 of this article; or
- (2) Misrepresentation of a material fact in obtaining certification as an instructor; or
- (3) Failure to instruct students in a competent manner in accordance with the ~~specifications of the bureau prescribed course~~ Bureau of Automotive Repair Training Standards (Revised September 2015), incorporated by reference in section 3401(j); or
- (4) Suspension or revocation of any bureau-issued license, registration, or qualification certificate held by the instructor if the grounds for suspension or revocation are substantially related to the qualifications of the instructor to teach bureau-prescribed courses of instruction; or
- (5) Conviction of a crime or conduct which would be cause for denial of a license pursuant to Section 480 of the Business and Professions Code, or for suspension or revocation of a license pursuant to Section 490 of the Business and Professions Code.

(b) A decertified instructor ~~Instructors~~ may be recertified as follows:

- (1) Upon completion of an application for recertification; and
 - (2) Upon determination by the bureau that the instructor is again qualified to instruct students. In considering whether to make such determination, the bureau will evaluate the rehabilitation of the applicant based upon the criteria set forth in Section 3395 of this Chapter.
- (c) Any denial or decertification proceeding under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Division 3, Title 2 of the Government Code.

Note: Authority cited: Sections 44002, 44030.5, and 44045.6, Health and Safety Code. Reference: Sections 44030.5, 44045.6 and 44050, Health and Safety Code; Sections 480 and 490, Business and Professions Code; and Section 11500, et. seq., Government Code.