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BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 3. PROFESSIONS AND VOCATIONS GENERALLY [5000 - 9998.11] (*Heading of Division 3 added by Stats. 1939, Ch. 30.)*

CHAPTER 20.3. Automotive Repair [9880 - 9889.68] (*Chapter 20.3 added by Stats. 1971, Ch. 1578.)*

ARTICLE 1. General Provisions [9880 - 9880.5] (*Article 1 added by Stats. 1971, Ch. 1578.)*

9880. This chapter constitutes the chapter on automotive repair dealers. It may be cited as the Automotive Repair Act.
(*Added by Stats. 1971, Ch. 1578.*)

9880.1. The following definitions apply for the purposes of this chapter:

- (a) "Automotive repair dealer" means a person who, for compensation, engages in the business of repairing or diagnosing malfunctions of motor vehicles, or engages in the business of collecting compensation for automotive repair services that are referred or sublet to someone other than the dealer or their employees.
- (b) "Automotive technician" means an employee of an automotive repair dealer or that dealer, if the employer or dealer repairs motor vehicles and who, for salary or wage, performs repairs of motor vehicles as set forth in subdivision (k).
- (c) "Bureau" means the Bureau of Automotive Repair.
- (d) "Chief" means the Chief of the Bureau of Automotive Repair.
- (e) "Commercial business agreement" means an agreement, whether in writing or oral, entered into between a business or commercial enterprise and an automotive repair dealer, prior to the repair that is requested to be made, that contemplates a continuing business arrangement under which the automotive repair dealer is to repair any motor vehicle covered by the agreement, but does not mean any warranty or extended service agreement normally given by an automotive repair facility to its customers.
- (f) "Customer" means the person presenting a motor vehicle for repair and authorizing the repairs to that motor vehicle. "Customer" shall not mean the automotive repair dealer providing the repair services or an insurer involved in a claim that includes the motor vehicle being repaired or an employee or agent or a person acting on behalf of the dealer or insurer.
- (g) "Director" means the Director of Consumer Affairs.
- (h) "Motor vehicle" means a passenger vehicle required to be registered with the Department of Motor Vehicles and all motorcycles whether or not required to be registered by the Department of Motor Vehicles.
- (i) "Person" includes a firm, partnership, association, limited liability company, participating tribe, or corporation.
- (j) "Preventative maintenance services" means the following maintenance services: checking tire pressure and adding or relieving pressure, as necessary; rotating tires; changing transmission fluid, transmission filter, engine oil and filter, differential fluid, power steering fluid, and transfer case fluid; changing engine or cabin air filters, and external fuel filters; changing engine coolant; performing a fuel system induction service; replacing belts and windshield wiper blades; replacing light bulbs and restoring headlamps; adding oil or fuel treatments through the designated fill points; and topping off fluids; and all of the listed services include the removal, reinstallation, and replacement of any components necessary to perform each service, and the tapping of damaged threads without removal of any fluid pan.
- (k) "Repair of motor vehicles" means all maintenance of and repairs to motor vehicles performed by an automotive repair dealer, including automotive body repair work, but excluding those repairs made pursuant to a commercial business agreement and roadside services.
- (l) "Roadside services" means the services performed upon a motor vehicle for the purpose of transporting the vehicle or to permit it to be operated under its own power, by, or on behalf of, a motor club holding a certificate of authority pursuant to Chapter 2 (commencing with Section 12160) of Part 5 of Division 2 of the Insurance Code, or by an operator of a tow truck, as defined in Section 615 of the Vehicle Code, that is owned or operated by a person or entity who possesses a valid motor carrier permit, as

described in Section 34620 of the Vehicle Code, and is enrolled in the Basic Inspection of Terminals program, as described in Section 34501.12 of the Vehicle Code.

(Amended by Stats. 2024, Ch. 481, Sec. 21. (SB 1451) Effective January 1, 2025.)

9880.2. The following persons are exempt from the requirement of registration:

- (a) An employee of an automotive repair dealer if the employee repairs motor vehicles only as an employee.
- (b) A person who solely engages in the business of repairing the motor vehicles of one or more commercial, industrial, or governmental establishments.
- (c) A person who is registered pursuant to Chapter 20 (commencing with Section 9800) and whose work is limited to the installation or replacement of a motor vehicle radio, antenna, audio recorder, audio playback equipment, ignition interlock device, or burglar alarm.
- (d) A person whose primary business is the wholesale supply of new or rebuilt automotive parts who solely engages in the remachining of individual automotive parts without compensation for warranty adjustments to those parts and who does not engage in repairing or diagnosing malfunctions of motor vehicles or motorcycles. "Primary business" means the business that accounts for the majority of the company's gross sales. "Wholesale supply" means the sale, by a seller who possesses a California Resale Permit, of automotive parts to a retailer or jobber for the purpose of resale. However, a person described in this subdivision, prior to commencing work, shall do both of the following:

- (1) Provide a notice containing the bureau's toll-free telephone number to the customer that the person is not regulated by the bureau.

- (2) Provide a written description of the remachining services to be performed to the customer.

(Amended by Stats. 2012, Ch. 661, Sec. 16. (SB 1576) Effective January 1, 2013.)

9880.3. Protection of the public shall be the highest priority for the Bureau of Automotive Repair in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

(Added by Stats. 2002, Ch. 107, Sec. 36. Effective January 1, 2003.)

9880.4. The Legislature finds and declares all of the following:

- (a) The Bureau of Automotive Repair established the BAR Advisory Group to increase the level of communication between the bureau, the automotive repair industry, education providers, consumers, and other stakeholders. The advisory group meets quarterly to provide input to the chief on bureau and other state regulatory programs.
- (b) It is the intent of the Legislature that the bureau continues to maintain a group of volunteer representatives to advise the bureau on regulatory issues and programs affecting the automotive repair industry.

(Added by Stats. 2023, Ch. 681, Sec. 3. (AB 1263) Effective January 1, 2024.)

9880.5. (a) As used in this chapter, the following definitions apply:

- (1) "Federally recognized tribe" means a tribe located in this state and included on the list published in the Federal Register pursuant to the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. Sec. 5131) and includes an entity controlled by and established for the benefit of one or more tribes.

- (2) "Participating tribe" means a federally recognized tribe that formally applies for licensure from the bureau pursuant to subdivision (b).

- (b) The bureau shall license a federally recognized tribe that applies for licensure and is otherwise compliant with this chapter for the purpose of engaging in a business regulated by this chapter.

- (c) Nothing in this chapter is intended to infringe upon or diminish the existing rights, privileges, and immunities of federally recognized tribes as set forth in federal, state, or tribal law, or the jurisdiction of those participating tribes.

- (d) Nothing in this chapter, whether express or implied, shall confer upon the bureau or director any rights or authority to regulate any activity within the jurisdiction of a participating tribe.

- (e) Any requirement to register with the Secretary of State, maintain good standing with the Secretary of State, provide a corporate number issued by the Secretary of State, or any other associated requirement shall not apply to a participating tribe.

(Added by Stats. 2024, Ch. 481, Sec. 22. (SB 1451) Effective January 1, 2025.)

