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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 2. Administration [9882 - 9882.14] (*Article 2 added by Stats. 1971, Ch. 1578.*)

9882. (a) (1) There is in the Department of Consumer Affairs a Bureau of Automotive Repair under the supervision and control of the director. The duty of enforcing and administering this chapter is vested in the chief who is responsible to the director. The director may adopt and enforce those rules and regulations that the director determines are reasonably necessary to carry out the purposes of this chapter and declare the policy of the bureau, including a system for the issuance of citations for violations of this chapter as specified in Section 125.9.

(2) (A) On or after July 1, 2023, the director may include in the citation system a process for informal review of and recommendation on citations, including establishment of an informal citation conference conducted by a panel of independent representatives appointed by the chief. The informal citation conference panel shall consist of three members, with one representative each from the bureau, the public, and the automotive repair industry.

(B) (i) The director may include in the citation system a process for an automotive repair dealer, upon successful completion of remedial training conducted by a provider certified pursuant to subdivision (d) of Section 9884.7, to prevent disclosure of the citation on the internet as provided in Section 27.

(ii) To be eligible for citation nondisclosure under this subparagraph, the automotive repair dealer shall not have attended remedial training in the prior 18-month period from the effective date of citation.

(iii) Any employee of the automotive repair dealer who was involved in the violation resulting in the bureau's issuance of the citation also may be required by the bureau to attend remedial training with the automotive repair dealer to prevent disclosure of the citation.

(3) Rules and regulations adopted pursuant to this subdivision shall be adopted pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(b) (1) Notwithstanding any other law, the powers and duties of the bureau, as set forth in this article and under the Automotive Repair Act, shall be subject to review by the appropriate policy committees of the Legislature. In that review, the bureau shall have the burden of demonstrating a compelling public need for the continued existence of the bureau and its regulatory program, and that its function is the least restrictive regulation consistent with the public health, safety, and welfare.

(2) The review required by this subdivision shall be performed as if this chapter were scheduled to be repealed as of January 1, 2028.

(c) This section shall be effective only until July 1, 2026, and as of that date is repealed.

(Amended (as amended by Stats. 2021, Ch. 372, Sec. 1) by Stats. 2023, Ch. 681, Sec. 4. (AB 1263) Effective January 1, 2024. Repealed as of July 1, 2026, by its own provisions. See later operative version, as amended by Sec. 5 of Stats. 2023, Ch. 681.)

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(2) The review required by this subdivision shall be performed as if this chapter were scheduled to be repealed as of January 1, 2028.

(c) This section shall become operative on July 1, 2026.

(Amended (as added by Stats. 2021, Ch. 372, Sec. 2) by Stats. 2023, Ch. 681, Sec. 5. (AB 1263) Effective January 1, 2024. Operative July 1, 2026, by its own provisions.)

9882.1. The director in accordance with the State Civil Service Act, Part 2 (commencing with Section 18500) of Division 5 of Title 2 of the Government Code, may appoint and fix the compensation of such clerical, inspection, investigation, and auditing personnel, as well as an assistant chief, as may be necessary to carry out the provisions of this chapter except as otherwise provided by Section 159.5. All such personnel shall perform their respective duties under the supervision and the direction of the chief.

(Added by Stats. 1971, Ch. 1578.)

9882.2. The Governor shall appoint, subject to confirmation by the Senate, a chief of the bureau at a salary to be fixed and determined by the director with the approval of the Director of Finance. The chief shall serve under the direction and supervision of the director and at the pleasure of the Governor.

(Amended by Stats. 2014, Ch. 255, Sec. 2. (SB 1242) Effective January 1, 2015.)

9882.3. Every power granted to or duty imposed upon the director under this chapter may be exercised or performed in the name of the director by a deputy or assistant director or by the chief, subject to such conditions and limitations as the director may prescribe.

(Added by Stats. 1971, Ch. 1578.)

9882.4. The director shall keep a complete record of all registered automotive repair dealers showing the names and addresses of all such dealers. A copy of the roster shall be made available to any person requesting it upon the payment of such sum as shall be established by the chief as sufficient to cover the costs thereof. The bureau shall send to registered automotive repair dealers, at least twice a year, a newsletter which may describe recently adopted regulations, proposed regulations, disciplinary hearings, and any other information that the director shall determine will assist the bureau in its enforcement program.

(Added by Stats. 1971, Ch. 1578.)

9882.5. The director shall on his or her own initiative or in response to complaints, investigate on a continuous basis and gather evidence of violations of this chapter and of any regulation adopted pursuant to this chapter, by any automotive repair dealer or automotive technician, whether registered or not, and by any employee, partner, officer, or member of any automotive repair dealer. The director shall establish procedures for accepting complaints from the public against any dealer or automotive technician. The director may suggest measures that, in the director's judgment, would compensate for any damages suffered as a result of an alleged violation. If the dealer accepts the suggestions and performs accordingly, such fact shall be given due consideration in any subsequent disciplinary proceeding.

(Amended by Stats. 1998, Ch. 879, Sec. 24. Effective January 1, 1999.)

9882.6. (a) There is in the department an enforcement program that shall investigate violations of this chapter and the Motor Vehicle Inspection and Maintenance Program (Chapter 5 (commencing with Section 44000) of Part 5 of Division 2 of the Health and Safety Code) and any regulations adopted thereunder.

(b) (1) When purchasing undercover vehicles to be used for evidentiary purposes as part of the investigation, the department may purchase motor vehicles of various makes, models, and condition. These acquisitions shall be exempt from the following requirements:

(A) Chapter 5.5 (commencing with Section 8350) of Division 1 of Title 2 of the Government Code.

(B) Section 12990 of the Government Code and any applicable regulations promulgated thereunder.

(C) Subdivision (a) of Section 13332.09 of the Government Code.

(D) Section 14841 of the Government Code and subdivision (d) of Section 999.5 of the Military and Veterans Code.

(E) Sections 2010, 10286.1, 10295.1, 10295.3, 10295.35, 10296, and 12205 and Article 13 (commencing with Section 10475) of Chapter 2 of Part 2 of Division 2 of the Public Contract Code.

(F) Section 42480 of the Public Resources Code.

(2) After purchase, the department may prepare the vehicle for use in an investigation by disabling, modifying, or otherwise changing the vehicle's emission control system components or any other part or parts of the vehicle. To complete the investigation, the department may purchase or attempt to purchase repairs, services, or parts from those entities licensed or registered by the department. The funds for the preparation and purchases shall not be subject to the monetary limit specified in Section 16404 of the Government Code, but the department shall comply with all other provisions of that section. The department shall implement the safeguards necessary to ensure the proper use and disbursement of funds utilized pursuant to this section. These expenses may be paid out of the Consumer Affairs Fund established pursuant to Section 204.

(3) Vehicles acquired pursuant to this subdivision shall be exempt from requirements established pursuant to Chapter 8.3 (commencing with Section 25722) of Division 15 of the Public Resources Code.

(4) The department shall maintain an inventory of these vehicles and provide semiannual fleet reports to the Department of General Services, including, but not limited to, the vehicle's identification number, equipment number, and acquisition and disposal information.

(5) Records associated with these vehicles are exempt from disclosure pursuant to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code).

(Amended by Stats. 2021, Ch. 615, Sec. 26. (AB 474) Effective January 1, 2022. Operative January 1, 2023, pursuant to Section 463 of Stats. 2021, Ch. 615.)

9882.14. (a) The bureau shall cooperate with the Office of Traffic Safety and adopt standards for the installation, maintenance, and servicing of certified ignition interlock devices by automotive repair dealers.

(b) The manufacturers of certified ignition interlock devices shall comply with standards established by the bureau for the installation of those ignition interlock devices.

(c) The bureau may charge manufacturers of certified interlock ignition devices a fee to recover the cost of monitoring installation standards.

(d) (1) The director may issue a citation to, or suspend or revoke the registration of, an automotive repair dealer who installs, maintains, and services ignition interlock devices if the automotive repair dealer is not in compliance with subdivision (k) of Section 23575.3 of the Vehicle Code.

(2) An automotive repair dealer shall provide to an individual receiving ignition interlock device services the information provided in subdivision (k) of Section 23575.3 of the Vehicle Code along with the contact telephone number of the bureau.

(Amended by Stats. 2016, Ch. 783, Sec. 3. (SB 1046) Effective January 1, 2017.)