



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

**AB-471 Bureau of Automotive Repair: administration: citations: safety inspections.** (2021-2022)

SHARE THIS:  

Date Published: 09/29/2021 02:00 PM

**Assembly Bill No. 471**

**CHAPTER 372**

An act to amend Sections 9884, 9884.7, 9884.16, and 9884.22 of, to amend, repeal, and add Sections 9882 and 9889.21 of, to add Sections 9887.5, 9888.4.1, and 9889.19.1 to, to add Article 6.5 (commencing with Section 9888.5) to Chapter 20.3 of Division 3 of, and to repeal Article 5 (commencing with Section 9887.1), Article 6 (commencing with Section 9888.1), and Article 8 (commencing with Section 9889.15) of Chapter 20.3 of Division 3 of, the Business and Professions Code, relating to automotive repair.

[ Approved by Governor September 28, 2021. Filed with Secretary of State September 28, 2021. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 471, Low. Bureau of Automotive Repair: administration: citations: safety inspections.

(1) Existing law, the Automotive Repair Act (act), provides for the registration and regulation of automotive repair dealers by the Bureau of Automotive Repair (bureau) in the Department of Consumer Affairs. A violation of these provisions is a misdemeanor unless otherwise specified, and may subject a licensee to disciplinary action, including license suspension or revocation. Existing law authorizes the Director of Consumer Affairs (director) to adopt and enforce those rules and regulations that the director determines are reasonably necessary to carry out the purposes of the act and declare the policy of the bureau, including a system for the issuance of citations for violations of the act. Existing law also subjects the bureau to review by the appropriate policy committees of the Legislature, as specified, and requires that review to be performed as if the act were scheduled to be repealed on January 1, 2023.

This bill would extend the above-described date to January 1, 2024. The bill also would, on or after July 1, 2023, authorize the director to include in the citation system a process for informal review of and recommendation on citations, including the establishment of an informal citation conference, as specified.

(2) Existing law requires the bureau and other state licensing entities to disclose on the internet certain information related to enforcement actions the state licensing entity has taken against its licensees, including auto repair dealers.

This bill would, until July 1, 2026, authorize the director to establish a process for an automotive repair dealer, upon successful completion of a specified remedial training, to prevent disclosure of the citation on the internet but would preclude the use of remedial training if the violation constitutes fraud, as defined. The bill would require the director to establish through regulation a program to certify providers of that training.

(3) Existing law prohibits a person who is required to have a valid registration under the act from having the benefit of any lien for labor or materials or the right to sue on a contract for motor vehicle repairs unless the person has a valid registration.

This bill would specify that the benefit of any lien for labor or materials includes the ability to charge storage fees.

(4) Existing law requires an automotive repair dealer to register with the director upon forms prescribed by the director that contain sufficient information to identify the automotive repair dealer, including, among other things, the address of each location and the dealer's retail seller's permit number if a permit is required by law. Under existing law, the forms are required to include a statement signed by the dealer under penalty of perjury that the information provided is true.

This bill would recast and revise those provisions to additionally require the forms to include, among other things, the automotive repair dealer's telephone number, email address, and motor vehicle license plate number if engaged in mobile automotive repairs. By requiring an automotive repair dealer to provide additional items of information to the director under penalty of perjury, this bill would expand the crime of perjury, thereby imposing a state-mandated local program.

(5) Existing law requires the director to adopt regulations that prescribe the equipment and other qualifications as a condition to licensing a station as an official station for adjusting lamps or brakes and to prescribe the qualifications of adjusters employed in those stations. Existing law requires a licensed adjuster in a licensed station to issue a certificate of adjustment when requested by the owner or driver of the vehicle if the adjuster determines that the lamps or the brakes of the vehicle conform with the applicable requirements of law. Under existing law, a violation of the provisions regulating lamp and brake adjusting stations is an infraction.

This bill would require the director to issue vehicle safety systems inspection licenses to stations and technicians to conduct inspections of, and repairs to, safety systems of vehicles. The bill would require the director to develop inspection criteria and standards for specific safety systems and components of the vehicle in order to promote the safe and uniform installation, maintenance, and servicing of vehicle safety systems and components. The bill would require the director to adopt regulations by January 1, 2024, including, but not limited to, the application fee and process for applicants and the certification process for vehicles, as specified.

This bill would provide that the vehicle safety systems inspection license replaces licenses issued pursuant to the existing provisions governing the licensure of lamp and brake adjusting stations and adjusters and would repeal those provisions on the effective date of the new regulations. The bill would also provide that licenses and certificates issued pursuant to those repealed provisions would remain valid for 6 months thereafter. Because a violation of these provisions would be an infraction, the bill would create a state-mandated local program.

(6) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

---

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 9882 of the Business and Professions Code is amended to read:

**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.

(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, 2024.

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

**SEC. 2.** Section 9882 is added to the Business and Professions Code, to read:

**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) 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.

(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, 2024.

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

**SEC. 3.** Section 9884 of the Business and Professions Code is amended to read:

**9884.** (a) An automotive repair dealer shall pay the fee required by this chapter for each place of business operated by the dealer in this state and shall register with the director upon forms prescribed by the director.

(b) (1) The forms shall contain sufficient information to identify the automotive repair dealer, including all of the following:

(A) Name.

(B) Telephone number.

(C) Email address.

(D) Address of each location.

(E) A statement by the dealer that each location is in an area that, pursuant to local zoning ordinances, permits the operation of a facility for the repair of motor vehicles.

(F) The dealer's retail seller's permit number, if a permit is required under the Sales and Use Tax Law (Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code).

(G) Motor vehicle license plate number, if engaged in mobile automotive repairs.

(H) Other identifying data that are prescribed by the director.

(2) If the business is to be carried on under a fictitious name, the fictitious name shall be stated.

(3) To the extent prescribed by the director, an automotive repair dealer shall identify the owners, directors, officers, partners, members, trustees, managers, and any other persons who directly or indirectly control or conduct the business.

(4) The forms shall include any applicable nationally recognized and industry-accepted educational certifications and any bureau-approved educational certifications.

(5) The forms shall include a statement signed by the dealer under penalty of perjury that the information provided is true.

(c) A state agency is not authorized or required by this section to enforce a city, county, regional, air pollution control district, or air quality management district rule or regulation regarding the site or operation of a facility that repairs motor vehicles.

**SEC. 4.** Section 9884.7 of the Business and Professions Code is amended to read:

**9884.7.** (a) The director, if the automotive repair dealer cannot show there was a bona fide error, may deny, suspend, revoke, or place on probation the registration of an automotive repair dealer for any of the following acts or omissions related to the conduct of the business of the automotive repair dealer, which are done by the automotive repair dealer or any automotive technician, employee, partner, officer, or member of the automotive repair dealer:

(1) Making or authorizing in any manner or by any means whatever any statement written or oral which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading.

(2) Causing or allowing a customer to sign any work order that does not state the repairs requested by the customer or the automobile's odometer reading at the time of repair.

(3) Failing or refusing to give to a customer a copy of any document requiring the customer's signature as soon as the customer signs the document.

(4) Any other conduct that constitutes fraud.

(5) Conduct constituting gross negligence.

(6) Failure in any material respect to comply with the provisions of this chapter or regulations adopted pursuant to it.

(7) Any willful departure from or disregard of accepted trade standards for good and workmanlike repair in any material respect, which is prejudicial to another without consent of the owner or the owner's duly authorized representative.

(8) Making false promises of a character likely to influence, persuade, or induce a customer to authorize the repair, service, or maintenance of automobiles.

(9) Having repair work done by someone other than the dealer or the dealer's employees without the knowledge or consent of the customer unless the dealer can demonstrate that the customer could not reasonably have been notified.

(10) Conviction of a violation of Section 551 of the Penal Code.

Upon denying a registration, the director shall notify the applicant thereof, in writing, by personal service or mail addressed to the address of the applicant set forth in the application, and the applicant shall be given a hearing under Section 9884.12 if, within 30 days thereafter, the applicant files with the bureau a written request for hearing, otherwise the denial is deemed affirmed.

(b) Except as provided for in subdivision (c), if an automotive repair dealer operates more than one place of business in this state, the director pursuant to subdivision (a) shall only suspend, revoke, or place on probation the registration of the specific place of business which has violated any of the provisions of this chapter. This violation, or action by the director, shall not affect in any manner the right of the automotive repair dealer to operate the automotive repair dealer's other places of business.

(c) Notwithstanding subdivision (b), the director may suspend, revoke, or place on probation the registration for all places of business operated in this state by an automotive repair dealer upon a finding that the automotive repair dealer has, or is, engaged in a course of repeated and willful violations of this chapter, or regulations adopted pursuant to it.

(d) (1) The director shall establish through regulation a program to certify providers of remedial training for automotive repair dealers who have violated this chapter, employees of automotive repair dealers who have violated this chapter, and persons identified pursuant to Section 9884 as directly or indirectly controlling or conducting an automotive repair dealer business that has violated this chapter.

(2) Remedial training shall be available only for violations involving documentation or recordkeeping, or that the bureau determines to be minor in nature. Remedial training shall not be available if the violation constitutes fraud.

(e) For purposes of this section, "fraud" includes, but is not limited to, violations of this chapter involving misrepresentations and all of the following:

- (1) Any act or omission that is included within the definition of either "actual fraud" or "constructive fraud," as those terms are defined in Sections 1572 and 1573 of the Civil Code.
- (2) A misrepresentation in any manner, whether intentionally false or due to gross negligence, of a material fact.
- (3) A promise or representation not made honestly and in good faith.
- (4) An intentional failure to disclose a material fact.
- (5) Any act in violation of Section 484 of the Penal Code.

**SEC. 5.** Section 9884.16 of the Business and Professions Code is amended to read:

**9884.16.** A person required to have a valid registration under the provisions of this chapter shall not have the benefit of any lien for labor or materials, including the ability to charge storage fees in accordance with applicable laws, or the right to sue on a contract for motor vehicle repairs unless the person possesses a valid registration.

**SEC. 6.** Section 9884.22 of the Business and Professions Code is amended to read:

**9884.22.** (a) Notwithstanding any other provision of law, the director may revoke, suspend, or deny at any time any registration required by this article on any of the grounds for disciplinary action provided in this article. The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all the powers granted therein.

(b) The director may deny a registration to an applicant on any of the grounds specified in Section 480.

(c) In addition to the requirements provided in Sections 485 and 486, upon denial of an application for registration to an applicant, the director shall provide a statement of reasons for the denial that does the following:

- (1) Evaluates evidence of rehabilitation submitted by the applicant, if any.
- (2) Provides the director's criteria relating to rehabilitation, formulated pursuant to Section 482, that takes into account the age and severity of the offense, and the evidence relating to participation in treatment or other rehabilitation programs.
- (3) If the director's decision was based on the applicant's prior criminal conviction, justifies the director's denial of a registration and conveys the reasons why the prior criminal conviction is substantially related to the qualifications, functions, or duties of a registered automotive repair dealer.

(d) Commencing July 1, 2009, all of the following shall apply:

(1) If the denial of a registration is due at least in part to the applicant's state or federal criminal history record, the director shall, in addition to the information provided pursuant to paragraph (3) of subdivision (c), provide to the applicant a copy of the applicant's criminal history record if the applicant makes a written request to the director for a copy, specifying an address to which it is to be sent.

(A) The state or federal criminal history record shall not be modified or altered from its form or content as provided by the Department of Justice.

(B) The criminal history record shall be provided in such a manner as to protect the confidentiality and privacy of the applicant's criminal history record and the criminal history record shall not be made available by the director to any employer.

(C) The director shall retain a copy of the applicant's written request and a copy of the response sent to the applicant, which shall include the date and the address to which the response was sent.

(2) The director shall make that information available upon request by the Department of Justice or the Federal Bureau of Investigation.

(e) Notwithstanding Section 487, the director shall conduct a hearing of a registration denial within 90 days of receiving an applicant's request for a hearing. For all other hearing requests, the director shall determine when the hearing shall be conducted.

**SEC. 7.** Section 9887.5 is added to the Business and Professions Code, immediately following Section 9887.4, to read:

**9887.5.** This article shall remain operative only until the effective date of the regulations adopted by the director pursuant to Article 6.5 (commencing with Section 9888.5) and as of that date is repealed.

**SEC. 8.** Section 9888.4.1 is added to the Business and Professions Code, immediately following Section 9888.4, to read:

**9888.4.1.** This article shall remain operative only until the effective date of the regulations adopted by the director pursuant to Article 6.5 (commencing with Section 9888.5) and as of that date is repealed.

**SEC. 9.** Article 6.5 (commencing with Section 9888.5) is added to Chapter 20.3 of Division 3 of the Business and Professions Code, to read:

**Article 6.5. Vehicle Safety Systems Inspection**

**9888.5.** (a) The director shall develop inspection criteria and standards for specific safety systems and components of the vehicle in order to promote the safe and uniform installation, maintenance, and servicing of vehicle safety systems and components.

(b) The director shall issue vehicle safety systems inspection licenses to stations and technicians to conduct inspections of, and repairs to, safety systems of vehicles. The director may electronically issue these licenses.

(c) By January 1, 2024, the director shall adopt the regulations, in accordance with the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), including, but not limited to, all of the following:

(1) Inspection criteria and standards for specific safety systems and components of the vehicle in order to promote the safe and uniform installation, maintenance, and servicing of vehicle safety systems and components.

(2) The application fee and process for applicants, including any specialized application process for those licensees licensed pursuant to Article 5 (commencing with Section 9887.1) and Article 6 (commencing with Section 9888.1).

(3) The certificate of compliance fee and certification process for vehicles, including any specialized certification process for those vehicles certified pursuant to Article 8 (commencing with Section 9889.15). The director shall prescribe a form for the certificate of compliance that contains, at a minimum, the date of issuance, the make and registration number of the vehicle, the name of the owner of the vehicle, and the official license of the station.

(d) The vehicle safety systems inspection license shall replace licenses issued pursuant to Article 5 (commencing with Section 9887.1) and Article 6 (commencing with Section 9888.1). Licenses issued in accordance with those articles shall remain valid until six months after the director adopts regulations pursuant to subdivision (c). A licensee with a license issued pursuant to Article 5 (commencing with Section 9887.1) or Article 6 (commencing with Section 9888.1) shall thereafter be regulated under this article and shall apply for and be issued a vehicle safety systems inspection license under this article.

(e) The vehicle safety systems inspection certificate shall replace certificates issued pursuant to Article 8 (commencing with Section 9889.15). Certificates issued in accordance with that article shall remain valid until six months after the director adopts regulations pursuant to subdivision (c).

**9888.6.** (a) A licensee shall issue to the owner or driver of a vehicle a certificate of compliance on a form prescribed by the director if, after conducting an inspection of, and any necessary repair to, the safety systems of the vehicle, the licensee determines that the safety systems conform with the inspection criteria and standards adopted by the director.

(b) (1) The director may require a licensee to electronically transmit to the department a record of each certificate of compliance issued.

(2) The department may, for each transmission pursuant to this subdivision, charge a licensee a transaction fee established by the department that shall be only sufficient to cover the actual regulatory costs of administering those transmissions.

(c) The director may electronically transmit to the Department of Motor Vehicles certificates of compliance issued by licensees.

(d) (1) The director shall evaluate the feasibility of augmenting existing database systems to support the charging of fees with respect to, and the issuance and tracking of, certificates of compliance.

(2) The director may enter into a contract for services necessary to maintain and operate an electronic certificate system for the program.

**SEC. 10.** Section 9889.19.1 is added to the Business and Professions Code, immediately following Section 9889.19, to read:

**9889.19.1.** This article shall remain operative only until the effective date of the regulations adopted by the director pursuant to Article 6.5 (commencing with Section 9888.5) and as of that date is repealed.

**SEC. 11.** Section 9889.21 of the Business and Professions Code is amended to read:

**9889.21.** (a) Any person who violates any provision of Article 5 (commencing with Section 9887.1), Article 6 (commencing with Section 9888.1), Article 6.5 (commencing with Section 9888.5), and Article 7 (commencing with Section 9889.1) of this chapter is guilty of an infraction and punishable as specified in subdivision (a) of Section 42001 of the Vehicle Code.

(b) This section shall remain operative only until the director adopts regulations pursuant to Article 6.5 (commencing with Section 9888.5) and as of that date is repealed.

**SEC. 12.** Section 9889.21 is added to the Business and Professions Code, to read:

**9889.21.** (a) Any person who violates any provision of Article 6.5 (commencing with Section 9888.5) and Article 7 (commencing with Section 9889.1) of this chapter is guilty of an infraction and punishable as specified in subdivision (a) of Section 42001 of the Vehicle Code.

(b) This section shall become operative on the date the director adopts regulations pursuant to Article 6.5 (commencing with Section 9888.5).

**SEC. 13.** The Legislature finds and declares that Section 1 of this act, which amends Section 9882 of the Business and Professions Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

The act balances the right of the public to access information regarding holders of automotive repair dealer licenses and the privacy interests of those licensees.

**SEC. 14.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.