

AMENDED IN ASSEMBLY MARCH 10, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 79

Introduced by Assembly Member Calderon

January 3, 2005

An act ~~relating to lending~~ *to amend Section 9880.1 of the Business and Professions Code, relating to automotive repairs.*

LEGISLATIVE COUNSEL'S DIGEST

AB 79, as amended, Calderon. ~~Uniformity in lending~~ *Automotive repair dealers.*

Existing law, the Automotive Repair Act, establishes the Bureau of Automotive Repair under the supervision and control of the Director of Consumer Affairs. The act provides for the registration and regulation of automotive repair dealers and authorizes the director to adopt regulations to implement its provisions. The act defines various terms for the purposes of its provisions, including the term "motor vehicle." A violation of the act is a crime.

This bill would define the term "motor vehicle" to include vehicles used to transport passengers that are powered by electricity, hydrogen, or other alternative energy sources.

By expanding the definition of "motor vehicle" under the Automotive Repair Act, the bill would create new crimes and impose a state-mandated local program.

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.

Existing law provides for the regulation of finance lenders and residential mortgage lenders by the Department of Corporations.

This bill would state the intent of the Legislature to enact laws to achieve statewide uniformity in lending.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~yes. State-mandated local program: ~~no~~yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. It is the intent of the Legislature to enact laws to~~
2 ~~achieve statewide uniformity in lending.~~

3 *SECTION 1. Section 9880.1 of the Business and Professions*
4 *Code is amended to read:*

5 9880.1. The following definitions apply for the purposes of
6 this chapter:

7 (a) "Automotive repair dealer" means a person who, for
8 compensation, engages in the business of repairing or diagnosing
9 malfunctions of motor vehicles.

10 (b) "Chief" means the Chief of the Bureau of Automotive
11 Repair.

12 (c) "Bureau" means the Bureau of Automotive Repair.

13 (d) "Motor vehicle" means a passenger vehicle required to be
14 registered with the Department of Motor Vehicles, *all other*
15 *vehicles used to transport passengers that are powered by*
16 *electricity, hydrogen, or other alternative energy sources*, and all
17 motorcycles whether or not required to be registered by the
18 Department of Motor Vehicles.

19 (e) "Repair of motor vehicles" means all maintenance of and
20 repairs to motor vehicles performed by an automotive repair
21 dealer including automotive body repair work, but excluding
22 those repairs made pursuant to a commercial business agreement
23 and also excluding repairing tires, changing tires, lubricating
24 vehicles, installing light bulbs, batteries, windshield wiper blades
25 and other minor accessories, cleaning, adjusting, and replacing
26 spark plugs, replacing fan belts, oil, and air filters, and other
27 minor services, which the director, by regulation, determines are
28 customarily performed by gasoline service stations.

29 No service shall be designated as minor, for purposes of this
30 section, if the director finds that performance of the service
31 requires mechanical expertise, has given rise to a high incidence

1 of fraud or deceptive practices, or involves a part of the vehicle
2 essential to its safe operation.

3 (f) “Person” includes firm, partnership, association, limited
4 liability company, or corporation.

5 (g) An “automotive technician” is an employee of an
6 automotive repair dealer or is that dealer, if the employer or
7 dealer repairs motor vehicles and who for salary or wage
8 performs maintenance, diagnostics, repair, removal, or
9 installation of any integral component parts of an engine,
10 driveline, chassis or body of any vehicle, but excluding repairing
11 tires, changing tires, lubricating vehicles, installing light bulbs,
12 batteries, windshield wiper blades, and other minor accessories;
13 cleaning, replacing fan belts, oil and air filters; and other minor
14 services which the director, by regulation, determines are
15 customarily performed by a gasoline service station.

16 (h) “Director” means the Director of Consumer Affairs.

17 (i) “Commercial business agreement” means an agreement,
18 whether in writing or oral, entered into between a business or
19 commercial enterprise and an automobile repair dealer, prior to
20 the repair which is requested being made, which agreement
21 contemplates a continuing business arrangement under which the
22 automobile repair dealer is to repair any vehicle covered by the
23 agreement, but does not mean any warranty or extended service
24 agreement normally given by an automobile repair facility to its
25 customers.

26 (j) “Customer” means the person presenting a motor vehicle
27 for repair and authorizing the repairs to that motor vehicle.
28 “Customer” shall not mean the automotive repair dealer
29 providing the repair services or an insurer involved in a claim
30 that includes the motor vehicle being repaired or an employee or
31 agent or a person acting on behalf of the dealer or insurer.

32 *SEC. 2. No reimbursement is required by this act pursuant to*
33 *Section 6 of Article XIII B of the California Constitution because*
34 *the only costs that may be incurred by a local agency or school*
35 *district will be incurred because this act creates a new crime or*
36 *infraction, eliminates a crime or infraction, or changes the*
37 *penalty for a crime or infraction, within the meaning of Section*
38 *17556 of the Government Code, or changes the definition of a*
39 *crime within the meaning of Section 6 of Article XIII B of the*
40 *California Constitution.*

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