

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1483

Introduced by Assembly Member Carter

February 23, 2007

~~An act to amend Section 2900 of the Vehicle Code, relating to vehicles.~~ *An act to amend Sections 9884.8 and 9884.9 of the Business and Professions Code, relating to automotive repair.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1483, as amended, Carter. ~~California Traffic Safety Program.~~ *Automotive repair: crash parts.*

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 requires all work done by an automotive repair dealer to be recorded on an invoice that describes all service work done and parts supplied. The act requires the invoice to include a statement indicating whether any crash parts are original equipment manufacturer crash parts or nonoriginal equipment manufacturer aftermarket crash parts. The act also requires this information to be provided to a customer in an itemized written estimate when an automotive repair dealer is doing auto body or collision repairs. A violation of the act is a crime.

This bill would additionally require an automotive repair dealer, when doing auto body or collision repairs, to provide a specified certification to the customer upon completion of the repairs indicating that the crash parts identified on the written estimate provided to the

customer, or pursuant to an approved change to the estimate, were installed on the customer’s motor vehicle. The bill would authorize the bureau to adopt regulations specifying the form and content of this certification.

Because a violation of the bill’s provisions would be a crime, the bill would 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.

~~The California Traffic Safety Program includes the component of providing for surveillance of traffic for detection and correction of high or potentially high accident locations.~~

~~The bill instead would require that component to provide for identification, rather than detection, and correction of high or potentially high accident locations.~~

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. Section 9884.8 of the Business and Professions
- 2 Code is amended to read:
- 3 9884.8. All work done by an automotive repair dealer, including
- 4 all warranty work, shall be recorded on an invoice and shall
- 5 describe all service work done and parts supplied. Service work
- 6 and parts shall be listed separately on the invoice, which shall also
- 7 state separately the subtotal prices for service work and for parts,
- 8 not including sales tax, and shall state separately the sales tax, if
- 9 any, applicable to each. If any used, rebuilt, or reconditioned parts
- 10 are supplied, the invoice shall clearly state that fact. If a part of a
- 11 component system is composed of new and used, rebuilt or
- 12 reconditioned parts, that invoice shall clearly state that fact. The
- 13 invoice shall include a statement indicating whether any crash
- 14 parts are original equipment manufacturer crash parts or
- 15 nonoriginal equipment manufacturer aftermarket crash parts *and*
- 16 *a certification with respect to those crash parts as required under*
- 17 *Section 9884.9.* One copy of the invoice shall be given to the

1 customer and one copy shall be retained by the automotive repair
2 dealer.

3 *SEC. 2. Section 9884.9 of the Business and Professions Code*
4 *is amended to read:*

5 9884.9. (a) The automotive repair dealer shall give to the
6 customer a written estimated price for labor and parts necessary
7 for a specific job. No work shall be done and no charges shall
8 accrue before authorization to proceed is obtained from the
9 customer. No charge shall be made for work done or parts supplied
10 in excess of the estimated price without the oral or written consent
11 of the customer that shall be obtained at some time after it is
12 determined that the estimated price is insufficient and before the
13 work not estimated is done or the parts not estimated are supplied.
14 Written consent or authorization for an increase in the original
15 estimated price may be provided by electronic mail or facsimile
16 transmission from the customer. The bureau may specify in
17 regulation the procedures to be followed by an automotive repair
18 dealer if an authorization or consent for an increase in the original
19 estimated price is provided by electronic mail or facsimile
20 transmission. If that consent is oral, the dealer shall make a notation
21 on the work order of the date, time, name of person authorizing
22 the additional repairs, and telephone number called, if any, together
23 with a specification of the additional parts and labor and the total
24 additional cost, and shall do either of the following:

25 (1) Make a notation on the invoice of the same facts set forth
26 in the notation on the work order.

27 (2) Upon completion of the repairs, obtain the customer's
28 signature or initials to an acknowledgment of notice and consent,
29 if there is an oral consent of the customer to additional repairs, in
30 the following language:

31
32 "I acknowledge notice and oral approval of an increase in the
33 original estimated price.

34 _____
35 (signature or initials)"

36
37 Nothing in this section shall be construed as requiring an
38 automotive repair dealer to give a written estimated price if the
39 dealer does not agree to perform the requested repair.

1 (b) The automotive repair dealer shall include with the written
 2 estimated price a statement of any automotive repair service that,
 3 if required to be done, will be done by someone other than the
 4 dealer or his or her employees. No service shall be done by other
 5 than the dealer or his or her employees without the consent of the
 6 customer, unless the customer cannot reasonably be notified. The
 7 dealer shall be responsible, in any case, for any service in the same
 8 manner as if the dealer or his or her employees had done the
 9 service.

10 (c) In addition to subdivisions (a) and (b), an automotive repair
 11 dealer, when doing auto body or collision repairs, shall ~~provide~~
 12 *do both of the following:*

13 (1) *Provide an itemized written estimate for all parts and labor*
 14 *to the customer. The estimate shall describe labor and parts*
 15 *separately and shall identify each part, indicating whether the*
 16 *replacement part is new, used, rebuilt, or reconditioned. Each crash*
 17 *part shall be identified on the written estimate and the written*
 18 *estimate shall indicate whether the crash part is an original*
 19 *equipment manufacturer crash part or a nonoriginal equipment*
 20 *manufacturer aftermarket crash part.*

21 (2) *Upon completion of the repairs, provide a written*
 22 *certification to the customer that the crash parts identified on the*
 23 *itemized written estimate, or pursuant to an approved change to*
 24 *the written estimate, have been installed on the motor vehicle. The*
 25 *bureau may specify in regulation the form and content of the*
 26 *certification.*

27 (d) A customer may designate another person to authorize work
 28 or parts supplied in excess of the estimated price, if the designation
 29 is made in writing at the time that the initial authorization to
 30 proceed is signed by the customer. The bureau may specify in
 31 regulation the form and content of a designation and the procedures
 32 to be followed by the automotive repair dealer in recording the
 33 designation. For the purposes of this section, a designee shall not
 34 be the automotive repair dealer providing repair services or an
 35 insurer involved in a claim that includes the motor vehicle being
 36 repaired, or an employee or agent or a person acting on behalf of
 37 the dealer or insurer.

38 *SEC. 3. No reimbursement is required by this act pursuant to*
 39 *Section 6 of Article XIII B of the California Constitution because*
 40 *the only costs that may be incurred by a local agency or school*

1 *district will be incurred because this act creates a new crime or*
2 *infraction, eliminates a crime or infraction, or changes the penalty*
3 *for a crime or infraction, within the meaning of Section 17556 of*
4 *the Government Code, or changes the definition of a crime within*
5 *the meaning of Section 6 of Article XIII B of the California*
6 *Constitution.*

7 SECTION 1. Section 2900 of the Vehicle Code is amended to
8 read:

9 ~~2900. There is in this state, the California Traffic Safety~~
10 ~~Program, that consists of a comprehensive plan in conformity with~~
11 ~~the laws of this state to reduce traffic accidents and deaths, injuries,~~
12 ~~and property damage resulting from accidents. The program shall~~
13 ~~include, but not be limited to, provisions to improve driver~~
14 ~~performance, including, but not limited to, driver education, driver~~
15 ~~testing to determine proficiency to operate motor vehicles, and~~
16 ~~driver examinations and driver licensing, and provisions to improve~~
17 ~~bicyclist and pedestrian education and performance. In addition,~~
18 ~~the program shall include, but not be limited to, provisions for an~~
19 ~~effective record system of accidents, including injuries and deaths~~
20 ~~resulting from accidents; accident investigations to determine the~~
21 ~~probable causes of accidents, injuries, and deaths; vehicle~~
22 ~~registration, operation, and inspection; highway design and~~
23 ~~maintenance including lighting, markings, and surface treatment;~~
24 ~~traffic control; vehicle codes and laws; surveillance of traffic for~~
25 ~~identification and correction of high or potentially high accident~~
26 ~~locations; and emergency services.~~