

AMENDED IN ASSEMBLY APRIL 2, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 323**

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**Introduced by Assembly Member Yamada**

February 18, 2009

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An act to add *Section 9889.54* to, and to add Chapter 1b (commencing with Section 18500) to Division 8 of, the Business and Professions Code, and to amend *Section 1874.87* of the Insurance Code, relating to automobile tires.

LEGISLATIVE COUNSEL'S DIGEST

AB 323, as amended, Yamada. ~~Automobile tire retailers. tires.~~

*Existing law, the Automotive Repair Act, provides for the registration and regulation of automotive repair dealers, including auto body repair shops.*

*This bill would require auto body repair shops to display, at a conspicuous place, as specified, a sign meeting certain specifications that advises customers, among other things, about automobile tire degradation.*

Existing law provides various special business regulations for, among others, automobile dealers and automobile rental agencies.

This bill would require an automobile tire retailer, prior to the purchase or installation of an automobile tire in California, to disclose in writing to the customer the date each tire purchased or installed was manufactured. *The bill would also require these retailers to display a sign about automobile tire degradation as described above.*

*Existing law requires specified insurers to provide each insured with an Auto Body Repair Consumer Bill of Rights either at the time of application for an automobile insurance policy or following an accident.*

*This bill would require this bill of rights to contain information about the consumer’s right to be informed, by an automobile tire retailer, about the date a tire was manufactured.*

*By imposing a new requirement on auto body repair shops, the violation of which would be a crime, the bill would impose a state-mandated local program.*

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 9889.54 is added to the Business and  
2 Professions Code, to read:

3 9889.54. (a) Auto body repair shops shall display, at a  
4 conspicuous place, on, at, or near the checkout counter, at least  
5 one clearly visible sign which shall read as follows:

6 “WARNING! Tires degrade over time even if not used. Tires  
7 older than six years can cause sudden tire failure.

8 IF YOU HAVE A COMPLAINT, CALL THE DEPARTMENT  
9 OF CONSUMER AFFAIRS AT 1-800-952-5210.”

10 (b) The letters, figures, or numerals on signs required by this  
11 section, however affixed, marked, imprinted, placed, or embossed,  
12 shall be at least three-fourths of an inch in height and all lines  
13 and marks used in the making or forming of all the letters, figures,  
14 or numerals which are part of the sign shall be at least one-eighth  
15 of an inch in width. The letters, figures, or numerals on these signs  
16 shall be plainly legible. The color or tint shall contrast with the  
17 background and other parts of the sign.

18 SECTION 1.

19 SEC. 2. Chapter 1b (commencing with Section 18500) is added  
20 to Division 8 of the Business and Professions Code, to read:

21

22 CHAPTER 1b. AUTOMOBILE TIRE RETAILERS

23

24 18500. Prior to the purchase or installation of an automobile  
25 tire in California, an automobile tire retailer shall disclose, in  
26 writing, to the customer the date each tire was manufactured.

27 18501. (a) Automobile tire retailers shall display, at a  
28 conspicuous place, on, at, or near the check out counter, at least  
29 one clearly visible sign which shall read as follows:

1  
2 “WARNING! Tires degrade over time even if not used. Tires  
3 older than six years can cause sudden tire failure.

4 IF YOU HAVE A COMPLAINT, CALL THE DEPARTMENT  
5 OF CONSUMER AFFAIRS AT 1-800-952-5210.”

6 (b) The letters, figures, or numerals on signs required by this  
7 section, however affixed, marked, imprinted, placed, or embossed,  
8 shall be at least three-fourths of an inch in height and all lines  
9 and marks used in the making or forming of all the letters, figures,  
10 or numerals which are part of the sign shall be at least one-eighth  
11 of an inch in width. The letters, figures, or numerals on these signs  
12 shall be plainly legible. The color or tint shall contrast with the  
13 background and other parts of the sign.

14 SEC. 3. Section 1874.87 of the Insurance Code is amended to  
15 read:

16 1874.87. (a) Each insurer subject to this article shall provide  
17 each insured with an Auto Body Repair Consumer Bill of Rights  
18 either at the time of application for an automobile insurance policy  
19 or following an accident that is reported to the insurer. If the insurer  
20 provides the insured with an electronic copy of a policy, the bill  
21 of rights may also be transmitted electronically.

22 (b) The bill of rights shall be a standardized form developed by  
23 the department with the purpose of presenting easy-to-read facts  
24 for auto insurance consumers. The content of the bill of rights shall  
25 be determined by the department, and at a minimum, shall contain  
26 information about all of the following:

27 (1) A consumer’s right to select an auto body repair shop for  
28 auto body damage covered by the insurance policy and that an  
29 insurer may not require this work to be done at a particular auto  
30 body repair shop.

31 (2) The consumer’s right to be informed about auto body repairs  
32 made with new original equipment crash parts, new aftermarket  
33 crash parts, and used crash parts.

34 (3) The consumer’s right to be informed about coverage for  
35 towing services, and for a replacement rental vehicle while a  
36 damaged vehicle is being repaired.

37 (4) The consumer’s right to be informed, in writing, about the  
38 date a tire was manufactured by an automobile tire retailer  
39 pursuant to Section 18500 of the Business and Professions Code.

40 (4)

1 (5) Toll-free telephone numbers and Internet addresses for  
2 reporting suspected fraud or other complaints and concerns about  
3 auto body repair shops to the Bureau of Automotive Repair.

4 (c) The department shall consult with the Bureau of Automotive  
5 Repair in determining the information to be contained in the bill  
6 of rights.

7 *SEC. 4. No reimbursement is required by this act pursuant to*  
8 *Section 6 of Article XIII B of the California Constitution because*  
9 *the only costs that may be incurred by a local agency or school*  
10 *district will be incurred because this act creates a new crime or*  
11 *infraction, eliminates a crime or infraction, or changes the penalty*  
12 *for a crime or infraction, within the meaning of Section 17556 of*  
13 *the Government Code, or changes the definition of a crime within*  
14 *the meaning of Section 6 of Article XIII B of the California*  
15 *Constitution.*