

AMENDED IN ASSEMBLY SEPTEMBER 1, 2011

AMENDED IN ASSEMBLY JULY 11, 2011

AMENDED IN ASSEMBLY JUNE 20, 2011

AMENDED IN ASSEMBLY JUNE 1, 2011

**SENATE BILL**

**No. 869**

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**Introduced by Senator Yee**

February 18, 2011

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An act to add Section 9884.76 to the Business and Professions Code, relating to automotive repair dealers.

LEGISLATIVE COUNSEL'S DIGEST

SB 869, as amended, Yee. Automotive repair dealers: airbags.

Existing law, the Automotive Repair Act, establishes the Bureau of Automotive Repair under the supervision and control of the Director of Consumer Affairs. Existing law provides that a person who fails to comply with the act is guilty of a misdemeanor punishable by a fine not exceeding \$1,000, by imprisonment not exceeding 6 months, or by both that fine and imprisonment, except as defined.

This bill would provide that an automotive repair dealer who prepares a written estimate for repairs that includes replacement of a deployed airbag, who fails to fully restore the airbag, as specified, is guilty of a misdemeanor that is punishable by a \$5,000 fine, by one year imprisonment in a county jail, or by both that fine and imprisonment.

Because this bill would create a new crime, the bill would create 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.

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

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

1 SECTION 1. Section 9884.76 is added to the Business and  
2 Professions Code, to read:

3 9884.76. Notwithstanding Section 9889.20, an automotive  
4 repair dealer who prepares a written estimate for repairs pursuant  
5 to Section 9884.9 that includes replacement of a deployed airbag  
6 that is part of an inflatable restraint system, and who fails to ~~fully~~  
7 restore the airbag that is part of an inflatable restraint system to  
8 its original operating condition, where the customer has paid for  
9 the replacement of the deployed airbag as provided in the estimate,  
10 is guilty of a misdemeanor punishable by a fine of five thousand  
11 dollars (\$5,000) or by imprisonment in a county jail for one year,  
12 or by both that fine and imprisonment.

13 SEC. 2. No reimbursement is required by this act pursuant to  
14 Section 6 of Article XIII B of the California Constitution because  
15 the only costs that may be incurred by a local agency or school  
16 district will be incurred because this act creates a new crime or  
17 infraction, eliminates a crime or infraction, or changes the penalty  
18 for a crime or infraction, within the meaning of Section 17556 of  
19 the Government Code, or changes the definition of a crime within  
20 the meaning of Section 6 of Article XIII B of the California  
21 Constitution.