

AMENDED IN ASSEMBLY APRIL 24, 2014

AMENDED IN ASSEMBLY MARCH 20, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1665

**Introduced by Assembly Member Jones
(Coauthor: Assembly Member Mullin)**

February 12, 2014

An act to amend Section 9880.1 of the Business and Professions Code, relating to automotive repair.

LEGISLATIVE COUNSEL'S DIGEST

AB 1665, as amended, Jones. Automotive repair.

(1) Existing law, the Automotive Repair Act, establishes the Bureau of Automotive Repair under the supervision and control of the Director of Consumer Affairs. A violation of the act is a crime. Existing law provides for the registration and regulation of automotive repair dealers and makes it unlawful for any person to be an automotive repair dealer unless registered with the bureau. Existing law defines an automotive repair dealer and an automotive technician as persons who, among other things, repair motor vehicles. Existing law defines the repair of motor vehicles to mean all maintenance of and repairs to motor vehicles, as specified, and excludes from the definition, among other things, repairing tires, changing tires, and lubricating vehicles. Existing law defines an automotive technician as an employee of an automotive repair dealer or that dealer, if the employer or dealer repairs motor vehicles, and who for salary or wage performs specified work on a motor vehicle, but excludes, among other things, repairing tires, changing tires, and lubricating vehicles.

This bill would delete repairing and changing tires ~~from, and would add tire rotation and adjusting tire pressure to,~~ *from* those exclusion lists. The bill would additionally exclude tire services provided by or on behalf of a motor club holding a specified certificate of authority or an operator of a tow truck owned or operated by a person or entity possessing a valid motor carrier permit from the definitions of “repair of motor vehicles” and “automotive technician.”

This bill would define the term tire pressure monitoring system (TPMS) to mean the automotive safety device that warns the driver by using a lighted icon on the onboard diagnostic system that one or more of the tires are ~~underinflated, and would require~~ *underinflated*. ~~The bill would require an automotive repair dealers and tire dealers to check the onboard diagnostic system of a vehicle manufactured with a TPMS and be capable of activating and calibrating the TPMS, as specified: dealer, if a vehicle is manufactured with a TPMS, to be capable of diagnosing and servicing the TPMS in accordance with industry standards.~~

Because the failure of a person repairing or changing tires to register as an automotive repair dealer with the bureau and the failure of a tire dealer or tire service provider to ~~check the onboard diagnostic system of a vehicle manufactured with~~ *diagnose and service* a TPMS *in accordance with industry standards* would constitute a crime, the bill would impose a state-mandated program.

(2) 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 9880.1 of the Business and Professions
- 2 Code is amended to read:
- 3 9880.1. The following definitions apply for the purposes of
- 4 this chapter:
- 5 (a) “Automotive repair dealer” means a person who, for
- 6 compensation, engages in the business of repairing or diagnosing
- 7 malfunctions of motor vehicles.

1 (b) An “automotive technician” is an employee of an automotive
2 repair dealer or is that dealer, if the employer or dealer repairs
3 motor vehicles, and, who for salary or wage, performs maintenance,
4 diagnostics, repair, removal, or installation of any integral
5 component parts of an engine, driveline, chassis, or body of any
6 vehicle, but excludes all of the following:

7 ~~(1) Rotating tires.~~

8 ~~(2) Adjusting tire air pressure.~~

9 ~~(3)~~

10 (1) Providing tire services by or on behalf of a motor club
11 holding a certificate of authority issued pursuant to Chapter 2
12 (commencing with Section 12160) of Part 5 of Division 2 of the
13 Insurance Code or by an operator of a tow truck, as defined in
14 Section 615 of the Vehicle Code, owned or operated by a person
15 or entity possessing a valid motor carrier permit, as described in
16 Section 34620 of the Vehicle Code.

17 ~~(4)~~

18 (2) Lubricating vehicles.

19 ~~(5)~~

20 (3) Installing light bulbs, batteries, windshield wiper blades,
21 and other minor accessories.

22 ~~(6) Cleaning,~~

23 ~~(4) Cleaning or replacing fan belts, oil, and air filters.~~

24 ~~(7)~~

25 (5) Other minor services that the director, by regulation,
26 determines are customarily performed by a gasoline service station.

27 (c) “Bureau” means the Bureau of Automotive Repair.

28 (d) “Chief” means the Chief of the Bureau of Automotive
29 Repair.

30 (e) “Commercial business agreement” means an agreement,
31 whether in writing or oral, entered into between a business or
32 commercial enterprise and an automotive repair dealer, prior to
33 the repair that is requested being made, that contemplates a
34 continuing business arrangement under which the automotive
35 repair dealer is to repair any vehicle covered by the agreement,
36 but does not mean any warranty or extended service agreement
37 normally given by an automobile repair facility to its customers.

38 (f) “Customer” means the person presenting a motor vehicle
39 for repair and authorizing the repairs to that motor vehicle.

40 “Customer” shall not mean the automotive repair dealer providing

1 the repair services or an insurer involved in a claim that includes
2 the motor vehicle being repaired or an employee or agent or a
3 person acting on behalf of the dealer or insurer.

4 (g) "Director" means the Director of Consumer Affairs.

5 (h) "Motor vehicle" means a passenger vehicle required to be
6 registered with the Department of Motor Vehicles and all
7 motorcycles whether or not required to be registered by the
8 Department of Motor Vehicles.

9 (i) "Person" includes a firm, partnership, association, limited
10 liability company, or corporation.

11 (j) (1) "Repair of motor vehicles" means all maintenance of
12 and repairs to motor vehicles performed by an automotive repair
13 dealer including automotive body repair work, but excluding those
14 repairs made pursuant to a commercial business agreement and
15 also excluding all of the following:

16 ~~(A) Rotating tires.~~

17 ~~(B) Adjusting tire air pressure.~~

18 ~~(C)~~

19 (A) Providing tire services by or on behalf of a motor club
20 holding a certificate of authority issued pursuant to Chapter 2
21 (commencing with Section 12160) of Part 5 of Division 2 of the
22 Insurance Code or by an operator of a tow truck, as defined in
23 Section 615 of the Vehicle Code, owned or operated by a person
24 or entity possessing a valid motor carrier permit, as described in
25 Section 34620 of the Vehicle Code.

26 ~~(D)~~

27 (B) Lubricating vehicles.

28 ~~(E)~~

29 (C) Installing light bulbs, batteries, windshield wiper blades,
30 and other minor accessories.

31 ~~(F)~~

32 (D) Cleaning, adjusting, and replacing spark plugs.

33 ~~(G)~~

34 (E) Replacing fan belts, oil, and air filters.

35 ~~(H)~~

36 (F) Other minor services that the director, by regulation,
37 determines are customarily performed by gasoline service stations.

38 (2) No service shall be designated as minor, for purposes of this
39 section, if the director finds that performance of the service requires
40 mechanical expertise, has given rise to a high incidence of fraud

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

3 (k) (1) “Tire pressure monitoring system” (TPMS) means the
4 automotive safety device that warns the driver by using a lighted
5 icon on the onboard diagnostic system that one or more of the tires
6 are underinflated.

7 (2) If a vehicle is manufactured with a TPMS, *the* automotive
8 ~~repair dealers and tire dealers shall check the onboard diagnostic~~
9 ~~system to ensure that the TPMS is operative, and they shall be~~
10 ~~capable of activating and calibrating the TPMS when necessary~~
11 ~~in accordance with industry protocol. *dealer shall be capable of*~~
12 ~~*diagnosing and servicing the TPMS in accordance with industry*~~
13 ~~*standards.*~~

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