

**ASSEMBLY BILL**

**No. 873**

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**Introduced by Assembly Member Jones**

February 26, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

AB 873, as introduced, Jones. Automotive repair.

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 regulates the business of automotive repair 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, repairs motor vehicles.

Existing law defines the “repair of motor vehicles” to mean all maintenance of, and repairs to, motor vehicles, except repairing tires, changing tires, lubricating vehicles, installing light bulbs, batteries, windshield wiper blades, and other minor services.

Existing law defines “automotive technician” as a dealer, or a person employed by a dealer, who performs maintenance, diagnostics, repair, removal or installation of specified integral automotive components, but excluding minor services, as set forth above.

This bill would require the director to adopt regulations prior to January 1, 2017, defining “minor services” for these purposes.

This bill would, commencing January 1, 2017, recast the definition of “repair of motor vehicles,” to delete the listing of the various types of excluded minor services, and would similarly recast the definition

of “automotive technician,” to delete these references and to delete provisions describing the specific work to be performed by an automotive technician.

This bill would declare that the regulations adopted by the director, prior to January 1, 2017, defining “minor services” shall continue in effect on and after January 1, 2017.

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

*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.  
8 (b) “Chief” means the Chief of the Bureau of Automotive  
9 Repair.  
10 (c) “Bureau” means the Bureau of Automotive Repair.  
11 (d) “Motor vehicle” means a passenger vehicle required to be  
12 registered with the Department of Motor Vehicles and all  
13 motorcycles whether or not required to be registered by the  
14 Department of Motor Vehicles.  
15 (e) “Repair of motor vehicles” means all maintenance of and  
16 repairs to motor vehicles performed by an automotive repair dealer  
17 including automotive body repair work, but excluding those repairs  
18 made pursuant to a commercial business agreement and also  
19 excluding repairing tires, changing tires, lubricating vehicles,  
20 installing light bulbs, batteries, windshield wiper blades and other  
21 minor accessories, cleaning, adjusting, and replacing spark plugs,  
22 replacing fan belts, oil, and air filters, and other minor services,  
23 which the director, by regulation, determines are customarily  
24 performed by gasoline service stations.  
25 No service shall be designated as minor, for purposes of this  
26 section, if the director finds that performance of the service requires  
27 mechanical expertise, has given rise to a high incidence of fraud  
28 or deceptive practices, or involves a part of the vehicle essential  
29 to its safe operation.

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

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

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

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

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

30 (k) *Prior to January 1, 2017, the director shall adopt*  
31 *comprehensive regulations defining “minor services” as used in*  
32 *this section.*

33 (l) *This section shall remain in effect only until January 1, 2017,*  
34 *and as of that date is repealed, unless a later enacted statute, that*  
35 *is enacted before January 1, 2017, deletes or extends that date.*

36 SEC. 2. Section 9880.1 is added to the Business and Professions  
37 Code, to read:

38 9880.1. The following definitions apply for the purposes of  
39 this chapter:

1 (a) “Automotive repair dealer” means a person who, for  
2 compensation, engages in the business of repairing or diagnosing  
3 malfunctions of motor vehicles.

4 (b) “Chief” means the Chief of the Bureau of Automotive  
5 Repair.

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

7 (d) “Motor vehicle” means a passenger vehicle required to be  
8 registered with the Department of Motor Vehicles and all  
9 motorcycles whether or not required to be registered by the  
10 Department of Motor Vehicles.

11 (e) “Repair of motor vehicles” means all maintenance of and  
12 repairs to motor vehicles performed by an automotive repair dealer  
13 including automotive body repair work, but excluding those repairs  
14 made pursuant to a commercial business agreement and also  
15 excluding minor services as determined through regulations  
16 adopted by the director.

17 No service shall be designated as minor, for purposes of this  
18 section, if the director finds that performance of the service requires  
19 mechanical expertise, has given rise to a high incidence of fraud  
20 or deceptive practices, or involves a part of the vehicle essential  
21 to its safe operation.

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

24 (g) An “automotive technician” is an employee of an automotive  
25 repair dealer or is that dealer, who for salary or wage repairs motor  
26 vehicles as set forth in subdivision (e).

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

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

37 (j) “Customer” means the person presenting a motor vehicle for  
38 repair and authorizing the repairs to that motor vehicle. “Customer”  
39 shall not mean the automotive repair dealer providing the repair  
40 services or an insurer involved in a claim that includes the motor

1 vehicle being repaired or an employee or agent or a person acting  
2 on behalf of the dealer or insurer.

3 (k) The regulations adopted by the director, prior to January 1,  
4 2017, defining “minor services” for the purposes of this section  
5 shall continue in effect on and after January 1, 2017. The director  
6 may, thereafter, amend or repeal those regulations, as he or she  
7 deems necessary and consistent with this chapter.

8 (l) This section shall become operative January 1, 2017.

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