

AMENDED IN SENATE MAY 25, 2016
AMENDED IN SENATE APRIL 20, 2016
AMENDED IN ASSEMBLY APRIL 13, 2015
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 873

Introduced by Assembly Member Jones
(Coauthor: Assembly Member Waldron)

February 26, 2015

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 amended, Jones. Automotive repair.

Existing law, the Automotive Repair Act, *the violation of which is a crime*, 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~~ *repair* 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, 2018, defining “minor services” for these purposes.

This bill would, until January 1, 2018, include installation of propulsive batteries in the definition of “repair of motor vehicles.”

This bill, commencing January 1, 2018, would recast the definition of “repair of motor ~~vehicles,”~~ *vehicles*” to delete the listing of the various types of excluded minor services *and to specify that minor services do not include the changing of propulsive batteries*, and also would exclude roadside services, ~~as defined, and as defined.~~ *The bill* would similarly recast the definition of “automotive ~~technician,”~~ *technician*” to delete these references and to delete provisions describing the specific work to be performed by an automotive technician. The bill, commencing January 1, 2018, would include the services performed by an operator of a tow truck owned or operated by a person or entity enrolled in the Basic Inspection of Terminals program, as specified, in the definition of “roadside services.”

This bill would provide that the regulations adopted by the director, prior to January 1, 2018, defining “minor services” continue in effect on and after January 1, 2018.

Because the failure of a person installing propulsive batteries to register as a repair dealer or technician with the bureau would constitute 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.

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

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 repairing tires, changing tires, lubricating vehicles,
16 installing light bulbs, batteries, except propulsive batteries,
17 windshield wiper blades and other minor accessories, cleaning,
18 adjusting, and replacing spark plugs, replacing fan belts, oil, and
19 air filters, and other minor services, which the director, by
20 regulation, determines are customarily performed by gasoline
21 service stations.

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

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

29 (g) An “automotive technician” is an employee of an automotive
30 repair dealer or is that dealer, if the employer or dealer repairs
31 motor vehicles and who for salary or wage performs maintenance,
32 diagnostics, repair, removal, or installation of any integral
33 component parts of an engine, driveline, chassis, or body of any
34 vehicle, but excluding repairing tires, changing tires, lubricating
35 vehicles, installing light bulbs, batteries, except propulsive
36 batteries, windshield wiper blades, and other minor accessories;
37 cleaning, replacing fan belts, oil and air filters; and other minor
38 services which the director, by regulation, determines are
39 customarily performed by a gasoline service station.

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

1 (i) “Commercial business agreement” means an agreement,
 2 whether in writing or oral, entered into between a business or
 3 commercial enterprise and an automobile repair dealer, prior to
 4 the repair which is requested being made, which agreement
 5 contemplates a continuing business arrangement under which the
 6 automobile repair dealer is to repair any vehicle covered by the
 7 agreement, but does not mean any warranty or extended service
 8 agreement normally given by an automobile repair facility to its
 9 customers.

10 (j) “Customer” means the person presenting a motor vehicle for
 11 repair and authorizing the repairs to that motor vehicle. “Customer”
 12 shall not mean the automotive repair dealer providing the repair
 13 services or an insurer involved in a claim that includes the motor
 14 vehicle being repaired or an employee or agent or a person acting
 15 on behalf of the dealer or insurer.

16 (k) Prior to January 1, 2018, the director shall adopt
 17 comprehensive regulations defining “minor services” as used in
 18 this section.

19 (l) This section shall remain in effect only until January 1, 2018.

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

22 9880.1. The following definitions apply for the purposes of
 23 this chapter:

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

27 (b) “Chief” means the Chief of the Bureau of Automotive
 28 Repair.

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

30 (d) “Motor vehicle” means a passenger vehicle required to be
 31 registered with the Department of Motor Vehicles and all
 32 motorcycles whether or not required to be registered by the
 33 Department of Motor Vehicles.

34 (e) (1) “Repair of motor vehicles” means all maintenance of
 35 and repairs to motor vehicles performed by an automotive repair
 36 dealer including automotive body repair work, but excluding those
 37 repairs made pursuant to a commercial business agreement, minor
 38 services as determined through regulations adopted by the director,
 39 and roadside services.

40 ~~Ne~~

1 (2) *No* service shall be designated as minor, for purposes of this
2 section, if the director finds that performance of the service requires
3 mechanical expertise, has given rise to a high incidence of fraud
4 or deceptive practices, or involves a part of the vehicle essential
5 to its safe operation. *Minor services shall not include the changing*
6 *of propulsive batteries.*

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

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

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

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

22 (j) “Roadside services” means the services performed upon a
23 motor vehicle for the purpose of transporting the vehicle or to
24 permit it to be operated under its own power, by or on behalf of a
25 motor club holding a certificate of authority pursuant to Chapter
26 2 (commencing with Section 12160) of Part 5 of Division 2 of the
27 Insurance Code or by an operator of a tow truck, as defined in
28 Section 615 of the Vehicle Code, that is owned or operated by a
29 person or entity who possesses a valid motor carrier permit, as
30 described in Section 34620 of the Vehicle Code, and is enrolled
31 in the Basic Inspection of Terminals program, as described in
32 Section 34501.12 of the Vehicle Code.

33 (k) “Customer” means the person presenting a motor vehicle
34 for repair and authorizing the repairs to that motor vehicle.
35 “Customer” shall not mean the automotive repair dealer providing
36 the repair services or an insurer involved in a claim that includes
37 the motor vehicle being repaired or an employee or agent or a
38 person acting on behalf of the dealer or insurer.

39 (l) The regulations adopted by the director, prior to January 1,
40 2018, defining “minor services” for the purposes of this section

1 shall continue in effect on and after January 1, 2018. The director
2 may, thereafter, amend or repeal those regulations, as he or she
3 deems necessary and consistent with this chapter.

4 (m) This section shall become operative January 1, 2018.

5 *SEC. 3. No reimbursement is required by this act pursuant to*
6 *Section 6 of Article XIII B of the California Constitution because*
7 *the only costs that may be incurred by a local agency or school*
8 *district will be incurred because this act creates a new crime or*
9 *infraction, eliminates a crime or infraction, or changes the penalty*
10 *for a crime or infraction, within the meaning of Section 17556 of*
11 *the Government Code, or changes the definition of a crime within*
12 *the meaning of Section 6 of Article XIII B of the California*
13 *Constitution.*