

AMENDED IN ASSEMBLY JUNE 23, 2016

AMENDED IN ASSEMBLY JUNE 9, 2016

AMENDED IN SENATE JANUARY 4, 2016

AMENDED IN SENATE APRIL 20, 2015

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 778

Introduced by Senator Allen

February 27, 2015

An act to amend ~~Section 9880.1~~ *Sections 9880 9880.1, and 9886.3* of, and to add *Article 3.5 (commencing with Section 9884.23)* and Article 12 (commencing with Section 9890) to Chapter 20.3 of Division 3 of, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 778, as amended, Allen. Automotive repair: oil changes: notification to customers.

Existing law, the Automotive Repair Act, provides for the registration and regulation of automotive repair dealers by the Bureau of Automotive Repair, *Repair (bureau)*, which is under the supervision and control of the Director of Consumer Affairs. ~~Affairs~~ *Affairs (director)*. Existing law requires repair dealers to give the customer a written estimated price for labor and parts necessary for a specific job. Existing law defines terms for purposes of these provisions. Existing law makes a violation of that act, except as specified, punishable as a misdemeanor.

This bill would *recast these provisions as the Automotive Repair and Maintenance Act and would provide for the registration and regulation of automotive maintenance providers, as defined, in a manner similar*

to the provisions regarding automotive repair dealers. The bill would establish fee requirements as well as procedures to be implemented by the director for granting, suspending, or revoking the registration of an automotive maintenance provider. The bill would require an automotive maintenance provider to provide a customer with a detailed written invoice for work performed and to maintain records specified by regulations adopted under these provisions. The bill would require the bureau to design and approve a sign to be placed in each automotive provider location containing information for contacting the bureau if the customer has questions about the service provided. The bill would require an automotive repair dealer or an automotive maintenance provider performing oil change services to use the manufacturer's published oil drain schedule, except as specified, when recommending an oil change to a customer. The bill would require that an automotive repair dealer or automotive maintenance provider include a written explanation for any recommendation for oil change at an interval other than the interval recommended by the manufacturer, and to include a specified notice to the customer with regard to the manufacturer's published oil change recommendations. The bill would permit a customer to choose any oil drain interval that he or she chooses and have that interval reflected in any future recommendations by the automotive repair dealer. The bill would expand the definition of "repair of motor vehicles" to include lubricating vehicles and replacing oil filters and would specify that a person who performs these services is an "automotive technician." dealer or automotive maintenance provider. The bill would also define other define various terms for purposes of these provisions. The bill would expand the definition of an existing crime by placing new requirements on automotive repair dealers, including automotive maintenance providers within these provisions, thereby imposing 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. The Legislature finds and declares all of the
2 following:

3 (a) Used automotive oil is one of the largest sources of
4 hazardous waste generated in California. While California has a
5 robust recycling program in place, about 40 percent of automotive
6 oil can never be collected for recycling because it is lost in use,
7 either burned in the combustion chamber or dripped onto streets
8 and parking lots. Of the oil that is collected, only a small percentage
9 is actually rerefined into new automotive oil.

10 (b) Oil quality and engine technology have evolved significantly
11 in recent years. New motor oil formulations reduce repairs, prolong
12 engine life, improve fuel economy, and enable significantly longer
13 oil change intervals than outdated 3,000-mile-oil-change marketing
14 campaigns.

15 (c) Most automakers currently specify oil change intervals at
16 either 7,500 or 10,000 ~~miles~~, *miles for late model vehicles operated*
17 *under normal conditions*, with intervals as high as 15,000 miles
18 in some cars. Motor oils that meet current *industry standards, such*
19 *as those specified by the American Petroleum Institute (API) or*
20 *standards specified by the manufacturer*, will have the capability
21 to meet current automaker oil change interval recommendations.

22 (d) *Vehicle manufacturers may specify shorter oil change*
23 *intervals for older vehicles or vehicles operated under severe*
24 *conditions, including, but not limited to, extreme hot or cold*
25 *temperatures, extensive idling in stop-and-go traffic, frequent short*
26 *trips, hauling heavy loads, and towing.*

27 ~~(d)~~

28 (e) Changing oil more often than what is specified ~~by the~~
29 ~~automaker in the vehicle's owner's manual~~ *in the vehicle*
30 *manufacturer's published maintenance schedule* wastes oil and
31 money and compounds the environmental impact, especially to
32 water.

33 ~~(e)~~

34 (f) It is the intent of the Legislature to ensure that the oil drain
35 interval recommended by an automotive repair dealer *or an*
36 *automotive maintenance provider* be in accordance with the *vehicle*
37 *manufacturer's published maintenance schedule* ~~of the vehicle's~~
38 ~~owner's manual and with the recommended oil grade and viscosity~~

1 in order to prevent deceiving or misleading consumers with
2 unnecessary and costly oil changes.

3 (f)

4 (g) It is further the intent of the Legislature to source-reduce
5 the amount of used automotive oil that is generated in California
6 in order to reduce our dependence on petroleum products, avoid
7 damage to the environment and threats to public health, and be
8 consistent with the state's hierarchy for waste management
9 practices pursuant to Section 40051 of the Public Resources Code.

10 *SEC. 2. Section 9880 of the Business and Professions Code is*
11 *amended to read:*

12 9880. This chapter constitutes the chapter on automotive repair
13 ~~dealers: dealers and automotive maintenance providers~~. It may be
14 cited as the *Automotive Repair and Maintenance Act*.

15 ~~SEC. 2.~~

16 *SEC. 3.* Section 9880.1 of the Business and Professions Code
17 is amended to read:

18 9880.1. The following definitions apply for the purposes of
19 this chapter:

20 (a) "Automotive repair dealer" means a person who, for
21 compensation, engages in the business of repairing or diagnosing
22 malfunctions of motor vehicles.

23 (b) "Chief" means the Chief of the Bureau of Automotive
24 Repair.

25 (c) "Bureau" means the Bureau of Automotive Repair.

26 (d) "Motor vehicle" means a passenger vehicle required to be
27 registered with the Department of Motor Vehicles and all
28 motorcycles whether or not required to be registered by the
29 Department of Motor Vehicles.

30 (e) "Repair of motor vehicles" means all maintenance of and
31 repairs to motor vehicles performed by an automotive repair dealer
32 including automotive body repair work, but excluding those repairs
33 made pursuant to a commercial business agreement and also
34 excluding repairing tires, changing tires, *lubricating vehicles*,
35 installing light bulbs, batteries, windshield wiper blades and other
36 minor accessories, cleaning, adjusting, and replacing spark plugs,
37 replacing fan belts, *oil, and* air filters, and other minor services,
38 which the director, by regulation, determines are customarily
39 performed by gasoline service stations.

1 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.

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

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

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

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

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

34 (k) “Automotive maintenance provider” means a person who,
35 for compensation, engages in the business of the preventative
36 automotive maintenance services associated with fluid and filter
37 changes, fluid treatments, and belt and windshield wiper blade
38 replacement.

1 *SEC. 4. Article 3.5 (commencing with Section 9884.23) is added*
2 *to Chapter 20.3 of Division 3 of the Business and Professions*
3 *Code, to read:*

4

5 *Article 3.5. Automotive Maintenance Provider Registration*

6

7 9884.23. (a) *An automotive maintenance provider shall pay*
8 *the fee required by this chapter for each place of business operated*
9 *by the provider in this state and shall register with the director*
10 *upon forms prescribed by the director. The forms shall contain*
11 *sufficient information to identify the automotive maintenance*
12 *provider, including name, address of each location, a statement*
13 *by the provider that each location is in an area that, pursuant to*
14 *local zoning ordinances, permits the operation of a facility for the*
15 *maintenance of motor vehicles, the provider's retail seller's permit*
16 *number, if a permit is required under the Sales and Use Tax Law*
17 *(Part 1 (commencing with Section 6001) of Division 2 of the*
18 *Revenue and Taxation Code), and other identifying data that are*
19 *prescribed by the director. If the business is to be carried on under*
20 *a fictitious name, the fictitious name shall be stated. To the extent*
21 *prescribed by the director, an automotive maintenance provider*
22 *shall identify the owners, directors, officers, partners, members,*
23 *trustees, managers, and any other persons who directly or*
24 *indirectly control or conduct the business. The forms shall include*
25 *a statement signed by the provider under penalty of perjury that*
26 *the information provided is true.*

27 (b) *A state agency is not authorized or required by this section*
28 *to enforce a city, county, regional, air pollution control district,*
29 *or air quality management district rule or regulation regarding*
30 *the site or operation of a facility that provides maintenance to*
31 *motor vehicles.*

32 9884.24. *A business maintaining more than one automotive*
33 *maintenance facility shall be permitted to file a single application*
34 *annually that, along with the other information required by this*
35 *chapter, clearly indicates the location of, and the individual in*
36 *charge of, each facility. In that case, fees shall be paid for each*
37 *location.*

38 9884.25. *Upon receipt of the properly completed form and the*
39 *required fee, the director shall issue the registration and send a*
40 *proof of issuance to the automotive maintenance provider. The*

1 *director shall by regulation prescribe conditions that he or she*
2 *determines are necessary to ensure future compliance with the*
3 *parts of this chapter specific to automotive maintenance providers,*
4 *pursuant to which a person whose registration has previously been*
5 *revoked or denied or who has committed acts prohibited by Section*
6 *9884.30 while an automotive maintenance provider or automotive*
7 *technician, or while an employee, partner, officer, or member of*
8 *an automotive maintenance provider, may have his or her*
9 *registration issued.*

10 9884.26. *Every automotive maintenance provider registration*
11 *shall cease to be valid one year from the last day of the month in*
12 *which registration was issued unless the automotive maintenance*
13 *provider has paid the renewal fee required by this chapter.*

14 9884.27. *An automotive maintenance provider registration*
15 *shall cease to be valid when the director finds that any of the*
16 *information provided by the form specified in Section 9884.23 for*
17 *automotive maintenance providers, which the director by*
18 *regulation deems material, ceases to be current.*

19 9884.28. *An automotive maintenance provider registration*
20 *that is not renewed within three years following its expiration shall*
21 *not be renewed, restored, or reinstated thereafter, and the*
22 *delinquent registration shall be canceled immediately upon*
23 *expiration of the three-year period.*

24 *An automotive maintenance provider whose registration has*
25 *been canceled by operation of this section shall obtain a new*
26 *registration only if he or she again meets the requirements set*
27 *forth in this chapter relating to registration, is not subject to denial*
28 *under Section 480, and pays the applicable fees.*

29 *An expired registration may be renewed at any time within three*
30 *years after its expiration upon the filing of an application for*
31 *renewal on a form prescribed by the bureau and the payment of*
32 *all accrued renewal and delinquency fees. Renewal under this*
33 *section shall be effective on the date on which the application is*
34 *filed and all renewal and delinquency fees are paid. If so renewed,*
35 *the registration shall continue in effect through the expiration date*
36 *of the current registration year as provided in Section 9884.26, at*
37 *which time the registration shall be subject to renewal.*

38 9884.29. *It is unlawful for any person to be an automotive*
39 *maintenance provider unless that person has registered in*

1 accordance with this chapter and unless that registration is
2 currently valid.

3 9884.30. (a) The director, where the automotive maintenance
4 provider cannot show there was a bona fide error, may deny,
5 suspend, revoke, or place on probation the registration of an
6 automotive maintenance provider for any of the following acts or
7 omissions related to the conduct of the business of the automotive
8 maintenance provider that are performed by the automotive
9 maintenance provider or any automotive technician, employee,
10 partner, officer, or member of the automotive maintenance
11 provider.

12 (1) Making or authorizing in any manner or by any means
13 whatever any statement written or oral which is untrue or
14 misleading and which is known, or which by the exercise of
15 reasonable care should be known, to be untrue or misleading.

16 (2) Any other conduct that constitutes fraud.

17 (3) Conduct constituting gross negligence.

18 (4) Failure in any material respect to comply with the provisions
19 of this chapter specific to automotive maintenance providers or
20 regulations adopted pursuant to it.

21 (5) Any willful departure from or disregard of accepted trade
22 standards for automotive maintenance in any material respect.

23 (6) Making false promises of a character likely to influence,
24 persuade, or induce a customer to authorize the maintenance of
25 automobiles.

26 (7) Upon denying a registration, the director shall notify the
27 applicant thereof, in writing, by personal service or mail addressed
28 to the address of the applicant set forth in the application, and the
29 applicant shall be given a hearing under Section 9884.33 if, within
30 30 days thereafter, he or she files with the bureau a written request
31 for a hearing; otherwise the denial is deemed affirmed.

32 (b) Except as provided for in subdivision (c), if an automotive
33 maintenance provider operates more than one place of business
34 in this state, the director pursuant to subdivision (a) shall only
35 suspend, revoke, or place on probation the registration of the
36 specific place of business which has violated any of the provisions
37 of this chapter. This violation, or action by the director, shall not
38 affect in any manner the right of the automotive maintenance
39 provider to operate his or her other places of business.

1 (c) Notwithstanding subdivision (b), the director may suspend,
2 revoke, or place on probation the registration for all places of
3 business operated in this state by an automotive maintenance
4 provider upon a finding that the provider has, or is, engaged in a
5 course of repeated and willful violations of this chapter specific
6 to automotive maintenance providers or regulations adopted
7 pursuant to it.

8 9884.31. All work done by an automotive maintenance provider
9 shall be recorded on an invoice and shall describe all service work
10 done and parts supplied. Service work and parts shall be listed
11 separately on the invoice, which shall also state separately the
12 subtotal prices for service work and for parts, not including sales
13 tax, and shall state separately the sales tax, if any, applicable to
14 each. One copy of the invoice shall be given to the customer and
15 one copy shall be retained either in hard copy or digitally by the
16 automotive maintenance provider.

17 9884.32. Each automotive maintenance provider shall maintain
18 any records that are required by regulations adopted to carry out
19 the parts of this chapter specific to automotive maintenance
20 providers. Those records shall be open for reasonable inspection
21 by the chief or other law enforcement officials. All of those records
22 shall be maintained for at least three years.

23 9884.33. All proceedings to deny, suspend, revoke, or place
24 on probation a registration of an automotive maintenance provider
25 shall be conducted pursuant to Chapter 5 (commencing with
26 Section 11500) of Part 1 of Division 3 of Title 2 of the Government
27 Code.

28 9884.34. The expiration of a valid registration shall not prevent
29 the director or chief of jurisdiction from proceeding with any
30 investigation or disciplinary proceeding against an automotive
31 maintenance provider or rendering a decision invalidating a
32 registration temporarily or permanently.

33 9884.35. The superior court in and for the county wherein any
34 person carries on, or attempts to carry on, a business as an
35 automotive maintenance provider or as an automotive technician
36 in violation of the provisions of this chapter specific to automotive
37 maintenance providers or any regulation made pursuant to this
38 chapter shall, on application of the director or the chief, issue an
39 injunction or other appropriate order restraining such conduct.

1 *This section shall be cumulative to and shall not prohibit the*
2 *enforcement of any other law.*

3 *The proceedings under this section shall be governed by Chapter*
4 *3 (commencing with Section 525) of Title 7 of Part 2 of the Code*
5 *of Civil Procedure, except that the director or chief shall not be*
6 *required to allege facts necessary to show or tending to show lack*
7 *of an adequate remedy at law or irreparable injury.*

8 *9884.36. The director may file charges with the district attorney*
9 *or city attorney against any automotive maintenance provider who*
10 *violates the provisions of this chapter specific to automotive*
11 *maintenance providers or any regulation made pursuant to the*
12 *provisions of this chapter specific to automotive maintenance*
13 *providers.*

14 *9884.37. The bureau shall design and approve of a sign which*
15 *shall be placed in all automotive maintenance provider locations*
16 *in a place and manner conspicuous to the public. That sign shall*
17 *give notice that inquiries concerning service may be made to the*
18 *bureau and shall contain the telephone number and Internet Web*
19 *site address of the bureau. The sign shall also give notice that the*
20 *customer is entitled to a return of replaced parts upon his or her*
21 *request at the time the work order is taken.*

22 *9884.38. Nothing in the provisions of this chapter shall prohibit*
23 *the bringing of a civil action against an automotive maintenance*
24 *provider by an individual.*

25 *9884.39. The bureau may adopt, amend, or repeal in*
26 *accordance with the provisions of Chapter 4.5 (commencing with*
27 *Section 11400) of Part 1 of Division 3 of Title 2 of the Government*
28 *Code such regulations as may be reasonably necessary to carry*
29 *out the provisions of this chapter specific to automotive*
30 *maintenance providers in the protection of the public from*
31 *fraudulent or misleading advertising by an automotive maintenance*
32 *provider, including the formulation of definitions, to the extent*
33 *feasible, of the terms “fraud,” “guarantee,” and “negligence,”*
34 *and words of like import, and of guidelines for the suspension and*
35 *revocation of licenses. The bureau shall distribute to each*
36 *registered automotive maintenance provider copies of this chapter*
37 *and of the regulations adopted pursuant to this chapter.*

38 *9884.40. All accusations against automotive maintenance*
39 *providers shall be filed within three years after the performance*
40 *of the act or omission alleged as the ground for disciplinary action,*

1 *except that with respect to an accusation alleging fraud or*
2 *misrepresentation as a ground for disciplinary action, the*
3 *accusation may be filed within two years after the discovery, by*
4 *the bureau, of the alleged facts constituting the fraud or*
5 *misrepresentation.*

6 9884.41. (a) *Notwithstanding any other law, the director may,*
7 *in his or her sole discretion, issue a probationary automotive*
8 *maintenance provider registration to an applicant subject to terms*
9 *and conditions deemed appropriate by the director, including, but*
10 *not limited to, the following:*

11 (1) *Continuing medical, psychiatric, or psychological treatment.*

12 (2) *Ongoing participation in a specified rehabilitation program.*

13 (3) *Abstention from the use of alcohol or drugs.*

14 (4) *Compliance with all provisions of this chapter.*

15 (b) (1) *Notwithstanding any other law and for purposes of this*
16 *section, when deciding whether to issue a probationary registration*
17 *the director shall request that an applicant with a dismissed*
18 *conviction provide proof of that dismissal and shall give special*
19 *consideration to applicants whose convictions have been dismissed*
20 *pursuant to Section 1203.4 or 1203.4a of the Penal Code.*

21 (2) *The director shall also take into account and consider any*
22 *other reasonable documents or individual character references*
23 *provided by the applicant that may serve as evidence of*
24 *rehabilitation as deemed appropriate by the director.*

25 (c) *The director may modify or terminate the terms and*
26 *conditions imposed on the probationary registration upon receipt*
27 *of a petition from the applicant or registrant.*

28 (d) *For purposes of issuing a probationary registration to*
29 *qualified new applicants, the director shall develop standard terms*
30 *of probation that shall include, but not be limited to, the following:*

31 (1) *A three-year limit on the individual probationary*
32 *registration.*

33 (2) *A process to obtain a standard registration for applicants*
34 *who were issued a probationary registration.*

35 (3) *Supervision requirements.*

36 (4) *Compliance and quarterly reporting requirements.*

37 9884.42. (a) *Notwithstanding any other law, the director may*
38 *revoke, suspend, or deny at any time any automotive maintenance*
39 *provider registration required by this chapter on any of the grounds*
40 *for disciplinary action provided in this chapter. The proceedings*

1 under this chapter shall be conducted in accordance with Chapter
2 5 (commencing with Section 11500) of Part 1 of Division 3 of Title
3 2 of the Government Code, and the director shall have all the
4 powers granted therein.

5 (b) The director may deny a registration to an applicant on any
6 of the grounds specified in Section 480.

7 (c) In addition to the requirements provided in Sections 485
8 and 486, upon denial of an application for registration to an
9 applicant, the director shall provide a statement of reasons for the
10 denial that does all of the following:

11 (1) Evaluates evidence of rehabilitation submitted by the
12 applicant, if any.

13 (2) Provides the director's criteria relating to rehabilitation,
14 formulated pursuant to Section 482, that takes into account the
15 age and severity of the offense and the evidence relating to
16 participation in treatment or other rehabilitation programs.

17 (3) If the director's decision was based on the applicant's prior
18 criminal conviction, justifies the director's denial of a registration
19 and conveys the reasons why the prior criminal conviction is
20 substantially related to the qualifications, functions, or duties of
21 a registered automotive maintenance provider.

22 (d) (1) If the denial of a registration is due at least in part to
23 the applicant's state or federal criminal history record, the director
24 shall, in addition to the information provided pursuant to
25 paragraph (3) of subdivision (c), provide to the applicant a copy
26 of his or her criminal history record if the applicant makes a
27 written request to the director for a copy, specifying an address
28 to which it is to be sent.

29 (A) The state or federal criminal history record shall not be
30 modified or altered from its form or content as provided by the
31 Department of Justice.

32 (B) The criminal history record shall be provided in such a
33 manner as to protect the confidentiality and privacy of the
34 applicant's criminal history record, and the criminal history record
35 shall not be made available by the director to any employer.

36 (C) The director shall retain a copy of the applicant's written
37 request and a copy of the response sent to the applicant, which
38 shall include the date and the address to which the response was
39 sent.

1 (2) *The director shall make that information available upon*
2 *request by the Department of Justice or the Federal Bureau of*
3 *Investigation.*

4 (e) *Notwithstanding Section 487, the director shall conduct a*
5 *hearing of a registration denial within 90 days of receiving an*
6 *applicant's request for a hearing. For all other hearing requests,*
7 *the director shall determine when the hearing shall be conducted.*

8 9884.43. *Notwithstanding any other law, nothing prevents a*
9 *business from being registered as both an automotive repair dealer*
10 *pursuant to Section 9884 and an automotive maintenance provider*
11 *pursuant to Section 9884.23 and from operating as both at the*
12 *same facility.*

13 SEC. 5. *Section 9886.3 of the Business and Professions Code*
14 *is amended to read:*

15 9886.3. The fees prescribed by this chapter shall be set by the
16 director in an amount estimated to provide for the administration
17 of this chapter within the limits of the following schedule:

18 (a) The automotive repair dealer *or automotive maintenance*
19 *provider* registration fee is not more than two hundred dollars
20 ~~(\$200);~~ (\$200) for each place of business in this state.

21 (b) The annual renewal fee for an automotive repair dealer *or*
22 *automotive maintenance provider* registration shall not be more
23 than two hundred dollars (\$200) for each place of business in this
24 state, if renewed prior to its expiration date.

25 (c) The renewal fee for a registration that is not renewed prior
26 to its expiration date shall be 1½ times the renewal fee required
27 for a registration renewal prior to its expiration date, but not more
28 than the renewal fee plus fifty dollars (\$50).

29 ~~SEC. 3.~~

30 SEC. 6. Article 12 (commencing with Section 9890) is added
31 to Chapter 20.3 of Division 3 of the Business and Professions
32 Code, to read:

33

Article 12. Oil Change

34

35 9890. (a) Except as indicated in subdivision (b), if an
36 automotive repair dealer *or an automotive maintenance provider*
37 performing oil change services recommends a date or mileage for
38 an oil drain interval, the recommended date or mileage shall follow
39 the vehicle manufacturer published maintenance schedule.
40

1 (b) If an automotive repair dealer *or an automotive maintenance*
 2 *provider* recommends a date or mileage for an oil drain interval
 3 that deviates from the vehicle manufacturer’s published
 4 maintenance schedule for reasons, including, but not limited to,
 5 compliance with paragraph (c), the basis for the date or mileage
 6 recommendation shall be noted on the final invoice or on a
 7 document attached to the final invoice.

8 (c) Nothing in this section shall be construed as prohibiting the
 9 customer from selecting any date or mileage for an oil drain
 10 interval of his or her choice and having that choice reflected on
 11 future recommendations from an automotive repair ~~dealer~~ *dealer*
 12 *or an automotive maintenance provider*.

13 (d) For purposes of this section, “recommended” or
 14 “recommendation” shall mean any written recommendation,
 15 including, but not limited to, a recommendation of an oil drain
 16 interval in the form of a window sticker or a key tag, or through
 17 programmable settings in the vehicle’s oil life indicator.

18 (e) For purposes of this section, “recommended” or
 19 “recommendation” shall not mean resetting a preset or
 20 nonprogrammable oil life indicator or an oil life monitor based on
 21 a mathematical algorithm of the vehicle’s usage.

22 (f) When an automotive repair dealer *or an automotive*
 23 *maintenance provider* performs an oil change service, the dealer
 24 shall include the following oil change disclosure statement on the
 25 final invoice or on a document attached to the final invoice:

26
 27 “It is important to change your oil at the proper intervals. Your
 28 vehicle manufacturer publishes oil change intervals in your owner’s
 29 manual and on the manufacturer’s Web site.

30
 31 ~~SEC. 4.~~

32 *SEC. 7.* No reimbursement is required by this act pursuant to
 33 Section 6 of Article XIII B of the California Constitution because
 34 the only costs that may be incurred by a local agency or school
 35 district will be incurred because this act creates a new crime or
 36 infraction, eliminates a crime or infraction, or changes the penalty
 37 for a crime or infraction, within the meaning of Section 17556 of
 38 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

O