

AMENDED IN ASSEMBLY AUGUST 19, 2016

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 Sections 9880-9880.1, and 9886.3 of, ~~and to amend, repeal, and add Section 9880.1 of, to add Sections 9880.2 and 9880.4 to, 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 (bureau), which is under the supervision and control of the Director of Consumer 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 define various terms for purposes of these provisions and would recast the definition of “repair of motor vehicles” to delete the listing of various types of excluded minor services and to specify that minor services do not include the changing of propulsive batteries. The bill would similarly recast the definition of “automotive technician” to delete provisions describing the specific work to be performed by an automotive technician. The bill, commencing January 1, 2018, would define additional terms relating to automotive repair and servicing work for purposes of these provisions. This bill would require the director to adopt regulations prior to January 1, 2018, defining “minor services” for these purposes. 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, as specified. The bill would prohibit a facility from registering as both an automotive repair dealer and an automotive service provider, as specified. The bill would authorize the Department of Consumer Affairs to purchase motor vehicles for the purposes of enforcing these provisions, as specified. 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 or automotive maintenance provider. ~~The bill would define various terms for purposes of these provisions.~~ The bill would expand the definition of an existing crime by including automotive maintenance providers within these provisions, thereby imposing a state-mandated local program.

The bill would make the operation of its provisions contingent upon the enactment of AB 873 of the 2015–16 Regular Session.

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 for late model vehicles operated under
17 normal conditions, with intervals as high as 15,000 miles in some
18 cars. Motor oils that meet current industry standards, such as those
19 specified by the American Petroleum Institute (API) or standards

1 specified by the manufacturer, will have the capability to meet
2 current automaker oil change interval recommendations.

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

8 (e) Changing oil more often than what is specified in the vehicle
9 manufacturer’s published maintenance schedule wastes oil and
10 money and compounds the environmental impact, especially to
11 water.

12 (f) It is the intent of the Legislature to ensure that the oil drain
13 interval recommended by an automotive repair dealer or an
14 automotive maintenance provider be in accordance with the vehicle
15 manufacturer’s published maintenance schedule in order to prevent
16 deceiving or misleading consumers with unnecessary and costly
17 oil changes.

18 (g) It is further the intent of the Legislature to source-reduce
19 the amount of used automotive oil that is generated in California
20 in order to reduce our dependence on petroleum products, avoid
21 damage to the environment and threats to public health, and be
22 consistent with the state’s hierarchy for waste management
23 practices pursuant to Section 40051 of the Public Resources Code.

24 SEC. 2. Section 9880 of the Business and Professions Code is
25 amended to read:

26 9880. This chapter constitutes the chapter on automotive repair
27 dealers and automotive maintenance providers. It may be cited as
28 the Automotive Repair and Maintenance Act.

29 SEC. 3. Section 9880.1 of the Business and Professions Code
30 is amended to read:

31 9880.1. The following definitions apply for the purposes of
32 this chapter:

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

36 (b) “Chief” means the Chief of the Bureau of Automotive
37 Repair.

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

39 (d) “Motor vehicle” means a passenger vehicle required to be
40 registered with the Department of Motor Vehicles and all

1 motorcycles whether or not required to be registered by the
2 Department of Motor Vehicles.

3 (e) “Repair of motor vehicles” means all maintenance of and
4 repairs to motor vehicles performed by an automotive repair dealer
5 including automotive body repair work, but excluding those repairs
6 made pursuant to a commercial business agreement and also
7 excluding repairing tires, changing tires, lubricating vehicles,
8 installing light bulbs, batteries, *except propulsive batteries*,
9 windshield wiper blades and other minor accessories, cleaning,
10 adjusting, and replacing spark plugs, replacing fan belts, oil, and
11 air filters, and other minor services, which the director, by
12 regulation, determines are customarily performed by gasoline
13 service stations.

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

19 (f) “Person” includes *a* firm, partnership, association, limited
20 liability company, or corporation.

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

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

33 (i) “Commercial business agreement” means an agreement,
34 whether in writing or oral, entered into between a business or
35 commercial enterprise and an automobile repair dealer, prior to
36 the repair which is requested being made, which agreement
37 contemplates a continuing business arrangement under which the
38 automobile repair dealer is to repair any vehicle covered by the
39 agreement, but does not mean any warranty or extended service

1 agreement normally given by an automobile repair facility to its
2 customers.

3 (j) “Customer” means the person presenting a motor vehicle for
4 repair and authorizing the repairs to that motor vehicle. “Customer”
5 shall not mean the automotive repair dealer providing the repair
6 services or an insurer involved in a claim that includes the motor
7 vehicle being repaired or an employee or agent or a person acting
8 on behalf of the dealer or insurer.

9 (k) “Automotive maintenance provider” means a person who,
10 for compensation, engages in the business of the preventive
11 automotive maintenance services associated with fluid and filter
12 changes, fluid treatments, and belt and windshield wiper blade
13 replacement.

14 (l) *“Minor services” means services provided by an automotive
15 maintenance provider.*

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

19 (n) *This section shall remain in effect only until January 1, 2018,
20 and as of that date is repealed, unless a later enacted statute, that
21 is enacted before January 1, 2018, deletes or extends that date.*

22 *SEC. 4. Section 9880.1 is added to the Business and Professions
23 Code, to read:*

24 *9880.1. The following definitions apply for the purposes of this
25 chapter:*

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

29 (b) *“Chief” means the Chief of the Bureau of Automotive Repair.*

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

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

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

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

7 (f) *“Person” includes a 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 a salary or wage repairs*
11 *motor 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*
25 *a 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) *“Automotive maintenance provider” means a person who,*
40 *for compensation, engages in the business of the preventative*

1 *automotive maintenance services associated with fluid and filter*
2 *changes, fluid treatments, and belt and windshield wiper blade*
3 *replacement.*

4 *(m) “Minor services” means services provided by an automotive*
5 *maintenance provider.*

6 *(n) The regulations adopted by the director, prior to January*
7 *1, 2018, defining “minor services” for the purposes of this section*
8 *shall continue in effect on and after January 1, 2018. The director*
9 *may, thereafter, amend or repeal those regulations, as he or she*
10 *deems necessary and consistent with this chapter.*

11 *(o) This section shall become operative January 1, 2018.*

12 *SEC. 5. Section 9880.2 is added to the Business and Professions*
13 *Code, to read:*

14 *9880.2. (a) There is the Department of Consumer Affairs an*
15 *enforcement program charged with the responsibility of*
16 *investigating violations of this chapter, the Motor Vehicle*
17 *Inspection Program (Article 1 (commencing with Section 44000)*
18 *of Chapter 5 of Part 5 of Division 26 of the Health and Safety*
19 *Code) and any regulations adopted thereto.*

20 *(b) For the sole purpose of such investigations, the department*
21 *may purchase vehicles of various makes, models, and condition,*
22 *and vehicles purchased for investigations pursuant to this section*
23 *shall not be subject to Chapter 8.3 (commencing with Section*
24 *25722) of Division 15 of the Public Resources Code. After*
25 *purchase, the department may prepare the vehicle for use in an*
26 *investigation by disabling, modifying, or otherwise changing the*
27 *vehicle’s emission control system components or any other part*
28 *or parts of the vehicle. To complete the investigation, the*
29 *department may purchase or attempt to purchase repairs, services,*
30 *or parts from those entities licensed or registered by the*
31 *department. The funds for such preparation and purchases are*
32 *not subject to the monetary limit specified in Section 16404 of the*
33 *Government Code, but the department shall comply with all other*
34 *provisions of that section. The department shall implement the*
35 *safeguards necessary to ensure the proper use and disbursement*
36 *of the funds utilized pursuant to this section.*

37 *(c) To avoid unnecessary delays and to promote prompt*
38 *enforcement, motor vehicles purchased pursuant to this section*
39 *are exempt from existing laws, rules, resolutions, or procedures*
40 *that are otherwise applicable to the acquisition of motor vehicles*

1 *to be used by a state agency. The department shall maintain an*
2 *inventory of these vehicles and shall dispose of them, when*
3 *appropriate, in a manner consistent with applicable laws and*
4 *regulations. Any records associated with the purchase of these*
5 *vehicles shall not be subject to public disclosure.*

6 *SEC. 6. Section 9880.4 is added to the Business and Professions*
7 *Code, to read:*

8 *9880.4. A facility registered with the director is prohibited*
9 *from registering as both an automotive repair dealer and an*
10 *automotive maintenance provider. A business that maintains*
11 *multiple facilities may register the facilities separately with the*
12 *individual facilities registered as an automotive repair dealer or*
13 *an automotive maintenance provider.*

14 ~~SEC. 4.~~

15 *SEC. 7. Article 3.5 (commencing with Section 9884.23) is*
16 *added to Chapter 20.3 of Division 3 of the Business and Professions*
17 *Code, to read:*

18

19 *Article 3.5. Automotive Maintenance Provider Registration*

20

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

1 (b) A state agency is not authorized or required by this section
2 to enforce a city, county, regional, air pollution control district, or
3 air quality management district rule or regulation regarding the
4 site or operation of a facility that provides maintenance to motor
5 vehicles.

6 9884.24. A business maintaining more than one automotive
7 maintenance facility shall be permitted to file a single application
8 annually that, along with the other information required by this
9 chapter, clearly indicates the location of, and the individual in
10 charge of, each facility. In that case, fees shall be paid for each
11 location.

12 9884.25. Upon receipt of the properly completed form and the
13 required fee, the director shall issue the registration and send a
14 proof of issuance to the automotive maintenance provider. The
15 director shall by regulation prescribe conditions that he or she
16 determines are necessary to ensure future compliance with the
17 parts of this chapter specific to automotive maintenance providers,
18 pursuant to which a person whose registration has previously been
19 revoked or denied or who has committed acts prohibited by Section
20 9884.30 while an automotive maintenance provider or automotive
21 technician, or while an employee, partner, officer, or member of
22 an automotive maintenance provider, may have his or her
23 registration issued.

24 9884.26. Every automotive maintenance provider registration
25 shall cease to be valid one year from the last day of the month in
26 which registration was issued unless the automotive maintenance
27 provider has paid the renewal fee required by this chapter.

28 9884.27. An automotive maintenance provider registration
29 shall cease to be valid when the director finds that any of the
30 information provided by the form specified in Section 9884.23 for
31 automotive maintenance providers, which the director by regulation
32 deems material, ceases to be current.

33 9884.28. An automotive maintenance provider registration that
34 is not renewed within three years following its expiration shall not
35 be renewed, restored, or reinstated thereafter, and the delinquent
36 registration shall be canceled immediately upon expiration of the
37 three-year period.

38 An automotive maintenance provider whose registration has
39 been canceled by operation of this section shall obtain a new
40 registration only if he or she again meets the requirements set forth

1 in this chapter relating to registration, is not subject to denial under
2 Section 480, and pays the applicable fees.

3 An expired registration may be renewed at any time within three
4 years after its expiration upon the filing of an application for
5 renewal on a form prescribed by the bureau and the payment of
6 all accrued renewal and delinquency fees. Renewal under this
7 section shall be effective on the date on which the application is
8 filed and all renewal and delinquency fees are paid. If so renewed,
9 the registration shall continue in effect through the expiration date
10 of the current registration year as provided in Section 9884.26, at
11 which time the registration shall be subject to renewal.

12 9884.29. It is unlawful for any person to be an automotive
13 maintenance provider unless that person has registered in
14 accordance with this chapter and unless that registration is currently
15 valid.

16 9884.30. (a) The director, where the automotive maintenance
17 provider cannot show there was a bona fide error, may deny,
18 suspend, revoke, or place on probation the registration of an
19 automotive maintenance provider for any of the following acts or
20 omissions related to the conduct of the business of the automotive
21 maintenance provider that are performed by the automotive
22 maintenance provider or any automotive technician, employee,
23 partner, officer, or member of the automotive maintenance
24 ~~provider.~~ *provider:*

25 (1) Making or authorizing in any manner or by any means
26 whatever any statement written or oral which is untrue or
27 misleading and which is known, or which by the exercise of
28 reasonable care should be known, to be untrue or misleading.

29 (2) Any other conduct that constitutes fraud.

30 (3) Conduct constituting gross negligence.

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

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

36 (6) Making false promises of a character likely to influence,
37 persuade, or induce a customer to authorize the maintenance of
38 automobiles.

39 (7) Upon denying a registration, the director shall notify the
40 applicant thereof, in writing, by personal service or mail addressed

1 to the address of the applicant set forth in the application, and the
2 applicant shall be given a hearing under Section 9884.33 if, within
3 30 days thereafter, he or she files with the bureau a written request
4 for a hearing; otherwise the denial is deemed affirmed.

5 (b) Except as provided for in subdivision (c), if an automotive
6 maintenance provider operates more than one place of business in
7 this state, the director pursuant to subdivision (a) shall only
8 suspend, revoke, or place on probation the registration of the
9 specific place of business which has violated any of the provisions
10 of this chapter. This violation, or action by the director, shall not
11 affect in any manner the right of the automotive maintenance
12 provider to operate his or her other places of business.

13 (c) Notwithstanding subdivision (b), the director may suspend,
14 revoke, or place on probation the registration for all places of
15 business operated in this state by an automotive maintenance
16 provider upon a finding that the provider has, or is, engaged in a
17 course of repeated and willful violations of this chapter specific
18 to automotive maintenance providers or regulations adopted
19 pursuant to it.

20 9884.31. All work done by an automotive maintenance provider
21 shall be recorded on an invoice and shall describe all service work
22 done and parts supplied. Service work and parts shall be listed
23 separately on the invoice, which shall also state separately the
24 subtotal prices for service work and for parts, not including sales
25 tax, and shall state separately the sales tax, if any, applicable to
26 each. One copy of the invoice shall be given to the customer and
27 one copy shall be retained either in hard copy or digitally by the
28 automotive maintenance provider.

29 9884.32. Each automotive maintenance provider shall maintain
30 any records that are required by regulations adopted to carry out
31 the parts of this chapter specific to automotive maintenance
32 providers. Those records shall be open for reasonable inspection
33 by the chief or other law enforcement officials. All of those records
34 shall be maintained for at least three years.

35 9884.33. All proceedings to deny, suspend, revoke, or place
36 on probation a registration of an automotive maintenance provider
37 shall be conducted pursuant to Chapter 5 (commencing with
38 Section 11500) of Part 1 of Division 3 of Title 2 of the Government
39 Code.

1 9884.34. The expiration of a valid registration shall not prevent
2 the director or chief of jurisdiction from proceeding with any
3 investigation or disciplinary proceeding against an automotive
4 maintenance provider or rendering a decision invalidating a
5 registration temporarily or permanently.

6 9884.35. The superior court in and for the county wherein any
7 person carries on, or attempts to carry on, a business as an
8 automotive maintenance provider or as an automotive technician
9 in violation of the provisions of this chapter specific to automotive
10 maintenance providers or any regulation made pursuant to this
11 chapter shall, on application of the director or the chief, issue an
12 injunction or other appropriate order restraining such conduct.
13 This section shall be cumulative to and shall not prohibit the
14 enforcement of any other law.

15 The proceedings under this section shall be governed by Chapter
16 3 (commencing with Section 525) of Title 7 of Part 2 of the Code
17 of Civil Procedure, except that the director or chief shall not be
18 required to allege facts necessary to show or tending to show lack
19 of an adequate remedy at law or irreparable injury.

20 9884.36. The director may file charges with the district attorney
21 or city attorney against any automotive maintenance provider who
22 violates the provisions of this chapter specific to automotive
23 maintenance providers or any regulation made pursuant to the
24 provisions of this chapter specific to automotive maintenance
25 providers.

26 9884.37. The bureau shall design and approve of a sign which
27 shall be placed in all automotive maintenance provider locations
28 in a place and manner conspicuous to the public. That sign shall
29 give notice that inquiries concerning service may be made to the
30 bureau and shall contain the telephone number and Internet Web
31 site address of the bureau. The sign shall also give notice that the
32 customer is entitled to a return of replaced parts upon his or her
33 request at the time the work order is taken.

34 9884.38. Nothing in the provisions of this chapter shall prohibit
35 the bringing of a civil action against an automotive maintenance
36 provider by an individual.

37 9884.39. The bureau may adopt, amend, or repeal in accordance
38 with the provisions of Chapter 4.5 (commencing with Section
39 11400) of Part 1 of Division 3 of Title 2 of the Government Code
40 such regulations as may be reasonably necessary to carry out the

1 provisions of this chapter specific to automotive maintenance
2 providers in the protection of the public from fraudulent or
3 misleading advertising by an automotive maintenance provider,
4 including the formulation of definitions, to the extent feasible, of
5 the terms “fraud,” “guarantee,” and “negligence,” and words of
6 like import, and of guidelines for the suspension and revocation
7 of licenses. The bureau shall distribute to each registered
8 automotive maintenance provider copies of this chapter and of the
9 regulations adopted pursuant to this chapter. *providers.*

10 9884.40. All accusations against automotive maintenance
11 providers shall be filed within three years after the performance
12 of the act or omission alleged as the ground for disciplinary action,
13 except that with respect to an accusation alleging fraud or
14 misrepresentation as a ground for disciplinary action, the accusation
15 may be filed within two years after the discovery, by the bureau,
16 of the alleged facts constituting the fraud or misrepresentation.

17 9884.41. (a) Notwithstanding any other law, the director may,
18 in his or her sole discretion, issue a probationary automotive
19 maintenance provider registration to an applicant subject to terms
20 and conditions deemed appropriate by the director, including, but
21 not limited to, the following:

- 22 (1) Continuing medical, psychiatric, or psychological treatment.
- 23 (2) Ongoing participation in a specified rehabilitation program.
- 24 (3) Abstention from the use of alcohol or drugs.
- 25 (4) Compliance with all provisions of this chapter.

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

32 (2) The director shall also take into account and consider any
33 other reasonable documents or individual character references
34 provided by the applicant that may serve as evidence of
35 rehabilitation as deemed appropriate by the director.

36 (c) The director may modify or terminate the terms and
37 conditions imposed on the probationary registration upon receipt
38 of a petition from the applicant or registrant.

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

- 4 (1) A three-year limit on the individual probationary registration.
- 5 (2) A process to obtain a standard registration for applicants
6 who were issued a probationary registration.
- 7 (3) Supervision requirements.
- 8 (4) Compliance and quarterly reporting requirements.

9 9884.42. (a) Notwithstanding any other law, the director may
10 revoke, suspend, or deny at any time any automotive maintenance
11 provider registration required by this chapter on any of the grounds
12 for disciplinary action provided in this chapter. The proceedings
13 under this chapter shall be conducted in accordance with Chapter
14 5 (commencing with Section 11500) of Part 1 of Division 3 of
15 Title 2 of the Government Code, and the director shall have all the
16 powers granted therein.

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

19 (c) In addition to the requirements provided in Sections 485 and
20 486, upon denial of an application for registration to an applicant,
21 the director shall provide a statement of reasons for the denial that
22 does all of the following:

- 23 (1) Evaluates evidence of rehabilitation submitted by the
24 applicant, if any.
- 25 (2) Provides the director's criteria relating to rehabilitation,
26 formulated pursuant to Section 482, that takes into account the age
27 and severity of the offense and the evidence relating to participation
28 in treatment or other rehabilitation programs.
- 29 (3) If the director's decision was based on the applicant's prior
30 criminal conviction, justifies the director's denial of a registration
31 and conveys the reasons why the prior criminal conviction is
32 substantially related to the qualifications, functions, or duties of a
33 registered automotive maintenance provider.

34 (d) (1) If the denial of a registration is due at least in part to the
35 applicant's state or federal criminal history record, the director
36 shall, in addition to the information provided pursuant to paragraph
37 (3) of subdivision (c), provide to the applicant a copy of his or her
38 criminal history record if the applicant makes a written request to
39 the director for a copy, specifying an address to which it is to be
40 sent.

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

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

8 (C) The director shall retain a copy of the applicant's written
9 request and a copy of the response sent to the applicant, which
10 shall include the date and the address to which the response was
11 sent.

12 (2) The director shall make that information available upon
13 request by the Department of Justice or the Federal Bureau of
14 Investigation.

15 (e) Notwithstanding Section 487, the director shall conduct a
16 hearing of a registration denial within 90 days of receiving an
17 applicant's request for a hearing. For all other hearing requests,
18 the director shall determine when the hearing shall be conducted.

19 ~~9884.43. Notwithstanding any other law, nothing prevents a~~
20 ~~business from being registered as both an automotive repair dealer~~
21 ~~pursuant to Section 9884 and an automotive maintenance provider~~
22 ~~pursuant to Section 9884.23 and from operating as both at the same~~
23 ~~facility.~~

24 ~~SEC. 5.~~

25 *SEC. 8.* Section 9886.3 of the Business and Professions Code
26 is amended to read:

27 9886.3. The fees prescribed by this chapter shall be set by the
28 director in an amount estimated to provide for the administration
29 of this chapter within the limits of the following schedule:

30 (a) The automotive repair dealer or automotive maintenance
31 provider registration fee is not more than two hundred dollars
32 (\$200) for each place of business in this state.

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

37 (c) The renewal fee for a registration that is not renewed prior
38 to its expiration date shall be 1 ½ times the renewal fee required
39 for a registration renewal prior to its expiration date, but not more
40 than the renewal fee plus fifty dollars (\$50).

1 ~~SEC. 6.~~

2 SEC. 9. Article 12 (commencing with Section 9890) is added
3 to Chapter 20.3 of Division 3 of the Business and Professions
4 Code, to read:

5
6 Article 12. Oil Change
7

8 9890. (a) Except as indicated in subdivision (b), if an
9 automotive repair dealer or an automotive maintenance provider
10 performing oil change services recommends a date or mileage for
11 an oil drain interval, the recommended date or mileage shall follow
12 the vehicle manufacturer published maintenance schedule.

13 (b) If an automotive repair dealer or an automotive maintenance
14 provider recommends a date or mileage for an oil drain interval
15 that deviates from the vehicle manufacturer's published
16 maintenance schedule for reasons, including, but not limited to,
17 compliance with paragraph (c), the basis for the date or mileage
18 recommendation shall be noted on the final invoice or on a
19 document attached to the final invoice.

20 (c) Nothing in this section shall be construed as prohibiting the
21 customer from selecting any date or mileage for an oil drain
22 interval of his or her choice and having that choice reflected on
23 future recommendations from an automotive repair dealer or an
24 automotive maintenance provider.

25 (d) For purposes of this section, "recommended" or
26 "recommendation" shall mean any written recommendation,
27 including, but not limited to, a recommendation of an oil drain
28 interval in the form of a window sticker or a key tag, or through
29 programmable settings in the vehicle's oil life indicator.

30 (e) For purposes of this section, "recommended" or
31 "recommendation" shall not mean *written communications or*
32 *advertisements that do not suggest timing or mileage for an oil*
33 *drain interval or* resetting a preset or nonprogrammable oil life
34 indicator or an oil life monitor based on a mathematical algorithm
35 of the vehicle's usage.

36 (f) When an automotive repair dealer or an automotive
37 maintenance provider performs an oil change service, the dealer
38 shall include the following oil change disclosure statement on the
39 final invoice or on a document attached to the final invoice:
40

1 “It is important to change your oil at the proper intervals. Your
2 vehicle manufacturer publishes oil change intervals in your owner’s
3 manual and on the manufacturer’s ~~Web-site.~~ *site.*”

4

5 *SEC. 10. This act shall become operative only if Assembly Bill*
6 *873 of the 2015–16 Regular Session, relating to automotive repair,*
7 *is enacted and becomes effective on January 1, 2017.*

8 ~~SEC. 7.~~

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