

Senate Bill No. 778

Passed the Senate August 29, 2016

Secretary of the Senate

Passed the Assembly August 22, 2016

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2016, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 9880 and 9886.3 of, 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, 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. The bill would require the director to adopt regulations prior to January 1, 2018, defining “minor services” for these purposes. The 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 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.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

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

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reduce repairs, prolong engine life, improve fuel economy, and enable significantly longer oil change intervals than outdated 3,000-mile-oil-change marketing campaigns.

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

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

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

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

(g) It is further the intent of the Legislature to source-reduce the amount of used automotive oil that is generated in California

in order to reduce our dependence on petroleum products, avoid damage to the environment and threats to public health, and be consistent with the state's hierarchy for waste management practices pursuant to Section 40051 of the Public Resources Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) “Commercial business agreement” means an agreement, whether in writing or oral, entered into between a business or commercial enterprise and an automobile repair dealer, prior to the repair which is requested being made, which agreement contemplates a continuing business arrangement under which the

automobile repair dealer is to repair any vehicle covered by the agreement, but does not mean any warranty or extended service agreement normally given by an automobile repair facility to its customers.

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

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

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

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

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

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

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

9880.2. (a) There is the Department of Consumer Affairs an enforcement program charged with the responsibility of investigating violations of this chapter, the Motor Vehicle Inspection Program (Article 1 (commencing with Section 44000))

of Chapter 5 of Part 5 of Division 26 of the Health and Safety Code) and any regulations adopted thereto.

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

(c) To avoid unnecessary delays and to promote prompt enforcement, motor vehicles purchased pursuant to this section are exempt from existing laws, rules, resolutions, or procedures that are otherwise applicable to the acquisition of motor vehicles to be used by a state agency. The department shall maintain an inventory of these vehicles and shall dispose of them, when appropriate, in a manner consistent with applicable laws and regulations. Any records associated with the purchase of these vehicles shall not be subject to public disclosure.

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

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

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

Article 3.5. Automotive Maintenance Provider Registration

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

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

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

9884.25. Upon receipt of the properly completed form and the required fee, the director shall issue the registration and send a proof of issuance to the automotive maintenance provider. The director shall by regulation prescribe conditions that he or she determines are necessary to ensure future compliance with the parts of this chapter specific to automotive maintenance providers, pursuant to which a person whose registration has previously been

revoked or denied or who has committed acts prohibited by Section 9884.30 while an automotive maintenance provider or automotive technician, or while an employee, partner, officer, or member of an automotive maintenance provider, may have his or her registration issued.

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

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

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

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

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

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

9884.30. (a) The director, where the automotive maintenance provider cannot show there was a bona fide error, may deny, suspend, revoke, or place on probation the registration of an

automotive maintenance provider for any of the following acts or omissions related to the conduct of the business of the automotive maintenance provider that are performed by the automotive maintenance provider or any automotive technician, employee, partner, officer, or member of the automotive maintenance provider:

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

(2) Any other conduct that constitutes fraud.

(3) Conduct constituting gross negligence.

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

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

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

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

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

(c) Notwithstanding subdivision (b), the director may suspend, revoke, or place on probation the registration for all places of business operated in this state by an automotive maintenance provider upon a finding that the provider has, or is, engaged in a course of repeated and willful violations of this chapter specific

to automotive maintenance providers or regulations adopted pursuant to it.

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

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

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

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

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

The proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, except that the director or chief shall not be

required to allege facts necessary to show or tending to show lack of an adequate remedy at law or irreparable injury.

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

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

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

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

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

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

- (1) Continuing medical, psychiatric, or psychological treatment.
- (2) Ongoing participation in a specified rehabilitation program.
- (3) Abstention from the use of alcohol or drugs.

(4) Compliance with all provisions of this chapter.

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

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

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

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

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

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

(3) Supervision requirements.

(4) Compliance and quarterly reporting requirements.

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

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

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

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

(2) Provides the director's criteria relating to rehabilitation, formulated pursuant to Section 482, that takes into account the age

and severity of the offense and the evidence relating to participation in treatment or other rehabilitation programs.

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

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

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

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

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

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

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

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

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

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

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

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

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

Article 12. Oil Change

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

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

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

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

(e) For purposes of this section, "recommended" or "recommendation" shall not mean written communications or advertisements that do not suggest timing or mileage for an oil drain interval or resetting a preset or nonprogrammable oil life

indicator or an oil life monitor based on a mathematical algorithm of the vehicle's usage.

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

“It is important to change your oil at the proper intervals. Your vehicle manufacturer publishes oil change intervals in your owner's manual and on the manufacturer's Web site.”

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

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

Approved _____, 2016

Governor