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16 CA ADC § 3303.1

16 CCR § 3303.1

Cal. Admin. Code tit. 16, § 3303.1

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
DIVISION 33. BUREAU OF AUTOMOTIVE REPAIR
CHAPTER 1. AUTOMOTIVE REPAIR DEALERS AND OFFICIAL STATIONS AND ADJUSTERS
ARTICLE 1. GENERAL PROVISIONS

This database is current through 7/10/09, Register 2009, No. 28
§ 3303.1. Public Access to License, Administrative Action, and Complaint Information.

It is the policy of the bureau that information regarding licenses, administrative actions and complaints shall be made available, pursuant to the California Public Records Act (Chapter 3.5 of Division 7 of Title 1 of the Government Code, commencing with Section 6250) to any person who requests that information. The following provisions implement departmental policy within the bureau by establishing an information system designed to provide individual members of the public with information about bureau registrants and licensees. Information subject to public disclosure shall be provided to members of the public, upon request, by telephone, in person, or in writing (including fax or e-mail). The information, when feasible and to the extent required or permitted by law, shall be made available by the bureau in writing. Requests for information shall be responded to within ten (10) days.

(a) The bureau will disclose the following information, as applicable, regarding past and current registrants or licensees:

- (1) The name of the registrant or licensee, as it appears in the bureau's records, including all fictitious or business names shown therein.
- (2) The registration or license number.
- (3) The address of record.
- (4) The date of original registration or licensure.
- (5) The current status of the registration or license.
- (6) The date the registration or license will expire, or has expired, and, if applicable, the date the registration or license was suspended, revoked, cancelled or otherwise terminated.

(b) The bureau will disclose the following information regarding administrative action taken by the bureau against registrants or licensees:

- (1) The total number of administrative actions taken.
- (2) A brief summary of the violations alleged in the administrative actions.

(3) The current status of pending administrative actions, if any. Disclosure of pending actions shall contain a disclaimer stating that the pending administrative action(s) against the registrant(s) or licensee(s) is/are alleged and no final legal determination has yet been made. Further disclaimers or cautionary statements regarding pending actions may also be made.

(4) The final disposition, if any, of the administrative actions, including any discipline or penalty imposed. Citations that have been satisfactorily resolved shall be disclosed as such.

(5) Any additional information that is statutorily mandated to be disclosed.

(c)(1) The bureau will disclose complaint information when the Chief, or the Chief's designee, has determined that any of the following conditions have been met:

(A) The complaint information has a direct and immediate relationship to the health and safety of another person.

(B) The complaint involves a dangerous act or condition caused by the subject of the complaint that has or could result in death, bodily injury or severe consequences and disclosure may protect the consumer and/or prevent additional harm to the public.

(C) A series of complaints against a registrant or licensee has been received by the bureau, alleging a pattern of unlawful activity, and it has been determined that disclosure may help to protect the consumer and/or prevent additional harm to the public.

(D) The complaint has resulted in the issuance of a citation by the bureau.

(E) The allegations in the complaint are part of an administrative action that has been referred to the Attorney General for filing of an Accusation or Statement of Issues.

(F) The complaint has been referred to a law enforcement agency for prosecution.

(2) The bureau will not provide copies of actual complaints and no personal information will be disclosed. Information about a complaint will not be disclosed if it is determined by the Chief or the Chief's designee, that any of the following apply:

(A) Disclosure is prohibited by statute or regulation.

(B) Disclosure might compromise any investigation or prosecution.

(C) Disclosure might endanger or injure the complainant or a third party.

(3) When the conditions for disclosure listed in paragraph (1) of this subsection have been met, and none of the conditions listed in paragraph (2) are found to be applicable, the bureau will disclose the following information regarding complaints received against registrants or licensees:

(A) The total number of complaints that meet the conditions for disclosure.

(B) The date of receipt and the nature of each disclosable complaint.

(C) The disposition of each disclosable complaint, indicating whether the matter has been:

1. referred for administrative action;
2. disposed of through any other action, formal or informal; or
3. resolved by other disposition.

(D) Information that is statutorily mandated to be disclosed.

(E) A description of the type of public information not included (i.e., civil judgements, criminal convictions, unsubstantiated complaints).

(4) All disclosures of complaint information shall include disclaimers indicating that the disclosure does not constitute endorsement or non-endorsement of the registrant or licensee, and that not all available information may be included.

(d) For the purposes of this section, "administrative action" shall mean an Accusation or Statement of Issues filed by the bureau, or a Citation issued by the bureau.

Note: Authority cited: Section 9882, Business and Professions Code; and Sections 6253 and 6253.4, Government Code. Reference: Sections 27, 129 and 9882, Business and Professions Code; and Sections 6253, 6253.1 and 6254, Government Code.

HISTORY

1. New section filed 6-5-81; effective thirtieth day thereafter (Register 81, No. 23).

2. Amendment of section heading, repealer and new section and amendment of Note filed 6-20-2007; operative 7-20-2007 (Register 2007, No. 25).

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16 CA ADC § 3303.2

§ 3303.2. Review of Applications for Licensure, Registration and Certification; Processing Time.

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Title 16. Professional and Vocational Regulations

Division 33. Bureau of Automotive Repair

Chapter 1. Automotive Repair Dealers and Official Stations and Adjusters

 [Article 1.](#) General Provisions

➔ § 3303.2. Review of Applications for Licensure, Registration and Certification; Processing Time.

- (a) An applicant for an initial license, registration or certification shall be informed in writing within 14 days whether the application is complete and accepted for filing or is incomplete and what specific information is required.
- (b) An applicant for initial licensure as an official lamp, brake or smog check station shall be informed in writing, within 45 days after completion of the application, of the bureau's decision whether the applicant meets the requirements for licensure. Inspection of the applicant's station shall be performed during that time period. In the event that the inspection indicates a deficiency, the time period may be extended by that time necessary for correcting the deficiency.
- (c) An applicant for initial licensure as a smog check technician shall be informed in writing, within 70 days after completion of the application, of the bureau's decision whether the applicant meets the requirements to take the technician examination.
- (d) An applicant for initial licensure as an adjuster shall be informed in writing, within 70 days after completion of the application, of the bureau's decision whether the applicant meets the requirements for licensure. This period may be extended by the time necessary for rescheduling an examination if the applicant fails the examination or fails to take the examination at the time first scheduled by the bureau.
- (e) An applicant for initial registration as an automotive repair dealer shall be informed in writing, within 45 days after completion of the application, of the bureau's decision whether the applicant meets the requirements for registration.
- (f) An applicant for initial licensure as a fleet facility shall be informed in writing, within 15 days after completion of the application, of the bureau's decision whether the applicant meets the requirements for licensure.
- (g) An applicant for certification as an instructor of Smog check technicians shall be informed in writing, within 45 days after completion of the application, as to whether the applicant meets the requirements for certification.
- (h) An applicant for initial certification as an institution providing training to Smog check technicians shall be informed in writing, within 70 days after completion of the application, of the bureau's decision as to whether the applicant meets the requirements for certification. Inspection of the applicant's training facility shall be performed during that time period. In the event that the inspection indicates a deficiency, the time period may be extended by that time necessary for correcting the deficiency.

(i) An applicant applying for certification as a Gold Shield station shall be informed in writing, within 45 days after the bureau has received a completed Gold Shield Application form (GSR-1 (08/05/97)) which is incorporated by reference, of the bureau's decision that the station meets, or does not meet, the eligibility requirements, or the basis for disapproving the certification. Inspection of the applicant's station shall be performed during that time period. In the event that the inspection indicates a deficiency, the time period may be extended by that time necessary for correcting the deficiency. A representative of the bureau may make an inspection of the applicant's station. A certification may be issued only for an applicant that meets the specifications contained in Article 10, of this Chapter.

(j) "Completion of the application" as used in this section means that a completed application and required fees have been filed by the applicant and received by the bureau.

(k) The minimum, maximum and median processing times for initial licensure, or a Gold Shield (GS) station certification from the time of receipt of the initial application until the bureau made a final decision on the application, or the GS station certification were:

	Lamp Station	Brake Station	Smog Check Technician
(1) Minimum	14 days	15 days	21 days
(2) Median	20 days	21 days	50 days
(3) Maximum	44 days	29 days	120 days
	Lamp Adjuster	Brake Adjuster	
(1) Minimum	15 days	21 days	
(2) Median	52 days	50 days	
(3) Maximum	101 days	103 days	
	Automotive Repair Dealer	Smog Check Station	Technician Training Institution
(1) Minimum	17 days	3 days	10 days
(2) Median	39 days	22 days	61 days
(3) Maximum	97 days	120 days	347 days
	Fleet Facility	Smog Check Inspector	Technician Training Instructor
(1) Minimum	1 day	2 days	2 days
(2) Median	10 days	9 days	22 days
(3) Maximum	28 days	112 days	264 days
	Gold Shield Station		
(1) Minimum	30 days		
(2) Median	42 days		
(3) Maximum	72 days		

(l) An applicant for certification to blend, fill or sell emissions inspection system (EIS) calibration gases pursuant to section 44036.5 of the Health and Safety Code shall be informed in writing, within 70 days after completion of the application of the bureau's decision as to whether the applicant meets the requirements for certification. The minimum, maximum and median processing times for initial certification for such applicants from the time of receipt of the initial application until the bureau made a final decision on the application has been as follows:

(1) Minimum 40 days

(2) Median 53 days

(3) Maximum 73 days

Note: Authority cited: Sections 9882 and 9887.1, Business and Professions Code; Sections 44001.5, 44002, 44014, 44031, 44036.5 and 44045.5, Health and Safety Code; and Section 15376, Government Code. Reference: Section 15376, Government Code; Section 44014.2, Health and Safety Code; and Section 20, Title 1, Government Code.

HISTORY

1. New section filed 11-25-83; effective thirtieth day thereafter (Register 83, No. 48).

2. Amendment filed 9-26-90; operative 10-26-90 (Register 90, No. 44).
3. Editorial correction of printing error of subsection (j) Brake Adjuster median from printed 21 to correct 50 days (Register 91, No. 46).
4. Amendment filed 8-20-91; operative 9-19-91 (Register 92, No. 1).
5. Amendment of subsection (c), new subsection (d), subsection relettering, and amendment of subsections (g)-(h) and Note filed 6-23-95 as an emergency; operative 6-23-95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10-21-95 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 6-23-95 order transmitted to OAL 10-20-95 and filed 12-6-95 (Register 95, No. 49).
7. New subsection (i), subsection relettering, amendment of newly designated subsection (k), and amendment of Note filed 4-23-97 as an emergency; operative 4-23-97 (Register 97, No. 17). A Certificate of Compliance must be transmitted to OAL by 8-21-97 or emergency language will be repealed by operation of law on the following day.
8. Certificate of Compliance as to 4-23-97 order, including further amendment of subsection (i), transmitted to OAL 8-19-97 and filed 9-30-97 (Register 97, No. 40).
9. Amendment of subsection (l) filed 6-9-2003; operative 7-9-2003 (Register 2003, No. 24).
10. Change without regulatory effect amending subsections (g)-(i) and (k)-(l) filed 10-11-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 41).

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TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
DIVISION 33. BUREAU OF AUTOMOTIVE REPAIR
CHAPTER 1. AUTOMOTIVE REPAIR DEALERS AND OFFICIAL STATIONS AND ADJUSTERS
ARTICLE 5.5. MOTOR VEHICLE INSPECTION PROGRAM

This database is current through 7/10/09, Register 2009, No. 28

§ 3340.1. Definitions.

In this article, unless the context otherwise requires:

(a) "Heavy duty vehicle" means a vehicle with a manufacturer's gross vehicle weight rating of 8501 pounds or more.

(b) "Implementation area" means a geographical area, in which a local district has requested implementation of a biennial inspection program pursuant to section 44003 of the Health and Safety Code.

(c) "Smog check station" or "station" means a smog check test-only station or smog check test-and-repair station licensed by the bureau in the smog check program.

(d) "Smog check test-only station" or "test-only station" means a smog check station licensed by the bureau to test and inspect vehicles in the smog check program.

(e) "Smog check test-and-repair station" or "test-and-repair station" means a smog check station licensed by the bureau to test, inspect, diagnose and repair vehicles in the smog check program.

(f) "Smog check technician" or "technician" means an individual who holds one of the technician licenses specified in section 3340.28 of this article.

(g) "Emissions inspection system" or "EIS" means a tamper-resistant instrument which meets the requirements of subdivision (b) of section 44036 of the Health and Safety Code and which is certified by the bureau for use in the California Smog Check program.

(h) "Bureau" or "BAR" means the Bureau of Automotive Repair.

(i) "Smog check program" or "program" means the motor vehicle inspection program conducted pursuant to section 44005 of the Health and Safety Code, and as hereby described in this article.

(j) "ARD-exempt heavy-duty station" means a smog check test-and-repair station or a smog check test-only station that only tests and/or repairs commercial vehicles which have a gross vehicle weight rating of 10,000 pounds or greater.

(k) "Enhanced area" or "Enhanced vehicle inspection and maintenance program area" means the smog check program conducted in any part of an urbanized area of the state which is classified by the Environmental Protection Agency as a serious, severe or extreme nonattainment area for ozone or a moderate or serious nonattainment area for carbon monoxide with a design value greater than 12.7 ppm.

(l) "Basic area" or "Basic vehicle inspection and maintenance program area" means the smog check program conducted in any area of the state which is not classified as an enhanced vehicle inspection and maintenance program area.

(m) "Gaseous fuel" means fuel composed of propane, liquefied or compressed natural gas.

(n) "Supervising technician" means the licensed technician that performs the after repairs test of a vehicle that has failed an inspection at a smog check station.

(o) "After repairs test" means a test performed on a vehicle after repairs have been made to that vehicle as a result of failing an inspection at a smog check station.

(p) "Test-only facility" means a facility contracted by the bureau to test and inspect vehicles.

(q) "Gold Shield station" means a registered Automotive Repair Dealer who is also a smog check test-and-repair station which has been certified by the department and meets all the requirements specified in Article 10, of these regulations.

(r) "Comparative Failure Rate" or "CFR" means that the station's failure rate, under the Gold Shield Program, must be comparable to the test-only station failure rate for all non-directed vehicles of the same model-year. The station's failure rate, using initial tests, by model-year, of non-directed vehicles is applied to an industry-wide failure rate for test-only stations, calculated quarterly by smog check program area, using initial tests, by model-year, of non-directed vehicles inspected, and includes an allowable deviation to compensate for the random distribution of passing and failing vehicles based upon a 95 percent confidence level.

(s) "Non-directed vehicle" means a vehicle that was not required to be inspected at a test-only station pursuant to Sections 44010.5 or 44014.7 of the Health and Safety Code.

(t) "Clean piping," for the purposes of Health and Safety Code section 44072.10(c)(1), means the use of a sample of the exhaust emissions of one vehicle in order to cause the EIS to issue a certificate of compliance for another vehicle.

(u) "Initial test" means the first Smog Check inspection of a vehicle done in official test mode or pre-test mode and performed within one hundred eighty (180) days prior to a registration renewal date or a change of ownership date for that vehicle. An initial test does not include tests that are aborted before completion or tests done in the training or manual modes of the EIS.

(v) "Vehicle Information Database" or "VID" means a centralized computer database and computer network, which is readily accessible by all licensed smog check technicians on a real time basis.

(w) "Repair Assistance" means a component of the Consumer Assistance Program (CAP) that provides financial assistance for emissions-related repairs to help eligible motor vehicle owners bring their vehicles into compliance with the requirements of the Smog Check Program.

(x) "Household" means a family of persons or any group of two or more unrelated persons that reside together and share common living expenses.

(y) "Vehicle Retirement" means a component of the Consumer Assistance Program (CAP) that provides payments to eligible motor vehicle owners who choose to voluntarily retire their vehicles from operation rather than make emissions-related repairs to bring the vehicles into compliance with the requirements of the Smog Check Program.

(z) "Dismantler" means an automobile dismantler, as defined in Section 220 of the Vehicle Code and licensed pursuant to Section 11500 of the Vehicle Code, who has contracted with the Bureau to retire vehicles from operation.

(aa) "Revivable Junk Receipt" means a receipt showing proof that the vehicle is recorded and titled as "junked" by the Department of Motor Vehicles.

(bb) "Vehicle Inspection Report" or "VIR" means an official smog check inspection report that is printed from an emissions inspection system and given to the registered vehicle owner(s) or their legal representative.

(cc) "Consumer Assistance Program" or "CAP" means a program of the Bureau of Automotive Repair that

provides eligible motor vehicle owners the options of Repair Assistance and Vehicle Retirement.

Note: Authority cited: Sections 44001.5, 44002, 44072.10, 44091 and 44095, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 44001.3, 44005, 44010.5, 44011, 44012, 44014, 44014.2, 44014.5, 44017, 44017.1, 44030, 44036, 44037.1, 44056, 44062.1, 44070, 44072.10, 44092, 44093, 44094 and 44103, Health and Safety Code; Sections 220 and 11500, Vehicle Code; and Section 11505, Government Code.

HISTORY

1. New article 5.5 (sections 3340.1-3340.50.5) filed 3-23-84; effective upon filing pursuant to Government Code section 11346.2(d) (Register 84, No. 12).
2. New subsection (j) filed 8-24-88; operative 9-23-88 (Register 88, No. 37).
3. Amendment filed 4-16-90; operative 4-16-90 (Register 90, No. 19).
4. New subsection (k) filed 5-11-90; operative 6-10-90 (Register 90, No. 26).
5. Repealer of subsection (e), subsection relettering, amendment of newly designated subsections (e) and (k), new subsections (l)-(o) and Note filed 6-23-95 as an emergency; operative 6-23-95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10-21-95 or emergency language will be repealed by operation of law on the following day.
6. New subsection (p) and amendment of Note filed 8-17-95 as an emergency; operative 8-17-95 (Register 95, No. 33). A Certificate of Compliance must be transmitted to OAL by 12-15-95 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 6-23-95 order including amendment of subsection (m) transmitted to OAL 10-20-95 and filed 12-6-95 (Register 95, No. 49).
8. Certificate of Compliance as to 8-17-95 order transmitted to OAL 12-15-95 and filed 1-25-96 (Register 96, No. 4).
9. Amendment of subsection (g) filed 4-29-96 as an emergency; operative 4-29-96 (Register 96, No. 18). A Certificate of Compliance must be transmitted to OAL by 8-27-96 or emergency language will be repealed by operation of law on the following day.
10. Amendment of subsection (c) and (d), new subsection (e) and subsection relettering, repealer of previously designated subsection (f), and amendment of subsections (g), (k) and (l) filed 7-26-96 as an emergency; operative 7-26-96 (Register 96, No. 30). A Certificate of Compliance must be transmitted to OAL by 11-25-96 or emergency language will be repealed by operation of law on the following day.
11. Certificate of Compliance as to 4-29-96 order transmitted to OAL 8-21-96 and filed 9-30-96 (Register 96, No. 40).
12. Editorial correction of subsection (p) (Register 97, No. 2).

13. Certificate of Compliance as to 7-26-96 order, including further amendment of subsection (g), transmitted to OAL 11-19-96 and filed 1-6-97 (Register 97, No. 2).

14. New subsections (q) and (r) and amendment of Note filed 4-23-97 as an emergency; operative 4-23-97 (Register 97, No. 17). A Certificate of Compliance must be transmitted to OAL by 8-21-97 or emergency language will be repealed by operation of law on the following day.

15. Certificate of Compliance as to 4-23-97 order, including new subsections (s)-(t) and further amendment of Note, transmitted to OAL 8-19-97 and filed 9-30-97 (Register 97, No. 40).

16. New subsections (u)-(x) and amendment of Note filed 10-30-98 as an emergency; operative 10-30-98 (Register 98, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-1-99 or emergency language will be repealed by operation of law on the following day.

17. New subsections (ad)-(ag) and amendment of Note filed 12-3-98 as an emergency; operative 12-3-98 (Register 98, No. 49). A Certificate of Compliance must be transmitted to OAL by 4-2-99 or emergency language will be repealed by operation of law on the following day.

18. New subsections (u)-(x) and amendment of Note refiled 2-25-99 as an emergency; operative 3-1-99 (Register 99, No. 9). A Certificate of Compliance must be transmitted to OAL by 6-29-99 or emergency language will be repealed by operation of law on the following day.

19. New subsections (ad)-(ag) and amendment of Note refiled 3-30-99 as an emergency; operative 4-2-99 (Register 99, No. 14). A Certificate of Compliance must be transmitted to OAL by 8-2-99 or emergency language will be repealed by operation of law on the following day.

20. Certificate of Compliance as to 2-25-99 emergency, including amendment of subsection (x) and Note, transmitted to OAL 3-18-99 and filed 4-15-99; effective 5-1-99 (Register 99, No. 16).

21. New subsections (ad)-(ag) and amendment of Note refiled 7-26-99 as an emergency; operative 8-2-99 (Register 99, No. 31). A Certificate of Compliance must be transmitted to OAL by 11-30-99 or emergency language will be repealed by operation of law on the following day.

22. Certificate of Compliance as to 7-26-99 order, including further amendment of subsections (ad)-(ag) and Note, transmitted to OAL 11-18-99 and filed 1-3-2000 (Register 2000, No. 1).

23. Amendment of subsection (v) and repealer of subsection (w) filed 3-27-2000 as an emergency; operative 3-27-2000 (Register 2000, No. 13). A Certificate of Compliance must be transmitted to OAL by 7-25-2000 or emergency language will be repealed by operation of law on the following day.

24. Amendment of subsection (v), repealer of subsection (af), redesignation and amendment of subsections (x)-(ag) as subsections (w)-(z), new subsection (aa) and amendment of Note filed 6-26-2000 as an emergency; operative 7-1-2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 10-30-2000 or emergency language will be repealed by operation of law on

the following day.

25. Amendment of subsection (v), repealer of subsection (af), redesignation and amendment of subsections (x)-(ag) as subsections (w)-(z), new subsection (aa) and amendment of Note refiled 10-30-2000 as an emergency; operative 10-30-2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 2-27-2001 or emergency language will be repealed by operation of law on the following day.

26. Certificate of Compliance as to 10-30-2000 order, including further amendment of subsections (v)-(y), new subsection (z), subsection relettering, and amendment of newly designated subsection (bb), transmitted to OAL 2-9-2001 and filed 3-27-2001 (Register 2001, No. 13).

27. Amendment of subsection (g), new subsection (t), subsection relettering and amendment of Note filed 3-3-2003; operative 4-2-2003 (Register 2003, No. 10).

28. Amendment of subsection (q), repealer and new subsections (r) and (s), new subsection (u), repealer of former subsection (v) and subsection relettering filed 4-28-2003; operative 5-28-2003 (Register 2003, No. 18).

29. Editorial correction restoring inadvertently omitted subsection (h) (Register 2006, No. 19).

30. Amendment of subsections (c)-(g), (i)-(j), (q)-(v) and (bb)-(cc) filed 5-30-2006; operative 6-29-2006 (Register 2006, No. 22).

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ARTICLE 5.5. MOTOR VEHICLE INSPECTION PROGRAM

This database is current through 7/10/09, Register 2009, No. 28
§ 3340.5. Vehicles Exempt from Inspections.

(a) In addition to the vehicles exempted from the program by section 44011 of the Health and Safety Code, the following vehicles are exempted:

(1) any two cylinder vehicle.

(2) any vehicle powered exclusively by electricity, or diesel fuel.

(3) any two-cycle powered vehicle.

(b) Vehicles powered by liquid petroleum gas or liquid natural gas are not exempt from the program.

Note: Authority cited: Sections 44002 and 44011, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Section 44011, Health and Safety Code.

HISTORY

1. New subsection (c) filed 3-28-86; effective thirtieth day thereafter (Register 86, No. 13).

2. Amendment filed 4-16-90; operative 4-16-90 (Register 90, No. 19).

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§ 3340.6. Vehicles Subject to Inspection upon Change of Ownership and Initial Registration in
California.

This program shall not replace any requirements contained in Sections 4000.1 and 4000.2 of the Vehicle Code for inspection upon change of ownership or initial registration in California.

Note: Authority cited: Section 44002, Health and Safety Code; and sections 4000.1 and 4000.2, Vehicle Code. Reference: Sections 44005 and 44011, Health and Safety Code.

HISTORY

1. Editorial correction of printing error inadvertently omitting Authority and Reference (Register 91, No. 6).

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§ 3340.7. Fee for Inspection at State-Contracted Test-Only Facility.

(a) The fee for an inspection at a test-only facility operating under the contract in existence on the effective date of this section shall be as negotiated with the department, and shall not exceed the department's actual cost of the test-only service. This fee shall remain operative in all regions of the state until implementation of subsection (b). Thereafter, the inspection fees shall be as provided in subsection (b).

(b) Upon commencement of testing by a contractor pursuant to an amended contract, or a new contract developed in the competitive bidding process, the fee for inspection at test-only facilities operated by the contractor shall be the fee as negotiated with the department.

(c) The department shall publish notice of each negotiated inspection fee, initially and as it may subsequently be modified, in one or more newspapers of general circulation in each region of the state in which the contractor's test-only facilities are to charge the fee. The department may also publish such notice in the California Regulatory Notice Register.

Note: Authority cited: Section 44002, Health and Safety Code. Reference: Sections 44014.5 and 44015, Health and Safety Code.

HISTORY

1. New section filed 8-17-95 as an emergency; operative 8-17-95 (Register 95, No. 33). A Certificate of Compliance must be transmitted to OAL by 12-15-95 or emergency language will be repealed by operation of law on the following day.

2. Editorial correction of subsection (b) (Register 96, No. 4).

3. Certificate of Compliance as to 8-17-95 order transmitted to OAL 12-15-95 and filed 1-25-96 (Register 96, No. 4).

16 CCR § 3340.7, 16 CA ADC § 3340.7
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16 CA ADC § 3340.7



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16 CA ADC § 3340.9

16 CCR § 3340.9

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ARTICLE 5.5. MOTOR VEHICLE INSPECTION PROGRAM

This database is current through 7/10/09, Register 2009, No. 28
§ 3340.9. Repair Assistance Program.

Note: Authority cited: Sections 44001.5, 44002 and 44095, Health and Safety Code. Reference: Sections 44014.7, 44015, 44017, 44017.1, 44020, 44062.1, 44092, 44093, 44094 and 44095, Health and Safety Code.

HISTORY

1. New section and Form RAP-APP filed 10-30-98 as an emergency; operative 10-30-98 (Register 98, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-1-99 or emergency language will be repealed by operation of law on the following day.
2. New section and Form RAP-APP refiled 2-25-99 as an emergency; operative 3-1-99 (Register 99, No. 9). A Certificate of Compliance must be transmitted to OAL by 6-29-99 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 2-25-99 emergency, including amendment of subsections (b)(2)-(3) and (b)(5)(A)-(B) and new version of form RAP-APP, transmitted to OAL 3-18-99 and filed 4-15-99; effective 5-1-99 (Register 99, No. 16).
4. Amendment of section heading, section and Note, and repealer and new forms filed 3-27-2000 as an emergency; operative 3-27-2000 (Register 2000, No. 13). A Certificate of Compliance must be transmitted to OAL by 7-25-2000 or emergency language will be repealed by operation of law on the following day.
5. Renumbering of former section 3340.9 (including Form RAP-APP) to section 3394.6 filed 6-26-2000 as an emergency; operative 7-1-2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 10-30-2000 or emergency language will be repealed by operation of law on the following day.

6. Renumbering of former section 3340.9 (including Form RAP-APP) to section 3394.6 refiled 10-30-2000 as an emergency; operative 10-30-2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 2-27-2001 or emergency language will be repealed by operation of law on the following day.

7. Certificate of Compliance as to 10-30-2000 order transmitted to OAL 2-9-2001 and filed 3-27-2001 (Register 2001, No. 13).

16 CCR § 3340.9, 16 CA ADC § 3340.9
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This database is current through 7/10/09, Register 2009, No. 28
§ 3340.10. Licensing of Smog Check Stations.

A registered automotive repair dealer may be licensed as a smog check station in accordance with the following:

(a) Application. An applicant for an initial or renewal license shall submit an application to the bureau on form R-12 (6/96) "Application for Smog Check Station License" along with the fee required in subsection (b).

(b) Fees. Fees are established as follows:

(1) Initial license fee -\$100.00.

(2) Renewal license fee if submitted on or before the date of license expiration -\$100.00.

(3) Delinquency fee if a renewal license fee is submitted after the date of license expiration - \$50.00, which shall be assessed in addition to the \$100.00 renewal license fee.

(c) Term of License. A station license shall expire one year from the last day of the month in which the license was issued unless renewed, suspended, rescinded, or terminated by operation of law. The bureau may advance the expiration date to correspond with the automotive repair dealer's registration expiration date. A licensee whose license has expired shall immediately cease to inspect, test, diagnose or repair vehicles or issue certificates as part of the smog check program.

(d) Inspection. An inspection of the applicant's facility shall be made by a representative of the bureau. A license may be issued only for an applicant that meets the qualifications prescribed in this article.

(e) Replacement License. In determining whether a fee is required for a replacement license, the definitions given in section 3306(c)(1) and (2) of this chapter shall apply.

(1) In the event of a change of name or address of a licensee, a new application shall be submitted to the bureau and no fee will be required.

(2) In the event of a change of ownership of a licensed business, a new application and a license fee of \$100.00 shall be submitted to the bureau.

(3) In the event a license is lost, destroyed, or mutilated, application shall be made to the bureau for a duplicate license. The person to whom the license was issued shall furnish satisfactory proof of licensure. Upon receipt of application, the bureau shall issue a duplicate license for the unexpired term of the license. Any lost license that is later found shall be returned to the bureau.

(f) No person shall operate a smog check station unless a license to do so has been issued by the department.

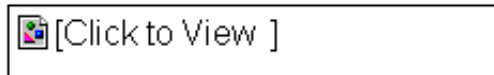


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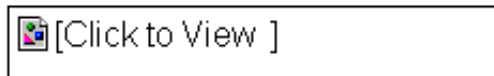


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INSTRUCTIONS FOR STATION LICENSE APPLICATION

Before we can issue a station license to you, we must have information required by Section 44030 of the Health and Safety Code. The Chief of the Bureau of Automotive Repair is responsible for maintaining the information you provide. The information may be transferred to other governmental agencies if the agencies need it to perform their legally required duties. You have the right to review the records maintained on you by this bureau, unless the records are identified as confidential information and exempted in Section 1798.3 of the Information Practices Act.

THIS FORM MUST BE COMPLETED AND RETURNED TO THE BUREAU BEFORE THE LICENSE CAN BE ISSUED. THE FORM IS COMPLETED AS FOLLOWS:

OWNER: Owner's Name, Social Security Number and California Driver's License Number. If business is a partnership, provide federal identification number.

DOING BUSINESS AS: Name of the business as listed on the Auto Repair Dealer registration certificate.

BUSINESS ADDRESS: Complete address where the business is being conducted.

MAILING ADDRESS: Complete address where the business receives its mail.

BUSINESS TELEPHONE NUMBER: Telephone number of the business, including area code.

ARD NUMBER: Current Auto Repair Dealer registration number.

RELATED SMOG LICENSE #: List all previously issued Smog related (MVPC or Smog Check) Station License number(s).

LICENSED INSPECTOR: Name, Inspector's License Number and Driver's License Number of Licensed Inspector(s).

REQUIRED EQUIPMENT: All of the Required Equipment listed below must be on the premises in proper

working order and in calibration in accordance with the type of station license applied for. A "Test Only" station should have all testing equipment and manuals to test and/or inspect all affected vehicles including but, not limited to: BAR-approved Exhaust Gas Analyzer", Tachometer (may be part of analyzer), Ignition Timing Light with advance tester, Vacuum Pump, equipment to retrieve trouble codes from on-board computers, Fillpipe Restrictor Dowel, Emission Control System Application Guide and Vacuum Routing Diagram, and BAR bulletins and publications as appropriate. In addition to the equipment for "Test Only" stations, a "Test/Repair" station is required to have engine diagnostic & repair tools for diagnosing and repairing ignition, fuel, and emission control systems and related components for each vehicle type that the station works on. This includes, but is not limited to the following: Ignition Analyzer/Oscilloscope, Cam Angle (Dwell) Meter, Digital Volt/Ohmmeter, Vacuum-pressure Gauge, Artificial Enrichment (Propane Gain) Tool**, and Emission Control Service & Repair Manuals. Stations performing biennial smog inspections are required to use a BAR-90 analyzer as of 7/1/90 pursuant to Section 44036 of the Health and Safety code. Stations in geographic areas where only change of ownership inspections are performed may retain the use of a BAR-80 or BAR-84 analyzer until 1/1/92, at which time a BAR-90 analyzer is required. Emission Control Application Guide for the following years are required: 1966 to current for domestic vehicles; 1968 to current for foreign cars and trucks. Emission Control Tune-Up, Diagnostic and Repair Manuals are required for types of vehicles tested and repaired at station. Stations should be aware that bar code reader may be a required addition to BAR-90 Analyzer after program start-up.

APPLICANT'S BACKGROUND: This Section must be Completed in its entirety. Any applicable information not provided may result in denial of this application of legal action later to revoke this license.

SIGNATURE: Sign and date the application. Your signature affirms that all required equipment and manuals are present and in satisfactory condition and that all statements are true and correct. Any false statements made on this application may results in denial of the application or legal action later to revoke this license.

FEE: PLEASE ENCLOSE \$100.00 APPLICATION FEE, CHECK OR MONEY ORDER, WITH YOUR COMPLETED APPLICATION.

DO NOT SEND CASH

Figure 1 (Back)

Note: Authority cited: Sections 44002 and 44034, Health and Safety Code; and Sections 163.5 and 9882, Business and Professions Code. Reference: Sections 44030, 44033 and 44034, Health and Safety Code.

HISTORY

1. Amendment of subsections (b) and (e)(2) filed 6-21-89; operative 6-21-89 (Register 89, No. 25).
2. Amendment filed 4-16-90; operative 4-16-90 (Register 90, No. 19).
3. Amendment of subsections (a) and (c) filed 7-26-96 as an emergency; operative 7-26-96 (Register 96, No. 30). A Certificate of Compliance must be transmitted to OAL by 11-25-96 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 7-26-96 order, including further amendment of subsection (c), transmitted to OAL 11-19-96 and filed 1-6-97 (Register 97, No. 2).

16 CCR § 3340.10, 16 CA ADC § 3340.10
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§ 3340.15. General Requirements for Smog Check Stations.

A smog check station shall meet the following requirements for licensure and shall comply with these requirements at all times while licensed.

(a) The testing and repairing of vehicles shall be performed only in a work area of the station that has been approved by the bureau during the licensing inspection. Other work may be performed in the approved area, as desired. Except for heavy-duty vehicles, the work area shall be within a building and shall be large enough to accommodate the type of vehicle being serviced. In the case of the testing and repair of heavy-duty vehicles the work area need not be in a building, but the emissions inspection system used at the station may only be used within a building. The work area shall be kept clean and orderly.

(b) During all hours the station is open for the business of testing and/or repairing vehicles pursuant to the Smog Check Program, a technician, licensed for the appropriate category of vehicle being tested or repaired and the appropriate area, shall be present.

(c) A smog check station shall not have in its employ more than two intern technicians at any given time. The repairs or adjustments made by intern technicians at smog check stations to emissions control systems on vehicles subject to the Smog Check Program shall be performed under the direction of a supervising technician that is on the premises of the smog check station at the time of the repair or adjustment.

(d) The station license and technician licenses shall be posted prominently under glass or other transparent material in an area frequented by customers.

(e) The station shall post conspicuously in an area frequented by customers a list of price ranges for the specific activities for which it is licensed. The posted prices shall include the price charged by the station for inspections, and, if a separate price is charged for reinspections, the reinspection price. The station shall also post the inspection prices for vans and/or heavy-duty vehicles if those prices differ from the passenger car inspection price. If the station imposes an hourly labor charge for repairs, the hourly labor rate shall be posted. The price of issuance of a certificate of compliance or noncompliance charged by the bureau shall be posted separately from the price of the inspection and of the reinspection, if any.

(f) The station shall make, keep secure, and have available for inspection on request of the bureau, or

its representative, legible records showing the station's transactions as a licensee for a period of not less than three years after completion of any transaction to which the records refer. All records shall be open for reasonable inspection and/or reproduction by the bureau or its representative. Station records required to be maintained shall include copies of:

- (1) All certificates of compliance and certificates of noncompliance in stock and/or issued,
- (2) Repair orders relating to the inspection and repair activities, and
- (3) Vehicle inspection reports generated either manually or by the emissions inspection system.

The above listed station records shall be maintained in such a manner that the records for each transaction are kept together, so as to facilitate access to those records by the bureau or its representative. In this regard, the second copy of an issued certificate shall be attached to the final invoice record.

(g) A smog check station shall be open and available to the general public for Smog Check Program services.

(h) A smog check station shall afford the bureau or its representative reasonable access during normal business hours to the station for the bureau's quality assurance efforts to evaluate the effectiveness of tests and/or repairs made to vehicles subject to the Smog Check Program.

(i) A licensed smog check station shall not sublet inspections or repairs required as part of the Smog Check Program, except for the following:

- (1) Repairs of a vehicle's exhaust system which are normally performed by muffler shops, provided that the malfunction has been previously diagnosed by the specific smog check station originally authorized by the customer to perform repairs to the vehicle.
- (2) Repairs of those individual components that have been previously diagnosed as being defective and that have been removed by the specific smog check station originally authorized by the customer to perform repairs to the vehicle.

Note: Authority cited: Section 44002 and 44030, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 44014, 44030, 44032, 44033, 44036, 44037 and 44045.5, Health and Safety Code.

HISTORY

1. Amendment of subsection (g) and repealer of subsection (h) filed 3-28-84; effective thirtieth day thereafter (Register 86, No. 13).
2. Amendment of subsection (d) filed 8-24-88; operative 9-23-88 (Register 88, No. 37).
3. Amendment filed 4-16-90; operative 4-16-90 (Register 90, No. 19).
4. Editorial correction of printing error in subsection (g) (Register 91, No. 6).

5. Amendment of subsection (e) filed 10-23-91; operative 11-22-91 (Register 92, No. 35).

6. Amendment of subsection (d) filed 8-18-92; operative 9-17-92 (Register 92, No. 37).

7. Repealer of subsection (b), subsection relettering, amendment of newly designated subsection (b), new subsection (c), and amendment of subsection (d) and Note filed 6-23-95 as an emergency; operative 6-23-95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10-21-95 or emergency language will be repealed by operation of law on the following day.

8. Certificate of Compliance as to 6-23-95 order transmitted to OAL 10-20-95 and filed 12-6-95 (Register 95, No. 49).

9. New subsections (h)-(i)(2) and amendment of Note filed 4-15-97 as an emergency; operative 4-15-97 (Register 97, No. 16). A Certificate of Compliance must be transmitted to OAL by 8-13-97 or emergency language will be repealed by operation of law on the following day.

10. Editorial correction of History 9 (Register 97, No. 29).

11. Certificate of Compliance as to 4-15-97 order, including amendment of subsections (i)-(i)(2), transmitted to OAL 8-11-97 and filed 9-18-97 (Register 97, No. 38).

12. Amendment of subsection (a) filed 6-9-2003; operative 7-9-2003 (Register 2003, No. 24).

13. Change without regulatory effect amending section filed 10-11-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 41).

16 CCR § 3340.15, 16 CA ADC § 3340.15
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§ 3340.16. Test-Only Station Requirements.

(a) A smog check test-only station operating in other than an enhanced program area shall have all testing equipment and emission application and reference manuals necessary to test and/or inspect all affected vehicles, including the following:

- (1) An emissions inspection system, in accordance with the bureau's BAR-97 Emissions Inspection System Specifications as provided in subsection (a) of section 3340.17 of this article.
- (2) An ignition timing light, which measures ignition advance.
- (3) A hand vacuum pump and a vacuum gauge.
- (4) Basic hand tools necessary to inspect vehicle ignition, fuel delivery, and emission control systems.
- (5) A device capable of retrieving trouble codes from vehicles with on-board computers, along with instructions on how to extract codes, and definitions of codes found.
- (6) A fuel fillpipe restrictor dowel gauge meeting the following specifications:
 - (A) Made of a non-sparking material meeting the standard for hardness of aluminum alloy No. 5052 as defined in Volume 02.02 of section 2 of the 1986 Annual Book of Standards published by the American Society for Testing and Materials;
 - (B) Having a radiused test portion;
 - (C) Having a test portion diameter not less than 0.9375 inches or more than 0.950 inches;
 - (D) Having an overall length not less than 5 inches or more than 12 inches;
 - (E) Having a handle no less than 1.25 inches in diameter, and no less than 4 inches in length; and

(F) Constructed of solid bar stock or tubing with a minimum wall thickness of 3/16 of an inch.

(7) The most currently available emission control system application information as contained in any of the nationally distributed and periodically updated manuals that address emission control systems applications; vacuum routing diagrams for all vehicles being tested; electronic component location manuals; and specifications for those functional tests currently prescribed by the bureau.

(8) The most currently available bureau manuals and bulletins.

(9) An evaporative emission control inspection system that meets subsections (a) through (h) and (j) of section 2.8 of the emissions inspection system specifications referenced in subsection (b) of section 3340.17 of this Article.

(10) On and after November 1, 2007, low-pressure fuel evaporative test equipment that has been certified by the bureau as compliant with the Low-Pressure Fuel Evaporative Tester (LPFET) Specifications dated October 2006 and hereby incorporated by reference. The test equipment shall be maintained and calibrated in accordance with the LPFET Specifications referenced in this paragraph and in accordance with the manufacturer's specifications. Vehicle data low-pressure fuel evaporative test results shall be transmitted to a database specified by the department in accordance with the procedures contained in the LPFET Specifications referenced in this paragraph, which include the form, manner and frequency of data transmittals.

(b) A smog check test-only station operating in an enhanced program area shall have all of the equipment and materials specified by and conform to the requirements of subsection (a) above, except for paragraphs (1) and (5), and an emissions inspection system in accordance with the bureau's BAR-97 Emissions Inspection System Specifications as provided in subsection (b) of section 3340.17 of this article. A smog check test-only station operating in an enhanced area shall have a tire pressure gauge capable of accurately measuring tire pressure at the specification for the vehicles being tested and inspected using the loaded-mode test procedure.

(c) A smog check test-only station shall post conspicuously, in an area frequented by consumers, a notice to the effect that the station is licensed to test vehicles only, and cannot make any required diagnosis or repairs to a vehicle which has failed a smog check test.

(d) A smog check test-only station shall not engage in any automotive repair work.

(e) No smog check test-only station may refer a vehicle owner to a particular automotive repair dealer or provider of smog check repair services. The test-only station shall make available to each customer a list prepared by the bureau of all smog check stations in that region licensed to make repairs of vehicular emission control systems, which shall include licensed stations certified under the Gold Shield program. Stations and technicians are prohibited from altering or revising the list supplied by the bureau. For the purpose of this subsection, the term "make available" means to grant access to.

(f) A smog check test-only station shall not have ownership in, corporate interest in, nor any financial interest in a smog check test-and-repair station within a geographical radius of 50 statute miles of the test-only station.

Note: Authority cited: Sections 44001.5, 44002, 44013 and 44036, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 44010, 44012, 44013, 44014, 44014.5, 44015, 44017.1, 44033, 44036 and 44037.1, Health and Safety Code.

HISTORY

1. Amendment filed 4-16-90; operative 4-16-90 (Register 90, No. 19).

2. New subsection (c) filed 5-11-90; operative 6-10-90 (Register 90, No. 26).
4. Amendment of subsection (a)(5) filed 10-23-91; operative 11-22-91 (Register 92, No. 35).
5. Amendment of section heading filed 8-18-92; operative 9-17-92 (Register 92, No. 37).
6. Amendment of subsections (a)-(a)(5), new subsections (a)(9) and (b) and subsection relettering, and amendment of newly designated subsection (c) filed 7-26-96 as an emergency; operative 7-26-96 (Register 96, No. 30). A Certificate of Compliance must be transmitted to OAL by 11-25-96 or emergency language will be repealed by operation of law on the following day.
7. Editorial correction of subsection (a)(3) (Register 97, No. 2).
8. Certificate of Compliance as to 7-26-96 order, including further amendment of subsection (a)(5) and repealer of subsection (a)(9), transmitted to OAL 11-19-96 and filed 1-6-97 (Register 97, No. 2).
9. Amendment of section heading and subsection (a)(6)(B), repealer and new subsection (d), new subsections (e) and (f) and amendment of Note filed 4-15-97 as an emergency; operative 4-15-97 (Register 97, No. 16). A Certificate of Compliance must be transmitted to OAL by 8-13-97 or emergency language will be repealed by operation of law on the following day.
10. Editorial correction of History9 (Register 97, No. 29).
11. Editorial correction of subsection (f) (Register 97, No. 38).
12. Certificate of Compliance as to 4-15-97 order transmitted to OAL 8-11-97 and filed 9-18-97 (Register 97, No. 38).
13. New subsection (a)(9) filed 11-12-98 as an emergency; operative 11-12-98 (Register 98, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-12-99 or emergency language will be repealed by operation of law on the following day.
14. Editorial correction repositioning subsection (a)(9) (Register 98, No. 47).
15. Certificate of Compliance as to 11-12-98 order transmitted to OAL 3-10-99 and filed 4-21-99 (Register 99, No. 17).
16. Amendment of subsections (a)(6)(A)-(E), (a)(7) and (b) filed 2-1-2001; operative 2-1-2001 pursuant to Government Code section 11343.4(c) (Register 2001, No. 5).
17. Amendment of subsections (a)(1), (a)(9) and (b) filed 2-15-2002 as an emergency; operative 2-15-2002 (Register 2002, No. 7). A Certificate of Compliance must be transmitted to OAL by 6-17-2002 or emergency language will be repealed by operation of law on the following day.
18. Certificate of Compliance as to 2-15-2002 order transmitted to OAL 6-13-2002 and filed 7-26-2002 (Register 2002, No. 30).

19. Amendment of subsections (a), (a)(1) and (b) filed 6-9-2003; operative 7-9-2003 (Register 2003, No. 24).

20. Editorial correction of subsection (e) (Register 2004, No. 22).

21. Amendment of section and Note filed 5-30-2006; operative 6-29-2006 (Register 2006, No. 22).

22. New subsection (a)(10) and amendment of Note filed 8-1-2007; operative 8-1-2007 pursuant to Government Code section 11343.4 (Register 2007, No. 31).

16 CCR § 3340.16, 16 CA ADC § 3340.16
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§ 3340.16.5. Test-and-Repair Station Requirements.

(a) A smog check test-and-repair station operating in a basic area shall have the equipment and materials specified by, and conform to the requirements of, subsection (a) of section 3340.16 of this article and, in addition, shall have engine diagnostic equipment and repair tools that are capable of diagnosing and repairing engine ignition systems, fuel systems, emission control systems, computer engine control systems, and other related components for each vehicle type that the station diagnoses and repairs. The equipment or repair tools may be separate units, or part of a multi-functional unit. At a minimum, the station shall have the following materials, tools, and equipment:

(1) An ignition analyzer or ignition oscilloscope capable of displaying ignition system operation of vehicles subject to the smog check program. At a minimum, the device shall display:

(A) Primary ignition system voltage and coil oscillations; and

(B) Firing voltage and spark duration of the secondary ignition in either analog or digital form. For distributor-equipped systems, the device shall be capable of displaying this information for all cylinders at the same time.

(2) A compression tester.

(3) A tachometer/dwell meter.

(4) A fuel pressure gauge capable of measuring the higher pressures of fuel-injected vehicles.

(5) A propane enrichment kit.

(6) An ammeter capable of measuring amps and milliamps.

(7) A high impedance digital volt/ohmmeter.

(8) Hand tools necessary to adjust, maintain, and repair vehicular ignition, fuel delivery, and emission

control systems.

(9) Diagnostic and repair information for all vehicles being tested and repaired. Such information may be in printed or electronic form and may be nationally distributed and periodically updated references that contain repair and emission procedures. These references must be up to date and include current model year supplements for automobile emission control systems. Electronic references shall be provided in printed form upon request from the bureau.

(10) The most currently available bureau test and repair manuals.

(11) Automotive computer diagnostic and repair manuals.

(12) Electronic component location manuals.

(13) A device capable of retrieving trouble codes from vehicles with on-board computers, along with instructions on how to extract codes, and definitions of codes. This device shall have the ability to display and store data streams from the on-board computer systems of vehicles. The device shall be On-Board Diagnostic II compliant, and shall have the Enhanced E/E Diagnostic Test Modes capabilities as noted in the Society of Automotive Engineers' document number J2190 dated June 1993. Diagnostic data modules required to operate the device shall be kept updated to the current available calendar year.

(b) A smog check test-and-repair station operating in an enhanced area shall have all of the equipment and materials specified by, and conform to the requirements of subsection (a) above, and:

(1) An emissions inspection system in accordance with the bureau's BAR-97 Emissions Inspection System Specifications as provided in subsection (b) of section 3340.17 of this article.

(2) An electronic device capable of graphically displaying any electrical or electronic signal used by an automotive computer system. The device shall have the capability of displaying the electrical or electronic signal using a voltage and time scale that is adjustable. The device shall have the capability of capturing and displaying a high frequency abnormal signal, regardless of time per division setting, or screen refresh rate. This device may be a separate unit, or be part of a multifunctional unit that also serves to fulfill one or more of the requirements of subsection (a) above.

(3) A tire pressure gauge capable of accurately measuring tire pressure at the specification for the vehicles being tested and inspected using the loaded mode test procedure.

(c) A smog check test-and-repair station that has accepted a vehicle for inspection shall disclose both orally and in writing on the written estimate provided pursuant to Section 9884.9 of the Business and Professions Code, before the initial inspection of the vehicle, if the vehicle is potentially affected by any of the following conditions:

(1) The station does not have adequate equipment, personnel, tools or reference materials to repair the vehicle, should the vehicle fail its inspection; or

(2) The station, as a matter of policy, does not repair certain types, makes or models of vehicles; or

(3) The station, as a matter of policy, does not repair certain types of vehicle inspection failures.

(d) Smog check test-and-repair stations shall not refer a vehicle owner to a particular test-only station for the testing and certification of a vehicle that has been directed to a test-only station for its biennial smog check pursuant to Section 44010.5 and 44014.7 of the Health and Safety Code. Test-and-repair stations

shall make available to each customer that presents a test-only directed vehicle for initial testing a list prepared by the bureau of those smog check test-only stations in that region licensed to perform initial tests of, and to certify test-only directed vehicles. Stations and technicians are prohibited from altering or revising the list supplied by the bureau. For the purpose of this subsection, the term "make available" means to grant access to.

(e) A smog check test-and-repair station shall not have ownership in, corporate interest in, nor any financial interest in a smog check test-only station within a geographical radius of 50 statute miles of the test-and-repair station.

Note: Authority cited: Section 44002, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 44012, 44030(b) and 44036(b), Health and Safety Code.

HISTORY

1. Amendment filed 4-16-90; operative 4-16-90 (Register 90, No. 19).
2. New subsection (a)(8) and subsection renumbering filed 10-23-91; operative 11-22-91 (Register 92, No. 35).
3. Amendment of section heading and subsection (a) filed 8-18-92; operative 9-17-92 (Register 92, No. 37).
4. Repealer of subsection (c) and amendment of Note filed 4-29-96 as an emergency; operative 4-29-96 (Register 96, No. 18). A Certificate of Compliance must be transmitted to OAL by 8-27-96 or emergency language will be repealed by operation of law on the following day.
5. Amendment of subsections (a) and (a)(3), repealer of subsection (a)(5) and subsection renumbering, amendment of newly designated subsections (a)(6)-(a)(9), new subsections (a)(11)-(b)(2) and subsection relettering filed 7-26-96 as an emergency; operative 7-26-96 (Register 96, No. 30). A Certificate of Compliance must be transmitted to OAL by 11-25-96 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 4-29-96 order transmitted to OAL 8-21-96 and filed 9-30-96 (Register 96, No. 40).
7. Editorial correction of subsection (a)(8) (Register 97, No. 2).
8. Certificate of Compliance as to 7-26-96 order, including further amendment of subsection (a), repealer of subsection (a)(13) and amendment of subsection (b)(2), transmitted to OAL 11-19-96 and filed 1-6-97 (Register 97, No. 2).
9. Amendment of section heading and subsections (a) and (c), and new subsection (d) filed 4-15-97 as an emergency; operative 4-15-97 (Register 97, No. 16). A Certificate of Compliance must be transmitted to OAL by 8-13-97 or emergency language will be repealed by operation of law on the following day.
10. Editorial correction of History 9 (Register 97, No. 29).
11. Certificate of Compliance as to 4-15-97 order transmitted to OAL 8-11-97 and filed 9-18-97 (Register 97, No. 38).
12. New subsections (a)(13) and (b)(3) filed 2-1-2001; operative 2-1-2001 pursuant to Government Code section 11343.4(c) (Register 2001, No. 5).

13. Amendment of subsections (a)-(a)(1), new subsections (a)(1)(A)-(B), amendment of subsection (b)(2) and amendment of Note filed 11-27-2001; operative 12-27-2001 (Register 2001, No. 48).

14. Amendment of subsection (b)(1) filed 2-15-2002 as an emergency; operative 2-15-2002 (Register 2002, No. 7). A Certificate of Compliance must be transmitted to OAL by 6-17-2002 or emergency language will be repealed by operation of law on the following day.

15. Certificate of Compliance as to 2-15-2002 order transmitted to OAL 6-13-2002 and filed 7-26-2002 (Register 2002, No. 30).

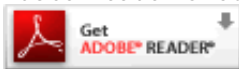
16. Amendment of section and Note filed 5-30-2006; operative 6-29-2006 (Register 2006, No. 22).

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This database is current through 7/10/09, Register 2009, No. 28
§ 3340.17. Test Equipment, Electronic Transmission, Maintenance and Calibration
Requirements.

(a) Each smog check station operating in other than an enhanced program area shall have a BAR certified emissions inspection system, as specified in subsection (b), except that the hardware and the software necessary to conduct dynamometer based, loaded-mode emissions shall not be required. Vehicle data emission test results shall be transmitted to the department's centralized data base in accordance with the procedures contained in the specifications referenced in subsection (b), which include the form, manner and frequency of data transmittals. The emissions inspection system shall be maintained and calibrated in accordance with the specifications referenced in subsection (b), and in accordance with the manufacturer's specifications. The emissions inspection system shall have the most current software and hardware updates required by the bureau.

(b) Each smog check station operating in an enhanced area shall have a BAR-certified emissions inspection system that meets the specifications contained in the BAR-97 Emissions Inspection System Specifications dated May 1996, as revised through December 2001, hereby incorporated by reference. Vehicle data emission test results shall be transmitted to the department's centralized data base in accordance with the procedures contained in these specifications, which include the form, manner and frequency of data transmittals. The emissions inspection system shall be maintained and calibrated in accordance with the bureau's BAR-97 Emissions Inspection System Specifications referenced in this subsection, and in accordance with the manufacturer's v

specifications. The emissions inspection system shall have the most current software and hardware updates required by the bureau.

(c) All other diagnostic and repair equipment shall be maintained in good working condition. All equipment requiring calibration or adjustment shall be calibrated or adjusted in accordance with the instructions of the manufacturer, as approved by the bureau.

(d) An emissions inspection system shall only be used within a building and shall not be used in an environment that would subject the emissions inspection system to excessive heat, cold, dust, or moisture. The specifications for environmental conditions are referenced in the bureau's "BAR Exhaust Gas Analyzer Specifications" dated 1980, as herein incorporated by reference, and in the BAR-97 Emissions Inspection System Specifications referenced in subsection (b) of this section.

(e) Emissions inspection systems shall be calibrated only with BAR-approved gases that are certified in accordance with section 3340.18 of this article.

(f) Only bureau-authorized representatives or authorized manufacturer representatives shall have access to the emissions inspection system for service or inspection.

(g) Emission inspection systems that the bureau finds do not comply with the hardware and software requirements and specifications established in this article will be disconnected from the bureau's centralized computer database and network, and thereby prohibited from being used to perform smog check inspections, and to transmit certificates of compliance to the Department of Motor Vehicles, until they are brought into compliance.

(h) All emissions inspection systems prescribed by subdivision (b) of section 44036 of the Health and Safety Code and used in the smog check program must be connected via modem to a standard, single-party business telephone line, or in the alternative to a high-speed or broadband connection, in order to transmit required program information. The telephone line, or high-speed or broadband connection, must not be used for any other purpose, nor may it be connected to more than one emissions inspection system, nor may it have call waiting or any other special feature that would interfere with the modem's operation or the operation of the high-speed or broadband connection. Smog Check stations shall keep this telephone line, or high-speed or broadband connection, connected to the emissions inspection system at all times.

Note: Authority cited: Sections 44002, 44036 and 44037.1, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 44012, 44036 and 44037.1, Health and Safety Code.

HISTORY

1. Amendment filed 4-16-90; operative 4-16-90 (Register 90, No. 19).
2. Editorial correction of printing error restoring subsection (c) (Register 91, No. 6).
3. Amendment of subsections (a) and (c) filed 4-29-96 as an emergency; operative 4-29-96 (Register 96, No. 18). A Certificate of Compliance must be v

transmitted to OAL by 8-27-96 or emergency language will be repealed by operation of law on the following day.

4. Certificate of Compliance as to 4-29-96 order transmitted to OAL 8-21-96 and filed 9-30-96 (Register 96, No. 40).

5. Amendment of section heading, section and Note filed 2-15-2002 as an emergency; operative 2-15-2002 (Register 2002, No. 7). A Certificate of Compliance must be transmitted to OAL by 6-17-2002 or emergency language will be repealed by operation of law on the following day.

6. Certificate of Compliance as to 2-15-2002 order transmitted to OAL 6-13-2002 and filed 7-26-2002 (Register 2002, No. 30).

7. Redesignation and amendment of former subsection (a) as subsection (a)(1), new subsection (a)(2) and amendment of subsection (d) filed 6-9-2003; operative 7-9-2003 (Register 2003, No. 24).

8. Editorial correction of subsection (a)(2) (Register 2005, No. 44).

9. Amendment of section and Note filed 5-30-2006; operative 6-29-2006 (Register 2006, No. 22). v

16 CCR § 3340.17, 16 CA ADC § 3340.17 v
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This database is current through 7/10/09, Register 2009, No. 28
§ 3340.18. Certification of Emissions Inspection System Calibration Gases and Blenders of Gases.

Emissions inspection system calibration gases used by smog check stations and gas blenders who provide such calibration gases shall be certified by the bureau in accordance with the requirements of the bureau's "Specifications and Accreditation Procedures for Calibration and Audit Gases Used in the California Emissions I/M Program" publication dated January 1990, as herein incorporated by reference.

Note: Authority cited: Sections 44002 and 44036.5. Health and Safety Code. Reference: Section 44036.5. Health and Safety Code.

HISTORY

1. New section filed 9-26-90; operative 10-26-90 (Register 90, No. 44).
2. Editorial correction of History 1 (Register 95, No. 47).
3. Amendment of section heading and section filed 6-9-2003; operative 7-9-2003 (Register 2003, No. 24).
4. Change without regulatory effect amending section heading and section filed 10-11-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 41).

16 CCR § 3340.18, 16 CA ADC § 3340.18
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§ 3340.22. Smog Check Station Signs.

Each smog check station shall display an identifying sign that meets the following specifications:

- (a) Dimensions. The sign shall be 24 inches wide and 30 inches high.
- (b) Sign Material. The sign shall be made of 0.040 aluminum or steel.
- (c) Content. Camera-ready design and content of the sign shall be supplied by the bureau.

Note: Authority cited: Section 44002, Health and Safety Code. Reference: Section 44033(a), Health and Safety Code.

HISTORY

1. Amendment filed 4-16-90; operative 4-16-90 (Register 90, No. 19).

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§ 3340.22.1. Smog Check Station Service Signs.

(a) Separate sign requirements shall apply to the following types of stations which provide smog check program services:

- (1) Smog check test-only stations.
- (2) Smog check stations which only inspect and/or repair heavy-duty vehicles.
- (3) Smog check stations which do not inspect and/or repair heavy-duty vehicles.

(b) The service signs required by subdivision (a) shall be made of 0.040 aluminum or steel stock and shall be 24 inches wide and 8 inches high. Camera-ready design and content of required signs are available from the bureau upon request.

(c) Service signs shall be securely attached to the bottom of or immediately below the smog check station signs required by section 3340.22 of this article. Attachment shall be by ring, hook, bracket, or similar device.

Note: Authority cited: Section 44002, Health and Safety Code. Reference: Sections 44033(a) and 44045.5, Health and Safety Code.

HISTORY

1. New section filed 4-16-90; operative 4-16-90 (Register 90, No. 19).
2. Repealer of subsection (a)(2), subsection renumbering, and amendment of Note filed 6-23-95 as an emergency; operative 6-23-95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10-21-95 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 6-23-95 order transmitted to OAL 10-20-95 and filed 12-6-95 (Register 95, No. 49).

4. Amendment of subsection (a), new subsections (a)(4) and (a)(5), amendment of subsections (b) and (c) and repealer of Figures 2-5 filed 7-26-96 as an emergency; operative 7-26-96 (Register 96, No. 30). A Certificate of Compliance must be transmitted to OAL by 11-25-96 or emergency language will be repealed by operation of law on the following day.

5. Editorial correction of section heading (Register 97, No. 2).

6. Certificate of Compliance as to 7-26-96 order transmitted to OAL 11-19-96 and filed 1-6-97 (Register 97, No. 2).

7. Repealer of subsections (a)(4)-(5) filed 2-1-2001; operative 2-1-2001 pursuant to Government Code section 11343.4(c) (Register 2001, No. 5).

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§ 3340.22.2. Smog Check Station Repair Cost Limit Sign.

(a) The sign required by Section 44017.3 of the Health and Safety Code shall be provided by the bureau and shall have the following dimensions and specifications.

- (1) Sign shall be 22 inches wide and 16 inches high.
- (2) Sign shall be in black typeface on white background.
- (3) Sign wording and point size shall be as supplied by the bureau.
- (4) Typeface shall be Bookman.

(b) If a sign no longer meets the outlined specifications or is no longer readily legible, it will be replaced by the bureau.

Note: Authority cited: Sections 44002 and 44017.3, Health and Safety Code. Reference: Section 44017.3, Health and Safety Code.

HISTORY

1. New section filed 10-23-91; operative 11-22-91 (Register 92, No. 35).
2. Amendment of subsection (b) filed 8-18-92; operative 9-17-92 (Register 92, No. 37).
3. Amendment of subsections (a)(3) and (b) filed 5-8-95 as an emergency; operative 5-8-95 (Register 95, No. 19). A Certificate of Compliance must be transmitted to OAL by 9-5-95 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 5-8-95 order transmitted to OAL 8-31-95 and filed 9-25-95 (Register 95, No. 39).

5. Amendment of subsections (a)(1) and (a)(4) filed 2-1-2001; operative 2-1-2001 pursuant to Government Code section 11343.4(c) (Register 2001, No. 5).

16 CCR § 3340.22.2, 16 CA ADC § 3340.22.2
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§ 3340.22.3. Replacement of Signs.

The bureau may require the replacement of any sign mandated by section 3340.22, 3340.22.1 or 3340.22.2 of this chapter, if such sign fails to meet applicable specifications or is no longer readily legible.

Note: Authority cited: Section 44002, Health and Safety Code. Reference: Sections 44017.3 and 44033(a), Health and Safety Code.

HISTORY

1. New section filed 8-18-92; operative 9-17-92 (Register 92, No. 37).

16 CCR § 3340.22.3, 16 CA ADC § 3340.22.3
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§ 3340.23. Licensed Smog Check Station That Ceases Operating As a Licensed Station.

A smog check station shall cease performing the functions for which it has been licensed when it no longer has in its employ a technician, licensed for the appropriate category of vehicle being tested or repaired and the appropriate area, or when its license has expired or has been surrendered, suspended, or revoked. Such station must dispose of materials related to its formerly licensed activity according to these provisions:

(a) **Loss of Services of Licensed Technician.** A licensed station that no longer has in its employ a smog check technician, licensed for the appropriate category of vehicle being tested or repaired and the appropriate area, shall immediately remove or cover the smog check station sign in accordance with subsection (b) of this section. If the station does not have in its employ, within 60 days, a smog check technician, licensed for the appropriate category of vehicle being tested or repaired and the appropriate area, the station shall surrender its station license to the bureau and shall return to the bureau all unused certificates of compliance and noncompliance.

(b) **Removal of Sign.** A licensed station that is no longer authorized to perform the function for which it was licensed shall remove or cover the smog check station sign.

(c) **Return of Certificates.** When a station license has expired or has been surrendered, suspended or revoked, the station shall return to the bureau all unused certificates purchased by the station.

Note: Authority cited: Section 44002, Health and Safety Code. Reference: Sections 44030(a) and (b), 44031, 44032, 44033 and 44045.5, Health and Safety Code.

HISTORY

1. Amendment filed 4-16-90; operative 4-16-90 (Register 90, No. 19).
2. Amendment of first paragraph, subsection (a) and Note filed 6-23-95 as an emergency; operative 6-23-95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10-21-95 or emergency language will be repealed by operation of law on the following day.

3. Certificate of Compliance as to 6-23-95 order transmitted to OAL 10-20-95 and filed 12-6-95 (Register 95, No. 49).

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§ 3340.24. Suspension, Revocation, and Reinstatement of Licenses.

(a) Any disciplinary or reinstatement proceeding under this article involving licensed stations, licensed technicians, or fleet owners licensed pursuant to section 44020 of the Health and Safety Code shall be conducted in accordance with chapter 5 (commencing with section 11500) of division 3, Title 2 of the Government Code.

(b) The bureau may suspend or revoke the license of or pursue other legal action against a licensee, if the licensee knowingly and willfully resists, delays, or obstructs any employee of the bureau or any employee of the quality assurance contractor of the bureau in carrying out the lawful performance of his or her duties.

(c) The bureau may suspend or revoke the license of or pursue other legal action against a licensee, if the licensee falsely or fraudulently issues or obtains a certificate of compliance or a certificate of noncompliance.

(d) The bureau may suspend or revoke the license of or pursue other legal action against a licensee that fails to complete retraining when required by the department, pursuant to section 44045.6 of the Health and Safety Code.

Note: Authority cited: Sections 44002 and 44035, Health and Safety Code. Reference: Sections 44020, 44031.5, 44035, 44045.6, 44050 and 44072.2, Health and Safety Code; and Section 11500, et seq., Government Code.

HISTORY

1. Amendment filed 4-16-90; operative 4-16-90 (Register 90, No. 19).

2. Amendment of first paragraph, subsection (d) and Note filed 6-23-95 as an emergency; operative 6-23-95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10-21-95 or emergency language will be repealed by operation of law on the following day.

3. Certificate of Compliance as to 6-23-95 order transmitted to OAL 10-20-95 and filed 12-6-95 (Register 95, No. 49).

16 CCR § 3340.24, 16 CA ADC § 3340.24



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§ 3340.28. Licenses and Qualifications for Technicians.

(a) There are the following technician licenses in the Smog Check Program:

(1) The Intern Technician license which allows an individual, under the direction of a supervising licensed Smog Check technician, to perform repairs or adjustments to the emissions control systems on failed vehicles subject to the Smog Check Program at smog check stations in all areas of the state. The Intern Technician license expires in two years, is nonrenewable and shall be issued to an individual only once.

(2) The Basic Area Technician license which allows an individual to inspect, diagnose, adjust, repair and certify the emissions control systems on vehicles subject to the Smog Check Program at smog check stations in areas of the state designated as basic vehicle inspection and maintenance program areas. The Basic Area Technician license expires pursuant to the requirements in subsection (e) of section 3340.29 of this Article.

(3) The Advanced Emission Specialist Technician license which allows an individual to inspect, diagnose, adjust, repair and certify the emissions control systems on vehicles subject to the smog check program at smog check stations in all areas of the state. The Advanced Emission Specialist Technician license expires pursuant to the requirements in subsection (e) of section 3340.29 of this Article.

(b) The qualifications to take an examination for technician licenses are as follows:

(1) The Intern Technician license does not require an examination. To qualify for the Intern Technician license, the applicant must provide satisfactory evidence of successful completion within the last two years of the bureau's Clean Air Car Course. The qualification to take the Clean Air Car Course is one year of automotive experience or equivalent automotive training courses in the engine performance area as determined by the bureau certified course instructor.

(2) The Basic Area Technician license requires an examination. The qualifications to take the examination for the Basic Area Technician license are:

(A) The applicant must provide satisfactory evidence of:

1. Possession of a valid and unexpired Intern Technician License and one year of experience as a licensed Intern Technician; or

2. Possession of an Associate of Arts or Associate of Science degree or higher in Automotive Technology from a state accredited or recognized college, public school, or trade school, and the successful completion within the last two years of the bureau's Clean Air Car Course; or

3. Possession of a certificate in automotive technology from a state accredited or recognized college, public school, or trade school with a minimum of 360 hours course-work in the engine performance area, and the successful completion within the last two years of the bureau's Clean Air Car Course; or

4. Possession of a valid and unexpired Basic Area or Advanced Emission Specialist smog check technician's license; or

5. Successful completion within the last two years of the bureau's Clean Air Car Course. The qualifications to take the Clean Air Car Course (for those not possessing a degree or certificate as provided in paragraphs (2)(A)2. and (2)(A)3. of this subsection) are one year of automotive experience or equivalent automotive training courses in the engine performance area, as determined by the bureau certified course instructor.

(B)

1. The applicant must provide satisfactory evidence of unexpired certification, which may be from the National Institute for Automotive Service Excellence, in the categories of Electrical/Electronic Systems (A6), Engine Performance (A8), and Advanced Engine Performance Specialist (L1), or

2. The applicant must provide satisfactory evidence of completion of a training program approved by the bureau as meeting the requirements of section 44045.6 of the Health and Safety Code. The training program must have been completed within the last five years.

(C) An applicant for an initial license or renewal of a license must provide satisfactory evidence of successful completion of bureau certified update training courses. Update training courses provide training on new automotive technology that affects emission testing and/or repairs. Update training need not exceed 20 hours. Technicians may take a challenge test in lieu of taking the course, at the bureau's discretion. Technicians who elect to take the challenge test shall take it at a bureau certified training institution that is certified to provide that update training course. Information regarding update training courses will be available through a bureau toll free telephone number, published in the technician license renewal notice.

(3) The Advanced Emission Specialist Technician license requires an examination. The qualifications to take the examination for the Advanced Emission Specialist Technician license are:

(A) The applicant must provide satisfactory evidence of:

1. Successful completion within the last two years of the bureau's Advanced Clean Air Car Course, possession of a valid and unexpired Intern Technician license, and one year of experience as a licensed Intern Technician; or

2. Successful completion within the last two years of the bureau's Clean Air Car Course and Advanced Clean Air Car Course and possession of an Associate of Arts or Associate of Science degree or higher in Automotive Technology from a state accredited or recognized college, public school, or trade school; or

3. Successful completion within the last two years of the bureau's Clean Air Car Course and Advanced Clean Air Car Course and possession of a certificate in automotive technology from a state accredited or recognized college, public school, or trade school with a minimum of 360 hours course-work in the engine performance area; or

4. Possession of a valid and unexpired Basic Area Technician License, and successful completion of the Advanced Clean Air Car Course within the last two years; or

5. Possession of a valid and unexpired Advanced Emission Specialist Technician License; or

6. Successful completion within the last two years of the bureau's Clean Air Car Course and Advanced Clean Air Car Courses. An applicant not possessing a degree or certificate as provided in paragraphs (3)(A)2. and (3)(A)3. of this subsection may qualify to take the Clean Air Car Course by demonstrating one year of automotive experience or equivalent automotive training courses in the engine performance area, as determined by a bureau certified instructor. The applicant may qualify to take the Advanced Clean Air Car Course by successful completion of the Clean Air Car Course within the last two years.

(B)

1. The applicant must provide satisfactory evidence of unexpired certification, which may be from the National Institute for Automotive Service Excellence, in the categories of Electrical/Electronic Systems (A6), Engine Performance (A8) and Advanced Engine Performance Specialist (L1), or

2. The applicant must provide satisfactory evidence of completion of a training program approved by the bureau as meeting the requirements of section 44045.6 of the Health and Safety Code. The training program must have been completed within the last five years.

(C) An applicant for an initial license or renewal of a license must provide satisfactory evidence of successful completion of bureau certified update training courses. Update training courses provide training on new automotive technology that affects emission testing and/or repairs. Update training need not exceed 20 hours. Technicians may take a challenge test in lieu of taking the course, at the bureau's discretion. Technicians who elect to take the challenge test shall take it at a bureau certified training institution that is certified to provide that update training course. Information regarding update training courses will be available through a bureau toll free telephone number, published in the technician license renewal notice.

(4) An optional endorsement to test and repair vehicles powered by gaseous fuel, either solely or in combination with gasoline, is available for the Basic Area Technician and Advanced Emission Specialist Technician licenses.

(A) An individual wishing to have his/her license endorsed to test and repair vehicles powered by gaseous fuels, either solely or in combination with gasoline, must submit satisfactory evidence of certification in the certification category of Light Vehicle Compressed Natural Gas (F1). Certification may be from the National Institute for Automotive Service Excellence or from completion of a training program approved by the bureau as meeting the requirements of section 44045.6 of the Health and Safety Code.

(B) The endorsement for gaseous fuels shall be accomplished pursuant to the requirements of subsection (d) of section 3340.29 of this Article.

Note: Authority cited: Sections 44002, 44014 and 44045.5, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Section 44014, 44031.5(e) and 44045.5, Health and Safety Code.

HISTORY

1. New section filed 6-23-95 as an emergency; operative 6-23-95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10-21-95 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 6-23-95 order transmitted to OAL 10-20-95 and filed 12-6-95 (Register 95, No. 49).
3. Amendment of section and Note filed 7-26-96 as an emergency; operative 7-26-96 (Register 96, No. 30). A Certificate of Compliance must be transmitted to OAL by 11-25-96 or emergency language will be repealed by operation of law on the following day.
4. Editorial correction of subsections (a)(2), (b)(2)(A), (b)(2)(C), (b)(3)(B), (b)(3)(C) and (b)(4)(A) (Register 97, No. 2).
5. Certificate of Compliance as to 7-26-96 order, including amendment of subsection (a)(2), repealer of subsections (a)(4) and (b)(3)-(b)(3)(A), subsection relettering and renumbering, and amendment of newly designated subsection (b)(4)(B), transmitted to OAL 11-19-96 and filed 1-6-97 (Register 97, No. 2).
6. Amendment filed 2-1-2001; operative 2-1-2001 pursuant to Government Codesection 11343.4(c) (Register 2001, No. 5).
7. Amendment of section and Note filed 12-18-2008; operative 1-17-2009 (Register 2008, No. 51).

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DIVISION 33. BUREAU OF AUTOMOTIVE REPAIR
CHAPTER 1. AUTOMOTIVE REPAIR DEALERS AND OFFICIAL STATIONS AND ADJUSTERS
ARTICLE 5.5. MOTOR VEHICLE INSPECTION PROGRAM

This database is current through 7/10/09, Register 2009, No. 28

§ 3340.29. Licensing of Technicians.

(a) An applicant for a license as a technician shall submit an application with appropriate documents to the bureau on form SMOG TECH 1 (11/07), "Application for Initial Smog Check Technician License," which is hereby incorporated by reference, together with an application fee of \$20.00. An application shall be rejected, and the fee shall not be refunded, if the applicant fails to include all required documentation, or complete all questions regarding the applicant's background, or otherwise fails to submit a complete original application. The applicant shall submit a new application with appropriate documents and an application fee of \$20.00 when an application has been rejected for failure to file a complete application.

(b) An applicant for a technician license shall be subject to the following requirements:

(1) An applicant for a technician license shall pay an examination fee of \$45 and successfully complete the appropriate technician examination in order to receive a technician's license.

(2) An applicant that receives a notice of qualification to take an examination, pursuant to section 3303.2 of this Article, shall take the appropriate technician examination within 90 days of receipt of notification of qualification to take the examination, or shall again submit an application to the bureau, pay an application fee of \$20, pay the examination fee, and successfully complete the appropriate technician examination.

(3) A qualified applicant who fails an examination may take another examination and shall again submit an application to the bureau, pay an application fee of \$20, pay the examination fee, and successfully complete the appropriate technician examination.

(c) An initial application shall be subject to the review procedures specified in section 3303.2. of Article 1 of this Chapter.

(d) A technician license, except for the Intern Technician license, shall be endorsed for gaseous fuels as follows:

(1) An individual submitting an application for an initial technician license may have the license endorsed for gaseous fuels by requesting the endorsement on the application and providing proof of qualification pursuant to paragraph (4) of subsection (b) of section 3340.28.

(2) An individual may have an existing license endorsed for gaseous fuels by submitting a letter to the bureau requesting the endorsement be added to his/her existing license, and providing proof of

qualification pursuant to paragraph (4) of subsection (b) of section 3340.28.

(e) A technician's license shall expire on the last day of the month in which the second birthday of the technician occurs after the date of issuance of the license. Initial license expiration dates are calculated from the date the department is notified that an applicant has passed the licensing examination. Once a license has been issued that expires in the birth month, subsequent renewal licenses will expire on the last day of the birth month, two years later. Withholding a license for enforcement purposes, or issuance of a temporary license due to family support obligations, does not change the expiration date as calculated above.

(f) To renew a license, the technician shall submit a complete application to the bureau prior to the expiration date of the license using form SMOG TECH 2 (11/07), "Technician License Renewal Application," which is hereby incorporated by reference, together with a renewal application fee of \$20.

Note: Authority cited: Sections 44002, 44013(b), 44016, 44031.5, 44034, 44034.1 and 44045.5, Health and Safety Code; and Sections 163.5 and 9882, Business and Professions Code. Reference: Sections 44012, 44014, 44015(a) and (b), 44030(a), 44031.5, 44032, 44034, 44034.1, 44035, 44045.5 and 44045.6, Health and Safety Code; and Section 1798.17, Civil Code.

HISTORY

1. New section filed 6-23-95 as an emergency; operative 6-23-95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10-21-95 or emergency language will be repealed by operation of law on the following day.

2. Certificate of Compliance as to 6-23-95 order transmitted to OAL 10-20-95 and filed 12-6-95 (Register 95, No. 49).

3. Amendment of subsection (a), repealer of subsection (b)(2) and subsection renumbering, amendment of newly designated subsection (b)(2) and subsections (d), (e) and (f), repealer of subsections (f)(1) and (f)(2) and deletion of (f)(3) designator and amendment of formerly designated (f)(3) and Note filed 7-26-96 as an emergency; operative 7-26-96 (Register 96, No. 30). A Certificate of Compliance must be transmitted to OAL by 11-25-96 or emergency language will be repealed by operation of law on the following day.

4. Certificate of Compliance as to 7-26-96 order, including further amendment of subsections (d)-(f), transmitted to OAL 11-19-96 and filed 1-6-97 (Register 97, No. 2).

5. Amendment of subsections (a), (e) and (f) filed 2-1-2001; operative 2-1-2001 pursuant to Government Code section 11343.4(c) (Register 2001, No. 5).

6. Amendment of section and Note filed 12-18-2008; operative 1-17-2009 (Register 2008, No. 51).

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This database is current through 7/10/09, Register 2009, No. 28
§ 3340.30. General Requirements for Licensed Technicians.

A smog check technician shall comply with the following requirements at all times while licensed.

(a) A licensed technician shall inspect, test and repair vehicles in accordance with section 44012 of the Health and Safety Code, section 44035 of the Health and Safety Code, and section 3340.42 of this article.

(b) A licensed technician shall maintain on file with the bureau a correct mailing address pursuant to section 3303.3 of Article 1 of this Chapter.

(c) A licensed technician shall notify the bureau in writing within two weeks of any change of employment.

(d) A licensed technician whose license has expired shall immediately cease to inspect, test, or repair failed vehicles.

Note: Authority cited: Sections 44002, 44013(b), 44016, 44031.5 and 44034, Health and Safety Code; and Section 163.5, Business and Professions Code. Reference: Sections 44012, 44015(a) and (b), 44030(a), 44031.5, 44032, 44034, 44034.1, 44035, 44045.5 and 44045.6, Health and Safety Code.

HISTORY

1. New subsection (h) filed 8-24-88; operative 9-23-88 (Register 88, No. 37).

2. Amendment filed 6-21-89; operative 6-21-89 pursuant to Government Codesection 11346.2(d) (Register 89, No. 25).

3. Amendment filed 4-16-90; operative 4-16-90 (Register 90, No. 19).

4. Amendment of subsections (b) and (e) filed 5-11-90; operative 6-10-90 (Register 90, No. 26).

5. Amendment of subsections (b)(1)-(2) filed 8-18-92; operative 9-17-92 (Register 92, No. 37).

6. Editorial correction adding inadvertently omitted amendment of subsections (a), (c), (f) and Note filed 8-16-94 as an emergency; operative 8-16-94 (Register 95, No. 4). A Certificate of Compliance must be transmitted to OAL 12-14-94 or emergency language will be repealed by operation of law on the following day.

7. Certificate of Compliance as to 8-16-94 order transmitted to OAL 12-12-94 and filed 1-24-95 (Register 95, No. 4).

8. Editorial correction of section heading (Register 95, No. 16).

9. Repealer and new section filed 6-23-95 as an emergency; operative 6-23-95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10-21-95 or emergency language will be repealed by operation of law on the following day.

10. Certificate of Compliance as to 6-23-95 order transmitted to OAL 10-20-95 and filed 12-6-95 (Register 95, No. 49).

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§ 3340.31. Retraining of Licensed Technicians.

(a) Licensed technicians receiving citations pursuant to subdivision (b) if Section 44050 of the Health and Safety Code, or found lacking in skills pursuant to subdivision (b) of Section 44031.5 of the Health and Safety Code, or found lacking in skills pursuant to subdivision (c) of Section 44045.6 of the Health and Safety Code, shall be required to undergo retraining at institutions and by instructors certified by the bureau pursuant to Sections 44030.5 and 44045.6 of the Health and Safety Code.

(b) Failure by a licensed technician to complete retraining when required by the department shall be grounds for revocation or suspension of a smog check technician's license, pursuant to section 44045.6 of the Health and Safety Code.

Note: Authority cited: Section 44002, Health and Safety Code. Reference: Sections 44030.5, 44031.5(b), 44045.6, 44050 and 44072.2, Health and Safety Code.

HISTORY

1. New section filed 6-21-89; operative 6-21-89 pursuant to Government Code Section 11346.2(d) (Register 89, No. 25).

2. Amendment of section heading, section and Note filed 6-23-95 as an emergency; operative 6-23-95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10-21-95 or emergency language will be repealed by operation of law on the following day.

3. Certificate of Compliance as to 6-23-95 order transmitted to OAL 10-20-95 and filed 12-6-95 (Register 95, No. 49).

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§ 3340.32. Standards for the Certification of Institutions Providing Retraining to Licensed Technicians or Prerequisite Training to Those Seeking to Become Licensed Technicians.

(a) An institution providing prerequisite training under subdivisions (a) and (b) of section 44045.6 of the Health and Safety Code to those seeking to become licensed technicians, or providing retraining to licensed technicians cited under the provisions of subdivision (c) of section 44045.6 of the Health and Safety Code, or providing retraining to licensed technicians cited under the provisions of subdivision (b) of section 44050 of the Health and Safety Code, or providing retraining to licensed technicians under the provisions of subdivision (b) of section 44031.5 of the Health and Safety Code must be certified by the bureau prior to providing that training or retraining.

(b) A school may be certified to instruct one or more of the following smog technician training courses:

(1) The Basic Smog Technician courses which consist of the Basic Clean Air Car Course, the Citation Retraining Course for Basic Area Technicians, the Bureau Training Program, and the Update Training for Basic Area Technicians.

(2) The Advanced Smog Technician courses which consist of the Advanced Clean Air Car Course, the BAR 97 Transition Course, the Citation Retraining Course for Advanced Emission Specialist Technicians, the Bureau Training Program, and the Update Training Course for Advanced Emission Specialist Technicians.

(c) To become certified, an institution shall submit an application to the bureau on form TS-1 (10-99), "Application to Become a BAR Certified Training Institution."

(d) An initial application shall be subject to the review procedures specified in Section 3303.2. of Article 1 of this Chapter.

(e) An applicant shall meet the following requirements:

(1) All institutions wishing to be certified to offer training to qualify an individual for a technician license shall provide satisfactory evidence of:

(A) Approval from the Department's Bureau for Private Postsecondary and Vocational Education, if applicable. That approval shall remain current at all times.

(B) Possession of current course materials.

(C) Lecture and shop facilities sufficient to adequately train all participating students.

(D) Instructors certified by the bureau pursuant to Section 3340.33 of this article to offer instruction.

(E) Having functional access to a bureau-designated web site and having an electronic mail address where the institution can receive electronic information from, and send electronic information to the bureau.

(2) An institution wishing to be certified to offer Basic Smog Technician courses shall have the following tools and materials in quantities sufficient to adequately train all participating students:

(A) An emissions inspection system as provided by and in accordance with, subsection (a) of Section 3340.17 of this article.

(B) An engine performance analyzer containing an electronic device capable of displaying and printing diagnostic information related to the engine ignition and fuel systems of the vehicle being tested.

(C) A tachometer/dwell meter.

(D) An ignition timing light which measures ignition advance.

(E) A hand vacuum pump, and a vacuum gauge.

(F) An ammeter capable of measuring amps and milliamps.

(G) A digital volt/ohm meter.

(H) A compression tester.

(I) Current emission control service manuals and systems application guides.

(J) Automotive computer diagnostic and repair manuals.

(K) Electronic component location manuals.

(L) Hand tools necessary to inspect, adjust, maintain, and repair vehicular ignition, fuel delivery, and emission control systems.

(M) Audio-visual equipment sufficient to adequately present the required course material.

(N) A diagnostic device capable of retrieving diagnostic trouble codes, interpreting codes, and displaying and storing data streams from the on-board computer systems of vehicles. Diagnostic data modules required to operate the device shall be kept updated to the current available calendar year. The device shall be On-Board Diagnostic II compliant, and shall have the Enhanced

E/E Diagnostic Test Modes capabilities as noted in the Society of Automotive Engineer's document number J2190 dated June 1993.

(O) A fuel pressure gauge capable of measuring the higher pressures of fuel-injected vehicles.

(P) A Propane enrichment kit.

(Q) Fuel fillpipe restrictor dowel gauge meeting the following specifications:

1. Made of a non-sparking material meeting the standard for hardness of aluminum alloy No. 5052 as defined in Volume 02.02 of section 2 of the 1986 Annual Book of Standards published by the American Society for Testing and Materials;

2. Having a radiused test portion;

3. Having a test portion diameter not less than 0.9375 inches or more than 0.950 inches;

4. Having an overall length not less than 5 inches or more than 12 inches;

5. Having a handle no less than 1.25 inches in diameter, and no less than 4 inches in length; and

6. Constructed of solid bar stock or tubing with a minimum wall thickness of 3/16 of an inch.

(R) The currently available bureau manuals and bulletins.

(S) A minimum of one operational demonstration vehicle, or stationary engine per every four students attending a course must be available and must be used for demonstration and student laboratory assignments involving testing, diagnosis and repair procedures. The vehicle or stationary engine must be appropriate to the demonstration or laboratory assignment. At least one demonstration vehicle must be owned, rented or leased by the institution. Demonstration vehicles and stationary engines must be fully operational with computer-controlled systems.

(3) An institution wishing to be certified to offer Advanced Smog Technician courses shall, in addition to the equipment required by paragraph 2 of subsection (e) of this section, have the following equipment:

(A) An emissions inspection system in accordance with the bureau's emissions inspection system specifications referenced in subsection (b) of Section 3340.17 of this article.

(B) An evaporative emission control test system approved by the bureau for use in an enhanced program area.

(C) An electronic device capable of graphically displaying any electrical or electronic signal used by an automotive computer system. The device shall have the capability of displaying the electrical or electronic signal using a voltage and time scale that is adjustable. The device shall have the capability of capturing and displaying a high frequency abnormal signal, regardless of time per division setting, or screen refresh rate.

(f) Institutional certification by the bureau shall not exceed one-year. Institutions shall renew their certification electronically using form TS-1 (10-99); "Application To Become A Bureau Certified Training Institution" located at a bureau designated Internet web site.

(g) All institutions certified shall:

(1) Maintain adequate lecture and shop facilities, sufficient tools and materials, and current course materials.

(2) Identify in writing to all potential students the level of certification training the institution will provide and any limitations to this training applicable to obtaining a technician license. This written disclosure shall be presented to students no later than their first class meeting.

(3) Provide competent instruction to students, including lab exercises and hands-on work.

(4) Advise prospective students of the automotive mechanical experience and automotive mechanical course-work requirements at the time of application.

(5) Evaluate applications to verify that the applicant meets the applicable qualification requirements specified in subsection (b) of section 3340.28 of this article.

(6) Instruct a maximum of twenty-five students per instructor at any one time.

(7) Allow the bureau or authorized representative reasonable access during normal business hours to training records, equipment and facilities.

(8) Report to the bureau on form TS-5 (10-99), "Certified Institution's Training Record," the number of students receiving training or retraining courses prescribed by the bureau, the names of those students successfully completing training or retraining courses, and in the case of students taking retraining courses pursuant to section 3340.31 of this article, the names of those failing to complete such retraining courses. Reporting shall be performed electronically using form TS-5 (10-99); "Certified Institution's Training Record" located at a bureau designated Internet web site.

(9) Have available for students the current year editions of all required vehicle reference and repair manuals, in electronic or print media.

(10) Have available for students the current operating instructions for all training aids and automotive test equipment.

(11) Have available for students an adequate number and variety of training aids such as demonstration engines, carburetors, and emission control devices, in order to meet student training needs and to ensure proper understanding of the course content and laboratory assignments.

(h) Pursuant to section 44045.5 of the Health and Safety Code, an institution may be certified to instruct the Bureau Training Program to meet the prerequisite for licensure, as follows:

(1) The institution shall use training materials, course-work, and examinations developed by a bureau approved publisher.

(2) The institution shall obtain all training materials, course-work, and examinations from a bureau approved publisher. Failure to use training materials, course-work, or examinations developed by a bureau approved publisher may result in the disapproval of the training program or decertification of the institution.

(3) The institution's administration of examinations shall meet bureau standards, as outlined in the "Bureau Training Program Standards" (3-95), herein incorporated by reference, and meet or exceed all statutory requirements and federal and state standards regarding examination development. Failure to meet bureau standards, as outlined in the "Bureau Training Program Standards" (3-95), and meet or exceed all statutory requirements and federal and state standards regarding examination development, may result in the disapproval of the training program or decertification of the institution.

(4) The institution shall instruct the training program in accordance with the requirements outlined in the "Bureau Training Program Standards" (3-95). Failure to provide instruction that meets the requirements outlined in the "Bureau Training Program Standards" (3-95) may result in the disapproval of the training program or decertification of the institution.

(5) The bureau reserves the right to review and recommend changes to an institution's methods of instruction and/or administration of examinations. Failure to comply with the bureau's recommended changes to an institution's methods of instruction and/or administration of examinations may result in the disapproval of the training program or decertification of the institution.

Note: Authority cited: Section 44002, Health and Safety Code. Reference: Sections 44030.5, 44031.5(b), 44045.6 and 44050, Health and Safety Code.

HISTORY

1. New section filed 6-21-89; operative 6-21-89 pursuant to Government Codesection 11346.2(d) (Register 89, No. 25).
2. Editorial correction of History 1. (Register 91, No. 32).
3. New subsection (b)(3) and renumbering of following subsections filed 8-18-92; operative 9-17-92 (Register 92, No. 37).
4. Amendment of section heading, section and Note filed 6-23-95 as an emergency; operative 6-23-95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10-21-95 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 6-23-95 order including amendment of subsection (g)(3) transmitted to OAL 10-20-95 and filed 12-6-95 (Register 95, No. 49).
6. Amendment of section filed 7-26-96 as an emergency; operative 7-26-96 (Register 96, No. 30). A Certificate of Compliance must be transmitted to OAL by 11-25-96 or emergency language will be repealed by operation of law on the following day.
7. Editorial correction of subsections (b)(2), (e)(1)(F), (e)(3) and (e)(4) (Register 97, No. 2).
8. Certificate of Compliance as to 7-26-96 order, including repealer of subsection (b)(2), subsection renumbering, amendment of subsection (e)(1), repealer of subsections (e)(2)(N) and (e)(3)-(e)(3)(K), subsection relettering and renumbering, and amendment of subsection (h), transmitted to OAL 11-19-96 and filed 1-6-97 (Register 97, No. 2).

9. Amendment filed 2-1-2001; operative 2-1-2001 pursuant to Government Codesection 11343.4(c) (Register 2001, No. 5).

10. Amendment of subsections (e)(2)(A) and (e)(3)(A) filed 2-15-2002 as an emergency; operative 2-15-2002 (Register 2002, No. 7). A Certificate of Compliance must be transmitted to OAL by 6-17-2002 or emergency language will be repealed by operation of law on the following day.

11. Certificate of Compliance as to 2-15-2002 order transmitted to OAL 6-13-2002 and filed 7-26-2002 (Register 2002, No. 30).

12. Amendment of subsection (e)(12) filed 6-9-2003; operative 7-9-2003 (Register 2003, No. 24).

13. Change without regulatory effect amending subsections (a)-(e)(1)(A), (e)(1)(D), (e)(2)-(e)(2)(A), (e)(2)(P), (e)(2)(Q)3.-4., (e)(3) and (e)(3)(A) filed 10-11-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 41).

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CHAPTER 1. AUTOMOTIVE REPAIR DEALERS AND OFFICIAL STATIONS AND ADJUSTERS
ARTICLE 5.5. MOTOR VEHICLE INSPECTION PROGRAM

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§ 3340.32.1. Standards for the Decertification and Recertification of Institutions Providing Retraining to Licensed Technicians or Prerequisite Training to Those Seeking to Become Licensed Technicians.

(a) An application for certification may be denied or an institution may be decertified for the following reasons:

(1) Failure to comply with the provisions of Section 3340.32 of this article; or

(2) Misrepresentation of a material fact in obtaining or attempting to obtain certification as an institution; or

(3) Suspension or revocation of any bureau-issued license, registration, or qualification certificate held by the institution or by any owner, partner, officer, director, or manager of the institution, if the grounds for suspension or revocation are substantially related to the qualifications of the institution to provide bureau-prescribed courses of instruction; or (4) Conviction of a crime or conduct which would be cause for denial of a license pursuant to Section 480 of the Business and Professions Code, or for suspension or revocation of a license pursuant to Section 490 of the Business and Professions Code. (b) Institutions may be recertified as follows: (1) Upon completion of an application for recertification; and (2) After an on-site inspection of the institution has been accomplished by the bureau and a determination made by the bureau that the institution is again qualified to instruct students. In considering whether to make such determination, the bureau will evaluate the rehabilitation of the applicant based upon the criteria set forth in Section 3395 of this Chapter. (c) Any decertification proceeding under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Division 3, Title 2 of the Government Code.

Note: Authority cited: Section 44002, Health and Safety Code. Reference: Sections 44030.5, 44045.6 and 44050, Health and Safety Code; Sections 480 and 490, Business and Professions Code; and Section 11500, et. seq., Government Code.

HISTORY

1. New section filed 6-21-89; operative 6-21-89 pursuant to Government Code Section 11346.2(d) (Register 89, No. 25).

2. Amendment of section heading and Note filed 6-23-95 as an emergency;

operative 6-23-95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10-21-95 or emergency language will be repealed by operation of law on the following day.

3. Certificate of Compliance as to 6-23-95 order transmitted to OAL 10-20-95 and filed 12-6-95 (Register 95, No. 49).

16 CCR § 3340.32.1, 16 CA ADC § 3340.32.1
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16 CA ADC § 3340.32.1

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§ 3340.33. Standards for the Certification of Basic and Advanced Instructors Providing Retraining to Intern, Basic Area, and Advanced Emission Specialist Licensed Technicians or Prerequisite Training to Those Seeking to Become Intern, Basic Area, or Advanced Emission Specialist Licensed Technicians.

(a) There are the following instructor certification categories in the smog check program:

(1) Basic Instructor. An instructor providing Basic smog technician courses, or prerequisite training to those seeking to become Intern, or Basic Area licensed technicians, or providing retraining to Intern, or Basic Area technicians cited under the provisions of subdivision (b) of Section 44050 of the Health and Safety Code, or providing retraining to Intern, or Basic Area licensed technicians under provision of subdivision (b) of Section 44031.5 of the Health and Safety Code, or providing retraining to Intern, or Basic Area licensed technicians under Subdivision (c) of Section 44045.6 of the Health and Safety Code. A Basic instructor must have certification from the bureau prior to providing such training or retraining.

(2) Advanced Instructor. An instructor providing Advanced Smog Technician Courses, or prerequisite training to those seeking to become Intern, Basic Area, or Advanced Emission Specialist licensed technicians, or providing retraining to Intern, Basic Area, or Advanced Emission Specialist licensed technicians cited under the provisions of Subdivision (b) of Section 44050 of the Health and Safety Code, or providing retraining to Intern, Basic Area, or Advanced Emission Specialist licensed technicians under Subdivision (c) of Section 44045.6 of the Health and Safety Code. An Advanced Instructor must have certification from the bureau prior to providing such training or retraining.

(b) Application.

(1) To become certified as a Basic instructor, an individual shall submit an application to the bureau on form TS-2 (10-99), "Application To Become a Bureau Certified Basic Instructor."

(2) To become certified as an Advanced instructor, an individual shall submit an application to the bureau on form TS-3 (10-99) "Application To Become a Bureau Certified Advanced Instructor."

(c) Initial Application Review. An initial application shall be subject to the review procedures specified in section 3303.2. of Article 1 of this Chapter.

(d) Applicant Criteria.

(1) An applicant to be certified as a Basic Instructor shall:

(A) Be licensed by the bureau as an Advanced Emission Specialist Technician.

(B) Possess current certification from the National Institute for Automotive Service Excellence in the certification categories of Electrical/Electronic Systems (A6), Engine Performance (A8), and Advanced Engine Performance Specialist (L1).

(C) Meet at least one of the following criteria:

1. Possess a current credential recognized by the State Department of Education in the field of automotive technology; or

2. Meet the current California Community College eligibility requirements for a credential in the field of automotive technology; or

3. Possess an automotive-related degree, or credential, or other qualifying experience, which the bureau determines, upon the petition of the applicant, to be substantially equivalent to a California Community College's instructor's qualifications or credential or a credential recognized by the State Department of Education, in the field of automotive technology (more specifically described on bureau form TS-2 dated 10-99, "An Application To Become a Bureau Certified Basic Instructor," herein incorporated by reference).

(D) Have functional access to a bureau-designated web site and have an electronic mail address where the instructor can receive electronic information from, and send electronic information to the bureau.

(2) An applicant to be certified as an Advanced Instructor shall:

(A) Be currently certified as an Basic Instructor.

(B) Complete an Advanced Instructor training course prescribed by the bureau. Advanced Instructor training need not exceed 40 hours.

1. An individual submitting an application for initial certification as an instructor or renewal of certification as a instructor, may have the certification endorsed to instruct a gaseous fuels course by requesting the endorsement on the application and providing proof of qualification pursuant to subsection (e) of this section.

2. An individual may have an existing certification endorsed to instruct a gaseous fuels course by submitting a letter to the bureau requesting the endorsement be added to his/her existing certification and providing proof of qualification pursuant to subsection (e) of this section.

(e) Optional Endorsement for Gaseous Fuels. An optional endorsement to instruct a gaseous fuel course is available for a certified instructor with an Advanced Emission Specialist Technician license endorsed to test and repair vehicles powered by gaseous fuels, either solely or in combination with gasoline.

(f) Instructor certification by the bureau shall not exceed one-year. Instructors shall renew their certification electronically using a form TS-4 (10-99) "Bureau Certified Instructor Renewal Application" located at a bureau-designated web site.

(g) Certified Basic or Advanced instructors may be required to complete training on new automotive technology, as prescribed by the bureau, in order to instruct training courses. Failure to successfully

complete bureau prescribed training may result in grounds for decertification or denial of certification, pursuant to section 3340.33.1 of this Article.

(h) Certification Renewal. To renew certification as a Basic or Advanced instructor, an individual shall be subject again to the requirements of subsections (b), (c), and (d) of this section.

Note: Authority cited: Section 44002, Health and Safety Code. Reference: Sections 44030.5, 44031.5(b), 44045.6 and 44050, Health and Safety Code.

HISTORY

1. New section filed 6-21-89; operative 6-21-89 pursuant to Government Code Section 11346.2(d) (Register 89, No. 25).

2. Amendment of section heading, section and Note filed 6-23-95 as an emergency; operative 6-23-95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10-21-95 or emergency language will be repealed by operation of law on the following day.

3. Certificate of Compliance as to 6-23-95 order transmitted to OAL 10-20-95 and filed 12-6-95 (Register 95, No. 49).

4. Amendment of subsection (b), repealer of subsections (d)-(d)(3) and subsection relettering, and amendment of newly designated subsections (d), (e)(1), (e)(2), (g) and (h) filed 7-26-96 as an emergency; operative 7-26-96 (Register 96, No. 30). A Certificate of Compliance must be transmitted to OAL by 11-25-96 or emergency language will be repealed by operation of law on the following day.

5. Editorial correction of subsection (g) (Register 97, No. 2).

6. Certificate of Compliance as to 7-26-96 order, including amendment of subsection (d)(3)(B)-(C), transmitted to OAL 11-19-96 and filed 1-6-97 (Register 97, No. 2).

7. Amendment of section heading and section filed 2-1-2001; operative 2-1-2001 pursuant to Government Code section 11343.4(c) (Register 2001, No. 5).

16 CCR § 3340.33, 16 CA ADC § 3340.33
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§ 3340.33.1. Standards for the Decertification and Recertification of Instructors Providing Retraining to Licensed Technicians or Prerequisite Training to Those Seeking to Become Licensed Technicians.

(a) An application for certification may be denied or an instructor may be decertified for the following reasons:

(1) Failure to comply with the provisions of Section 3340.33 of this article; or

(2) Misrepresentation of a material fact in obtaining certification as an instructor; or

(3) Failure to instruct students in a competent manner in accordance with the specifications of the bureau-prescribed course; or(4) Suspension or revocation of any bureau-issued license, registration, or qualification certificate held by the instructor if the grounds for suspension or revocation are substantially related to the qualifications of the instructor to teach bureau-prescribed courses of instruction; or(5) Conviction of a crime or conduct which would be cause for denial of a license pursuant to Section 480 of the Business and Professions Code, or for suspension or revocation of a license pursuant to Section 490 of the Business and Professions Code.(b) Instructors may be recertified as follows:(1) Upon completion of an application for recertification; and(2) Upon determination by the bureau that the instructor is again qualified to instruct students. In considering whether to make such determination, the bureau will evaluate the rehabilitation of the applicant based upon the criteria set forth in Section 3395 of this Chapter.(c) Any decertification proceeding under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Division 3, Title 2 of the Government Code.

Note: Authority cited: Section 44002, Health and Safety Code. Reference: Sections 44030.5, 44045.6 and 44050, Health and Safety Code; Sections 480 and 490, Business and Professions Code; and Section 11500, et. seq., Government Code.

HISTORY

1. New section filed 6-21-89; operative 6-21-89 (Register 89, No. 25).

2. Amendment of section heading and Note filed 6-23-95 as an emergency; operative 6-23-95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10-21-95 or emergency language will be repealed by

operation of law on the following day.

3. Certificate of Compliance as to 6-23-95 order transmitted to OAL 10-20-95 and filed 12-6-95 (Register 95, No. 49).

16 CCR § 3340.33.1, 16 CA ADC § 3340.33.1
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§ 3340.35. A Certificate of Compliance, Noncompliance, Repair Cost Waiver or an Economic Hardship Extension.

(a) A licensed station shall purchase certificates of compliance and noncompliance from the bureau or an authorized agent of the bureau only, and under the following terms and conditions:

(1) A certificate of compliance or noncompliance shall be purchased by a licensed station for a fee determined pursuant to section 3340.35.1 of these regulations; and

(2) Full payment is required at the time the certificates are ordered.

(b) A licensed station shall not sell or otherwise transfer unused certificates to another licensed station, to a new owner of the business, or to any person other than a customer whose vehicle has been inspected in accordance with the procedures specified in section 3340.42 of this article.

(c) A licensed station shall issue a certificate of compliance or noncompliance to the owner or operator of any vehicle that has been inspected in accordance with the procedures specified in section 3340.42 of this article and has all the required emission control equipment and devices installed and functioning correctly. The following conditions shall apply:

(1) Customers shall be charged the same price for certificates as that paid by the licensed station; and

(2) Sales tax shall not be assessed on the price of certificates.

(d) No person shall sell, issue, cause or permit to be issued any certificate purported to be a valid certificate of compliance or noncompliance unless duly licensed to do so.

(e) A repair cost waiver or an economic hardship extension shall be the same fee as a certificate of compliance or noncompliance.

Note: Authority cited: Sections 44002 and 44060, Health and Safety Code. Reference: Sections 44010, 44011, 44014, 44015 and 44060, Health and Safety Code; and Sections 4000.2 and 4000.3, Vehicle Code.

HISTORY

1. Amendment of subsection (a) filed 3-28-86; designated effective 5-1-86 (Register 86, No. 13).
2. Amendment of subsections (a) and (b) filed 8-24-88; operative 9-23-88 (Register 88, No. 37).
3. Amendment of subsection (a)(1) filed 1-25-89; operative 3-1-89 (Register 89, No. 7).
4. Amendment filed 4-16-90; operative 4-16-90 (Register 90, No. 19).
5. Editorial correction of printing error in subsection (b) (Register 91, No. 6).
6. Amendment of subsection (a)(1) filed 12-18-91; operative 2-1-92 (Register 92, No. 10).
7. Amendment of subsection (a)(1) filed 5-8-95 as an emergency; operative 5-8-95 (Register 95, No. 19). A Certificate of Compliance must be transmitted to OAL by 9-5-95 or emergency language will be repealed by operation of law on the following day.
8. Repealer of subsection (d), subsection relettering, amendment of newly designated subsection (d), and amendment of Note filed 6-23-95 as an emergency; operative 6-23-95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10-21-95 or emergency language will be repealed by operation of law on the following day.
9. Certificate of Compliance as to 5-8-95 order transmitted to OAL 8-31-95 and filed 9-25-95 (Register 95, No. 39).
10. Certificate of Compliance as to 6-23-95 order transmitted to OAL 10-20-95 and filed 12-6-95 (Register 95, No. 49).
11. Amendment of subsection (a)(1) and Note filed 2-11-97 as an emergency; operative 2-11-97 (Register 97, No. 7). A Certificate of Compliance must be transmitted to OAL by 6-11-97 or emergency language will be repealed by operation of law on the following day.
12. Certificate of Compliance as to 2-11-97 order transmitted to OAL 5-30-97 and filed 7-8-97 (Register 97, No. 28).
13. Amendment of subsection (a)(1) filed 2-26-98 as an emergency; operative 2-26-98 (Register 98, No. 9). A Certificate of Compliance must be transmitted to OAL by 6-26-98 or emergency language will be repealed by operation of law on the following day.
14. Amendment of subsection (a)(1) refiled 6-24-98 as an emergency; operative 6-25-98 (Register 98, No. 26). A Certificate of Compliance must be transmitted to OAL by 10-23-98 or emergency language will be repealed by operation of law on the following day.
15. Certificate of Compliance as to 6-24-98 order, including amendment of section heading, section and Note, transmitted to OAL 10-16-98 and filed 12-2-98 (Register 98, No. 49).

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§ 3340.35.1. A Certificate of Compliance, Noncompliance, Repair Cost Waiver or an Economic Hardship Extension Fee Calculation.

The certificate of compliance, noncompliance, repair cost waiver or an economic hardship extension fee effective June 1998 through June 1999 is \$8.25; thereafter, for the purpose of establishing a fee for a certificate of compliance, noncompliance, repair cost waiver or an economic hardship extension, the bureau shall annually adjust the fee to reflect changes in the California Consumer Price Index for All Urban Consumers (CCPI), as published by the California Department of Industrial Relations, based on the regional data from the United States Department of Labor, Bureau of Labor Statistics. Each annual fee adjustment shall be made based on the change in the CCPI ending in June of the current year preceding the base year adjustment. The calculation of the fee increase shall be: CCPI for Current Period less CCPI for base year equals Index Point Change; Divided by the CCPI for base year equals Percent Change; Baseline fee of \$7.00 multiplied by Percent Change equal sum; Baseline fee plus sum equals new fee per certificate.

Note: Authority cited: Sections 44002 and 44060, Health and Safety Code. Reference: Sections 44010, 44011 and 44060, Health and Safety Code.

HISTORY

1. New section filed 12-2-98; operative 12-2-98 (Register 98, No. 49).
2. Editorial correction (Register 2002, No. 23).

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§ 3340.36. Clearing Enforcement Forms.

When a customer requests certification of a motor vehicle for correction of a violation noted on an enforcement form, the smog check station shall certify that the correction has been made. In conjunction with such certification, the licensed technician shall also issue a certificate of compliance or noncompliance, provided the vehicle passes the inspection/test procedure and all emission control systems are in compliance or meet bureau requirements.

Note: Authority cited: Sections 44002, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Section 44045.5, Health and Safety Code; and Sections 27157, 27157.5, 27158 and 40616, Vehicle Code.

HISTORY

1. Amendment filed 4-16-90; operative 4-16-90 (Register 90, No. 19).
2. Amendment filed 6-23-95 as an emergency; operative 6-23-95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10-21-95 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 6-23-95 order transmitted to OAL 10-20-95 and filed 12-6-95 (Register 95, No. 49).
4. Amendment of section filed 7-26-96 as an emergency; operative 7-26-96 (Register 96, No. 30). A Certificate of Compliance must be transmitted to OAL by 11-25-96 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-26-96 order transmitted to OAL 11-19-96 and filed 1-6-97 (Register 97, No. 2).

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§ 3340.37. Installation of Oxides of Nitrogen (NOx) Devices.

A licensed smog check station, except for a test-only station, may install a retrofit oxides of nitrogen (NOx) exhaust control device on a 1966 through 1970 model year vehicle.

Note: Authority cited: Section 44002, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 2814, 27158, 27158.5 and 40616, Vehicle Code; and Sections 43654, 43655, 43657 and 44045.5, Health and Safety Code.

HISTORY

1. Amendment of subsection (b) filed 7-12-85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 28).
2. Amendment of subsection (b) filed 3-28-86; effective thirtieth day thereafter (Register 86, No. 13).
3. Amendment filed 4-16-90; operative 4-16-90 (Register 90, No. 19).
4. Amendment of subsections (d)-(e) and Note filed 6-23-95 as an emergency; operative 6-23-95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10-21-95 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 6-23-95 order transmitted to OAL 10-20-95 and filed 12-6-95 (Register 95, No. 49).
6. Amendment of section heading and repealer of subsection (a) designator and subsections (b)-(e) filed 4-15-96; operative 5-15-96 (Register 96, No. 16).
7. Amendment of section filed 7-26-96 as an emergency; operative 7-26-96 (Register 96, No. 30). A Certificate of Compliance must be transmitted to OAL by 11-25-96 or emergency language will be repealed by operation of law on the following day.

8. Certificate of Compliance as to 7-26-96 order transmitted to OAL 11-19-96 and filed 1-6-97 (Register 97, No. 2).

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§ 3340.41. Inspection, Test, and Repair Requirements.

(a) A licensed station shall give a copy of the test report printed from the emissions inspection system to the customer. The report shall be attached to the customer's invoice.

(b) No person shall enter into the emissions inspection system any access or qualification number other than as authorized by the bureau, nor in any way tamper with the emissions inspection system.

(c) No person shall enter into the emissions inspection system any vehicle identification information or emission control system identification data for any vehicle other than the one being tested. Nor shall any person knowingly enter into the emissions inspection system any false information about the vehicle being tested.

(d) The specifications and procedures required by Section 44016 of the Health and Safety Code shall be the vehicle manufacturer's recommended procedures for emission problem diagnosis and repair or the emission diagnosis and repair procedures found in industry-standard reference manuals and periodicals published by nationally recognized repair information providers. Smog check stations and smog check technicians shall, at a minimum, follow the applicable specifications and procedures when diagnosing defects or performing repairs for vehicles that fail a smog check test.

(e) A smog check station shall not perform an initial test, except for an official pre-test, on or issue a certificate of compliance to any vehicle that has been directed to a test-only station for its biennial smog check pursuant to Sections 44010.5 or 44014.7 of the Health and Safety Code, unless the station is licensed as a test-only station pursuant to subdivision (b) of Section 44014 of the Health and Safety Code. The reinspection and certification of a test-only directed vehicle that has failed an initial test at a test-only station and has undergone subsequent repairs to correct the cause of the failure, may be performed by a test-only station, or by a test-and-repair station that performs those repairs and that is also certified as a Gold Shield station pursuant to Section 44014.2 of the Health and Safety Code and Article 10 (commencing with section 3392.1) of this chapter.

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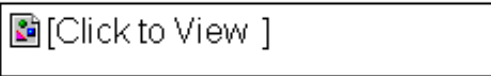


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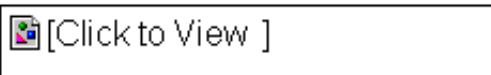


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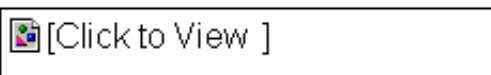


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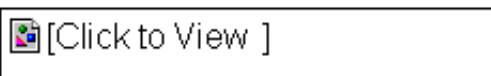


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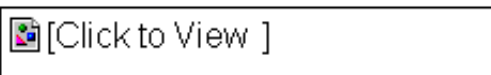


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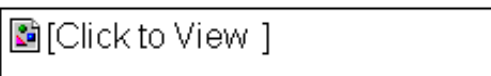


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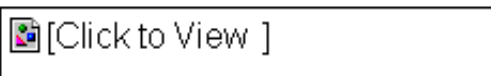


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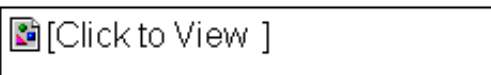


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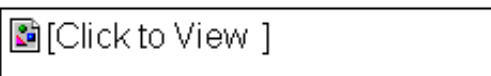


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Image 13 (6" X 6.5") Not available for Offline Print to STP or FAX

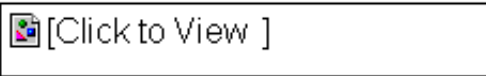


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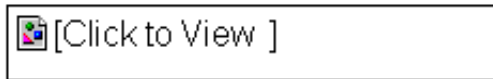


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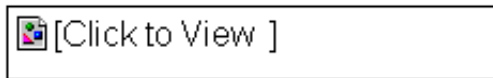


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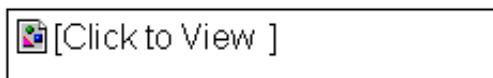


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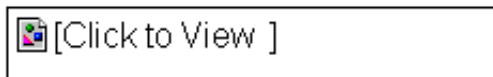


Image 18 (8.25" X 6.5") Not available for Offline Print to STP or FAX

Note: Authority cited: Sections 44002, 44016 and 44030, Health and Safety Code; and Section 9882, Business and Profession Code. Reference: Sections 44010.5, 44012, 44014, 44014.2, 44014.7, 44016, 44030, 44036(a) and (b), 44050 and 44051.5, Health and Safety Code.

HISTORY

1. Amendment of section heading filed 8-24-88; operative 9-23-88 (Register 88, No. 37).
2. Amendment filed 4-16-90; operative 4-16-90 (Register 90, No. 19).
3. Editorial correction of printing error correcting section heading (Register 91, No. 6).
4. Amendment of subsection (c) filed 8-18-92; operative 9-17-92 (Register 92, No. 37).
5. New section heading, new subsection (d) and amendment of Note filed 7-26-96 as an emergency; operative 7-26-96 (Register 96, No. 30). A Certificate of Compliance must be transmitted to OAL by 11-25-96 or emergency language will be repealed by operation of law on the following day.
6. Editorial correction of subsection (d) (Register 97, No. 2).
7. Certificate of Compliance as to 7-26-96 order transmitted to OAL 11-19-96 and filed 1-6-97 (Register 97, No. 2).
8. New subsection (e) and new Forms T1-T6 filed 2-1-2001; operative 2-1-2001

pursuant to Government Code section 11343.4(c) (Register 2001, No. 5).

9. Amendment of subsections (a)-(c) filed 6-9-2003; operative 7-9-2003 (Register 2003, No. 24).

10. Amendment of section heading, section and Note filed 5-30-2006; operative 6-29-2006 (Register 2006, No. 22).

16 CCR § 3340.41, 16 CA ADC § 3340.41

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16 CA ADC § 3340.41

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16 CA ADC § 3340.41.3

16 CCR § 3340.41.3

Cal. Admin. Code tit. 16, § 3340.41.3

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
DIVISION 33. BUREAU OF AUTOMOTIVE REPAIR
CHAPTER 1. AUTOMOTIVE REPAIR DEALERS AND OFFICIAL STATIONS AND ADJUSTERS
ARTICLE 5.5. MOTOR VEHICLE INSPECTION PROGRAM

This database is current through 7/10/09, Register 2009, No. 28
§ 3340.41.3. Invoice Requirements.

The invoice for service, adjustments or repairs performed as part of the smog check program shall describe all service work done and parts supplied to reduce emissions, in the manner prescribed by section 9884.8 of the Business and Professions Code.

A general description, such as "low-emissions tune up," "scope and adjust," "reduce emissions," or the like is insufficient to satisfy the requirements of section 9884.8 of the Business and Professions Code.

Note: Authority cited: Section 44002, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Section 44015(b), Health and Safety Code; and Sections 9884.7(1)(a) and 9884.8, Business and Professions Code.

HISTORY

1. New section filed 8-24-88; operative 9-23-88 (Register 88, No. 37).

2. Amendment filed 4-16-90; operative 4-16-90 (Register 90, No. 19).

16 CCR § 3340.41.3, 16 CA ADC § 3340.41.3
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BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
DIVISION 33. BUREAU OF AUTOMOTIVE REPAIR
CHAPTER 1. AUTOMOTIVE REPAIR DEALERS AND OFFICIAL STATIONS AND ADJUSTERS
ARTICLE 5.5. MOTOR VEHICLE INSPECTION PROGRAM

This database is current through 7/10/09, Register 2009, No. 28
§ 3340.41.5. Tampering with Emissions Control Systems.

A tampered emissions control system is an emissions control system which is missing, modified or disconnected. An emissions control system which has a missing, modified, or disconnected emissions related component is also deemed a tampered emissions control system. For purposes of the visual emission control system inspection pursuant to Health and Safety Code Section 44012(a), the terms missing, modified and disconnected are defined as follows:

(a) Missing. A missing emissions control system or component is one which has been removed from the vehicle or engine.

(b) Modified. An emissions control system is deemed to have been modified if:

(1) the system has been disabled, even though it is present and properly connected to the engine and/or vehicle;

(2) an emissions related component of the system has been replaced by a component not marketed by its manufacturer for street use on the vehicle; or

(3) an emissions related component of the system has been changed such that there is no capacity for connection with or operation of other emissions control components or systems;

(c) Disconnected. A disconnected hose, wire, belt or component is one which is required for the operation of an emissions control system and which has been disconnected.

Note: Authority cited: Section 44002, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 44012(a), 44013(b) and 44017, Health and Safety Code.

HISTORY

1. New section filed 11-7-84; effective thirtieth day thereafter (Register 84, No. 45).

16 CCR § 3340.41.5, 16 CA ADC § 3340.41.5
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16 CA ADC § 3340.41.5

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16 CCR § 3340.42

Cal. Admin. Code tit. 16, § 3340.42

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
DIVISION 33. BUREAU OF AUTOMOTIVE REPAIR
CHAPTER 1. AUTOMOTIVE REPAIR DEALERS AND OFFICIAL STATIONS AND ADJUSTERS
ARTICLE 5.5. MOTOR VEHICLE INSPECTION PROGRAM

This database is current through 7/10/09, Register 2009, No. 28
§ 3340.42. Mandatory Smog Check Inspection and Test Procedures, and Emissions Standards.

Smog check stations and smog check technicians shall conduct tests and inspections in accordance with the bureau's BAR-97 Emissions Inspection System Specifications referenced in subsection (b) of Section 3340.17 of this article and the following:

(a) The loaded-mode test method, except as otherwise specified, shall be the test method used in the enhanced program areas of the state. The loaded-mode test method shall measure hydrocarbon, carbon monoxide, carbon dioxide and oxides of nitrogen emissions, as contained in the bureau's specifications referenced in subsection (b) of Section 3340.17 of this article. The loaded-mode test equipment shall be Acceleration Simulation Mode (ASM) test equipment, including a chassis dynamometer, certified by the bureau. The loaded-mode test procedures, including the preconditioning procedure, shall only be conducted according to the bureau-approved procedures specified in this section and include the following:

(1) Place the vehicle's driving wheels on a chassis dynamometer and properly restrain the vehicle prior to commencing the test.

(2) With the vehicle operating, sample the exhaust system in the following sequence:

(A) Accelerate the vehicle to the cruise condition as specified by the test procedures.

(B) Operate the vehicle long enough to stabilize emission levels.

(C) Measure and record emissions (hydrocarbon, carbon monoxide, carbon dioxide, and oxides of nitrogen).

(3) Exhaust emissions from a vehicle subject to inspection shall be measured and compared to the emission standards set forth in this section and as shown in TABLE I or TABLE II, as applicable.

(4) All loaded-mode testing shall be conducted in a manner that does not induce excess emissions from the vehicle being tested.

(b) The two-speed idle mode test method shall be used in all program areas of the state, other than the

enhanced program areas. The two-speed idle mode test method shall measure hydrocarbon, carbon monoxide and carbon dioxide emissions at high RPM and again at idle RPM, as contained in the bureau's specifications referenced in subsection (b) of Section 3340.17 of this article. Exhaust emissions from a vehicle subject to inspection shall be measured and compared to the emission standards set forth in this section and as shown in Table III.

(c) All tests shall be performed with the engine at its normal operating temperature.

(d) There shall be a liquid fuel leak inspection as follows:

(1) As used in this section, "Liquid fuel leak" means any fuel emanating from a vehicle's fuel delivery, metering, or evaporation systems in liquid form that has created a visible drop or more of fuel on a component of a vehicle's fuel delivery, metering, or evaporation system or has created a fuel puddle on, around, or under a component of a vehicle's fuel delivery, metering, or evaporation system.

(2) With the engine running, the smog check technician shall visually inspect the following components of the vehicle, if they are exposed and visually accessible, for liquid fuel leaks:

(A) Gasoline fuel tanks.

(B) Gasoline fill pipes, associated hoses and fuel tank connections.

(C) Gas caps.

(D) External fuel pumps.

(E) Fuel delivery and return lines and hoses.

(F) Fuel filters.

(G) Carburetors.

(H) Fuel injectors.

(I) Fuel pressure regulators.

(J) Charcoal canisters.

(K) Fuel vapor hoses.

(L) Any valves connected to any other fuel evaporative component.

(3) If a smog check technician detects a liquid fuel leak, the technician shall enter "F" (Defective) in the "Fuel Evaporative Controls" category of the visual inspection when prompted by the emissions inspection system and the vehicle shall fail the inspection.

(4) Smog check technicians shall indicate on the vehicle inspection report the location of any liquid fuel leak.

(5) The liquid fuel leak inspection required by this section is a visual inspection only. Smog check technicians are not required to perform any disassembly of the vehicle to inspect for liquid fuel leaks. No special tools or equipment, other than a flashlight and mirror, are required and no raising, hoisting or lifting of the vehicle is required.

(6) Expenditures for repairs made at a licensed smog check station to correct liquid fuel leaks detected during a smog check inspection shall be credited toward the repair cost waiver expenditure specified in section 44017 of the Health and Safety Code, or applied to the repair assistance program co-payment specified in section 44062.1 of the Health and Safety Code and Section 3394.4 of this chapter.

(7) Nothing in this subsection shall prohibit a technician from refusing to inspect a vehicle or from aborting an inspection if a liquid fuel leak presents a safety hazard.

(8) This subsection shall not apply to vehicles fueled exclusively by compressed natural gas (CNG), liquid natural gas (LNG), or liquid petroleum gas (LPG).

(e) On and after November 1, 2007, all motor vehicles subject to the program, except as provided in paragraph (1) of this subsection, shall be given a low-pressure test of the fuel evaporative control system as part of a smog check inspection.

(1) The following vehicles are exempt from the low-pressure fuel evaporative test, and when inspecting these vehicles, the Smog Check technician shall enter "N" (Not Applicable) at the EIS "Fuel Evaporative Test" prompt:

(A) 1996 and newer model-year vehicles that are equipped with a Series II On-Board Diagnostic (OBD II) system with the capability to perform a self-diagnosis of the vehicle's fuel evaporative system;

(B) Vehicles for which there are no fuel tank filler neck adapters;

(C) Vehicles powered exclusively by compressed natural gas (CNG), liquid natural gas (LNG) or liquid petroleum gas (LPG);

(D) Vehicles not originally equipped, and not required by state or federal law to be equipped, with a fuel evaporation control system;

(E) Vehicles with two or more fully operational fuel tanks; and

(F) Vehicles, in their original factory configuration, with a fuel evaporative canister and fuel vapor hoses that are not accessible or would require the partial dismantling of the vehicle in order to gain access to them for testing. If the fuel evaporative system pressure test is infeasible pursuant to this subparagraph, the technician shall note the location of the canister on the vehicle inspection report provided to the consumer pursuant to Section 3340.41 of this article.

(2) Smog Check stations and Smog Check technicians shall perform the low-pressure test of a vehicle's fuel evaporative systems, using a BAR-certified low-pressure fuel evaporative tester (LPFET). The test shall be performed in accordance with the test procedures and specifications contained in the LPFET instruction manual provided by the tester's manufacturer, and the following, as applicable:

(A) If components related to the vehicle's fuel evaporative system are missing, modified, or disconnected, enter "F" at the EIS "Fuel Evaporative Test" prompt. If the vehicle's fuel evaporation system components are not missing, modified or disconnected, proceed with the test.

(B) If, at the conclusion of the test, the LPFET displays a "P" (pass), enter "P" in the EIS at the "Fuel Evaporative Test" prompt.

(C) If, at the conclusion of the test the LPFET displays an "F" (fail), perform a seal check in accordance with the procedures and specifications contained in the LPFET instruction manual provided by the tester's manufacturer.

1. If, after completion of the appropriate seal check, the system is found to be properly sealed, enter "F" (fail) in the EIS at the "Fuel Evaporative Test" prompt.

2. If, after completion of the appropriate seal check, the system is found not to be properly sealed follow the applicable procedures and specifications contained in the LPFET instruction manual provided by the tester's manufacturer to correct the leaks and effect proper seals.

(D) After all leaks have been corrected, a verification test shall be performed in accordance with the procedures and specifications contained in the LPFET instruction manual provided by the tester's manufacturer.

1. If, at the conclusion of the verification test, the LPFET displays a "P" (pass), enter "P" in the EIS at the "Fuel Evaporative Test" prompt.

2. If, at the conclusion of the verification test the LPFET displays an "F" (fail), enter "F" in the EIS at the "Fuel Evaporative Test" prompt.

(E) At the completion of the test and any necessary verification test, following the procedures and specifications contained in the LPFET instruction manual provided by the tester's manufacturer, depressurize the evaporative system, remove the tester and return the fuel evaporative system to its original configuration.

(3) Nothing in this subsection shall excuse a station or a technician from completing the visual inspection of the vehicle as required by Section 3340.17 or the liquid fuel leak inspection as required by subsection (d) of this section.

(f) On and after January 1, 2008, pursuant to the provisions of section 44012.1 of the Health and Safety Code, all motor vehicles subject to the program shall undergo a visible smoke test during every smog check inspection to determine whether the vehicle emits any visible smoke from its tailpipe or crankcase. The conditions and procedures for performing the visible smoke test and recording the results shall be as follows:

(1) The test for visible tailpipe smoke shall be performed immediately following the tailpipe emissions phase of the smog check inspection, with the vehicle's engine running at idle. The technician shall return the vehicle to idle, exit the vehicle, walk to the tailpipe area of the vehicle and remove the emission inspection system exhaust probe from the tailpipe. With an unobstructed view of the vehicle's tailpipe, the technician shall observe the tailpipe area for at least 10 seconds. If smoke is observed emanating from the vehicle's tailpipe, the vehicle fails the visible smoke test and the technician shall enter "F" (Defective) in the "Other Emission Related Controls" category of the visual inspection when prompted by the emissions inspection system.

(2) The test for visible smoke emanating from the crankcase shall be performed during the under hood portion of the liquid fuel leak inspection specified in subsection (d). The crankcase and PCV systems shall not be disconnected during the visible smoke test portion of the liquid fuel leak inspection. With the vehicle's engine running at idle, the technician shall observe the crankcase and PCV systems for at least 10 seconds. If smoke is observed emanating from the vehicle's crankcase or

PCV systems, the vehicle fails the visible smoke test and the technician shall enter "F" (Defective) in the "Other Emission Related Controls" category of the visual inspection when prompted by the emissions inspection system.

(3) If no smoke is observed emanating from the vehicle's tailpipe, and if no smoke is observed emanating from the vehicle's crankcase or PCV systems, the vehicle passes the visible smoke test. The technician shall enter "P" (Pass) in the "Other Emission Related Controls" category of the visual inspection when prompted by the emissions inspection system. This entry shall be superseded by an entry for any other failure that would normally be recorded in the "Other Emission Related Controls" category of the visual inspection.

(4) Smoke that is observed emanating from any area of a vehicle other than the vehicle's tailpipe, or crankcase or PCV systems, regardless of the cause, shall not constitute a failure of the visible smoke test.

(5) If the vehicle fails the visible smoke test pursuant to paragraphs (1) and/or (2), in addition to entering the failure into the emission inspection system, the technician shall do all of the following:

(A) Document the failure by writing or stamping on the vehicle inspection report in the "Other Emission Related Components" section, "Failed for visible smoke," or "Failed visible smoke test."

(B) Document the failure and the operating conditions under which the failure occurred on the invoice that is given to the customer pursuant to section 9884.8 of the Business and Professions Code and Section 3356 of this chapter.

(C) Provide to the customer the bureau's Visible Smoke Test Failure Consumer Information Sheet, form SMOKE INFO (01/07), as shown in Figure 1, with the applicable items completed on the checklist and the vehicle license or identification number. The bureau will furnish stations with a supply of information sheets.

(6) For the purposes of subsection (f), unless the context otherwise requires:

(A) "Tailpipe" means anywhere the vehicle's exhaust is designed to exit the vehicle under normal conditions. There may be more than one location.

(B) "Unobstructed view" means that there is nothing in the shop environment, such as equipment, tools, tool cabinets, tool boxes, furniture, supplies, or the like, which prevents the technician from observing the exhaust emanating from the vehicle's tailpipe.

(g)(1) In the enhanced program areas, heavy-duty vehicles shall be tested using the loaded-mode testing method as provided in subsection (a) of this section, unless:

(A) The vehicle has a drive axle weight that exceeds 5,000 pounds when the vehicle is unloaded, or

(B) The vehicle is classified by the Department of Motor Vehicles as a motorhome, or

(C) The vehicle has a body and/or chassis configuration or modification made for business purposes that renders the vehicle incompatible with loaded-mode testing, or

(D) The emission inspection system prompts the technician to perform the two-speed idle test.

(2) For the purposes of this subsection, the term "unloaded" shall mean that the vehicle is not currently transporting loads for delivery or is not carrying items of a temporary nature, but excludes items that have been welded, bolted or otherwise permanently affixed to the vehicle, and tools, supplies, parts, hardware, equipment or devices of a similar nature that are routinely carried in or on the vehicle in the performance of the work for which the vehicle is primarily used.

(3) For the purposes of this subsection, modifications that render a vehicle incompatible with loaded-mode testing shall not include any tire, wheel, body or chassis modifications made for other than business purposes.

(4) If it is determined that a heavy-duty vehicle cannot be subjected to a loaded-mode test for any of the reasons set forth in subparagraphs (A) through (D) of paragraph (1) of this subsection, the technician shall perform a two-speed idle test. The technician shall also note on the final invoice the justification for the performance of a two-speed idle test.

(h) Pursuant to section 39032.5 of the Health and Safety Code, gross polluter standards are as follows:

(1) A gross polluter means a vehicle with excess hydrocarbon, carbon monoxide, or oxides of nitrogen emissions pursuant to the gross polluter emissions standards included in TABLES I, II or III.

(2) Vehicles with emission levels exceeding the emission standards for gross polluters during an initial inspection will be considered gross polluters and the provisions pertaining to gross polluting vehicles will apply, including, but not limited to, sections 44014.5, 44015, 44017 and 44081 of the Health and Safety Code.

(3) A gross polluting vehicle shall not be passed or issued a certificate of compliance until the vehicle's emissions are reduced to or below the applicable emissions standards for the vehicle as indicated in TABLES I, II, or III. However, the provisions described in section 44017 of the Health and Safety Code may apply.

(4) This subsection applies in all program areas statewide to vehicles requiring inspection pursuant to sections 44005 and 44011 of the Health and Safety Code

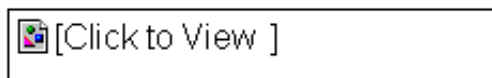


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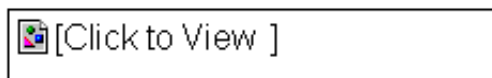


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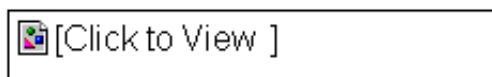


Image 3 (8.5" X 4.25") Not available for Offline Print to STP or FAX

Image 4 (8" X 5.75") Not available for Offline Print to STP or FAX

Figure 1. Visible Smoke Test Failure Consumer Information Sheet

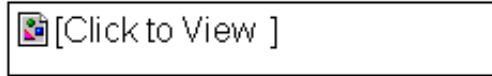


Image 5 (8.5" X 6.25") Not available for Offline Print to STP or FAX

Note: Authority cited: Sections 44001.5, 44002, 44003, 44012, 44012.1, 44013 and 44036, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 39032.5, 44002, 44003, 44005, 44010, 44011, 44011.3, 44012, 44012.1, 44013, 44014, 44014.5, 44014.7, 44015, 44017, 44017.1, 44032, 44033, 44036, 44037.1, 44062.1 and 44081, Health and Safety Code; and Sections 9884.8 and 9884.9, Business and Professions Code.

HISTORY

1. Editorial correction of printing error (Register 84, No. 32).
2. Amendment filed 4-16-90; operative 4-16-90 (Register 90, No. 19).
3. Amendment of Table II filed 5-11-90; operative 6-10-90 (Register 90, No. 26).
4. Amendment of section and Note, repealer and new Tables I-II, and new Table III filed 6-22-95 as an emergency; operative 6-22-95 (Register 95, No. 25).
A Certificate of Compliance must be transmitted to OAL by 10-20-95 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 6-22-95 order including amendment of section and Tables I-III transmitted to OAL 10-20-95 and filed 12-1-95 (Register 95, No. 48).
6. Amendment of first paragraph filed 4-29-96 as an emergency; operative 4-29-96 (Register 96, No. 18). A Certificate of Compliance must be transmitted to OAL by 8-27-96 or emergency language will be repealed by operation of law on the following day.
7. Amendment of opening paragraph and subsection (b), repealer of subsection (c)(5) and subsection renumbering and amendment of newly designated subsection (c)(5) filed 7-26-96 as an emergency; operative 7-26-96 (Register 96, No. 30). A Certificate of Compliance must be transmitted to OAL by 11-25-96 or emergency language will be repealed by operation of law on the following day.
8. Certificate of Compliance as to 4-29-96 order transmitted to OAL 8-21-96 and filed 9-30-96 (Register 96, No. 40).
9. Certificate of Compliance as to 7-26-96 order, including amendment of first paragraph and subsections (a)(1)(C)1.-3. and (b), transmitted to OAL 11-19-96 and filed 1-6-97 (Register 97, No. 2).
10. Amendment of Table III filed 4-4-97 as an emergency; operative 4-4-97 (Register 97, No. 14). A Certificate of Compliance must be transmitted to OAL by 8-4-97 or emergency language will be repealed by operation of law on the following day.

11. Editorial correction of first paragraph (Register 97 , No. 33).
12. Certificate of Compliance as to 4-4-97 order transmitted to OAL 7-2-97 and filed 8-13-97 (Register 97 , No. 33).
13. Amendment of section heading, section and Note filed 9-10-2001; operative 9-10-2001 pursuant to Government Code section 11343.4 (Register 2001, No. 37).
14. Amendment of first paragraph filed 2-15-2002 as an emergency; operative 2-15-2002 (Register 2002, No. 7). A Certificate of Compliance must be transmitted to OAL by 6-17-2002 or emergency language will be repealed by operation of law on the following day.
15. Repealer and new Table I filed 5-28-2002; operative 6-27-2002 (Register 2002, No. 22).
16. Certificate of Compliance as to 2-15-2002 order transmitted to OAL 6-13-2002 and filed 7-26-2002 (Register 2002, No. 30).
17. Amendment of section and repealer and new Table II filed 1-21-2003; operative 2-20-2003 (Register 2003, No. 4).
18. Change without regulatory effect amending Table II filed 6-4-2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 23).
19. Amendment of first paragraph filed 6-9-2003; operative 7-9-2003 (Register 2003, No. 24).
20. Change without regulatory effect amending first paragraph and subsections (a)(2)-(3), (b)(3), (b)(6)-(7), (d)(1) and (d)(4) filed 10-11-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 41).
21. New subsections (c)-(c)(3), subsection relettering and amendment of Note filed 8-1-2007; operative 8-1-2007 pursuant to Government Code section 11343.4 (Register 2007 , No. 31).
22. Amendment of section heading, section and Note and new Figure 1 filed 1-11-2008; operative 1-11-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 2).
23. Editorial correction of subsections (a) and (f) (Register 2008, No. 44).

16 CCR § 3340.42, 16 CA ADC § 3340.42
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16 CA ADC § 3340.50

16 CCR § 3340.50

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This database is current through 7/10/09, Register 2009, No. 28
§ 3340.50. Fleet Facility Requirements.

The owner of a fleet of vehicles shall meet the following requirements for licensure as a fleet facility smog check station, if they choose to be so licensed, and shall comply with these requirements at all times while licensed.

(a) **Number of Fleet Vehicles.** The fleet facility shall own and operate a fleet of 10 or more vehicles which are subject to the program and are exclusively for the use of fleet employees, for sale, or for rental or lease to members of the public in the regular course of business.

(b) **Equipment.** The fleet facility shall have the equipment required by a smog check station, as set forth in sections 3340.16.5 and 3340.17 of this chapter. Equipment shall be maintained and calibrated in accordance with section 3340.17 of this chapter.

(c) **Licensed Technician.** A licensed technician, other than an Intern Technician, shall be present at the facility when necessary to test, inspect, repair, or supervise the repair of a vehicle.

(d) **Intern Technician.** The fleet facility shall not have in its employ more than two Intern Technicians at any given time. The repairs or adjustments made by Intern Technicians at a fleet facility to emissions control systems on vehicles subject to the smog check program shall be performed under the direction of a supervising technician that is on the premises of the fleet facility at the time of the repair or adjustment.

(e) **Work Area.** The work area shall meet all the requirements specified in section 3340.15(a) of this article.

(f) **Vehicles Serviced.** A licensed fleet facility shall test, repair, and certify only vehicles owned by it. The repair cost limit shall not apply to the repair of fleet vehicles.

(g) **Onsite Inspection.** The responsible managing employee of the fleet facility shall provide the bureau with whatever access, information, and other cooperation is necessary to facilitate onsite inspection of the fleet's vehicles or inspection system. At the bureau's request, the licensed technician shall be present during regular business hours (8 a.m. to 5 p.m.) at a time agreed upon by the licensed technician and a bureau representative.

(h) **Display of Licenses.** The station license and technician licenses shall be posted prominently in an area accessible to the bureau or its representative.

(i) **Manuals and Bulletins.** Bureau manuals and bulletins pertaining to fleet facilities shall be maintained in a location readily accessible to licensed technicians.

Note: Authority cited: Section 44002, Health and Safety Code. Reference: Sections 44020 and 44045.5, Health and Safety Code.

HISTORY

1. Amendment of subsection (e) filed 8-24-88; operative 9-23-88 (Register 88, No. 37).
2. Amendment filed 4-16-90; operative 4-16-90 (Register 90, No. 19).
3. Editorial correction of printing error in subsection (e) (Register 91, No. 6).
4. Amendment filed 6-23-95 as an emergency; operative 6-23-95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10-21-95 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 6-23-95 order transmitted to OAL 10-20-95 and filed 12-6-95 (Register 95, No. 49).
6. Amendment of subsections (b) and (c) filed 7-26-96 as an emergency; operative 7-26-96 (Register 96, No. 30). A Certificate of Compliance must be transmitted to OAL by 11-25-96 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 7-26-96 order, including amendment of first paragraph, transmitted to OAL 11-19-96 and filed 1-6-97 (Register 97, No. 2).
8. Amendment of subsection (b) filed 2-15-2002 as an emergency; operative 2-15-2002 (Register 2002, No. 7). A Certificate of Compliance must be transmitted to OAL by 6-17-2002 or emergency language will be repealed by operation of law on the following day.
9. Certificate of Compliance as to 2-15-2002 order transmitted to OAL 6-13-2002 and filed 7-26-2002 (Register 2002, No. 30).

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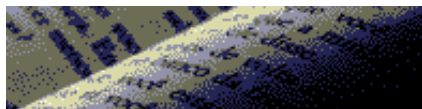
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This database is current through 7/10/09, Register 2009, No. 28
§ 3340.50.1. Application for Fleet Facility License; Renewal; Replacement.

(a) Initial License. To become licensed as a fleet facility, a fleet owner shall submit an application on a form prescribed by the bureau. The fleet facility license shall expire one year from the last day of the month in which the license was issued. A fleet facility license is not transferable.

(b) Renewal. A fleet facility licensee shall submit a timely and proper renewal application to the bureau. A licensee whose license has expired shall immediately cease to inspect or test vehicles or issue certificates.

(c) Duplicate Licenses. Application for a duplicate license shall be made to the bureau in accordance with Section 3340.10(e) of this article.

(d) Replacement License. Replacement of licenses shall be handled in accordance with Section 3340.10(e) of this article, except that no fee is required.

Note: Authority cited: Section 44020 of the Health and Safety Code. Reference 44020, Health and Safety Code.

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This database is current through 7/10/09, Register 2009, No. 28
§ 3340.50.3. Fleet Records and Reporting Requirements.

(a) All data relating to licensed test and repair activities shall be recorded on forms supplied by the bureau.

(b) The licensed fleet facility shall maintain certificate books prescribed by the bureau. All required information shall be recorded on the certificate by the licensed technician on the day the final test on a vehicle was performed. Each certificate shall be signed and dated by the licensed technician on the day of the final test on a vehicle. For permanently registered fleets, an alternate procedure for certifying vehicles may be allowed by the bureau.

(c) The records required to be maintained by subsections (a) and (b) shall be retained for a period of not less than three years after the completion of any test or repair to which the records refer.

Note: Authority cited: Section 44002 and 44020(a) and (b) of the Health and Safety Code. Reference: Sections 44020 and 44045.5, Health and Safety Code.

HISTORY

1. Amendment of subsection (b) and Note filed 6-23-95 as an emergency; operative 6-23-95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10-21-95 or emergency language will be repealed by operation of law on the following day.

2. Certificate of Compliance as to 6-23-95 order transmitted to OAL 10-20-95 and filed 12-6-95 (Register 95, No. 49).

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§ 3340.50.4. Fleet Certificates.

(a) A licensed fleet facility shall order and purchase a certificate of compliance, or noncompliance from the bureau or an authorized agent of the bureau only, for a fee determined pursuant to section 3340.35.1 of these regulations. A certificate of compliance or noncompliance is not transferable.

(b) A certificate of compliance shall be issued only for a vehicle that complies with the emission control system requirements and meets the exhaust emission standards established by the bureau.

Note: Authority cited: Sections 44002, 44020 and 44060, Health and Safety Code. Reference: Sections 44010, 44020(c) and 44060, Health and Safety Code.

HISTORY

1. Amendment of subsection (a) filed 8-24-88; operative 9-23-88 (Register 88, No. 37).
2. Amendment of subsection (a) filed 1-25-89; operative 3-1-89 (Register 89, No. 7).
3. Amendment of subsection (a) filed 12-18-91; operative 2-1-92 (Register 92, No. 10).
4. Amendment of subsection (a) filed 5-8-95 as an emergency; operative 5-8-95 (Register 95, No. 19). A Certificate of Compliance must be transmitted to OAL by 9-5-95 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 5-8-95 order transmitted to OAL 8-31-95 and filed 9-25-95 (Register 95, No. 39).
6. Amendment of subsection (a) filed 2-11-97 as an emergency; operative 2-11-97 (Register 97, No. 7). A Certificate of Compliance must be transmitted to OAL by 6-11-97 or emergency language will be repealed by operation of law on the following day.

7. Certificate of Compliance as to 2-11-97 order transmitted to OAL 5-30-97 and filed 7-8-97 (Register 97, No. 28).

8. Amendment of subsection (a) filed 2-26-98 as an emergency; operative 2-26-98 (Register 98, No. 9). A Certificate of Compliance must be transmitted to OAL by 6-26-98 or emergency language will be repealed by operation of law on the following day.

9. Amendment of subsection (a) refiled 6-24-98 as an emergency; operative 6-25-98 (Register 98, No. 26). A Certificate of Compliance must be transmitted to OAL by 10-23-98 or emergency language will be repealed by operation of law on the following day.

10. Certificate of Compliance as to 6-24-98 order, including repealer and new subsection (a) and repealer of subsection (c), transmitted to OAL 10-16-98 and filed 12-2-98 (Register 98, No. 49).

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§ 3340.50.5. Suspension or Rescission of Fleet Facility License.

(a) A fleet facility licensee shall immediately cease to test, repair, or certify vehicles whenever the facility fails to meet any of the requirements of Section 3340.50. The fleet licensee shall not resume fleet emission testing, repairing, or certification until authorized by the bureau or if suspended, until the suspension expires. The fleet facility may not resume fleet emission testing, repairing or certification until authorized by the bureau.

(b) A fleet facility license may be suspended or rescinded in accordance with Section 44020 of Chapter 5, Part 5, Division 26 of the California Health and Safety Code for any of the following acts if done by the licensee or by any licensed technician, partner, officer, or member of the licensed fleet facility.

(1) Inspecting or testing vehicles while in violation of subsection (a) of this section.

(2) Violation of any provision of this article.

(3) Violation of any provision of Chapter 5, Part 5, Division 26, of the California Health and Safety Code.

Note: Authority cited: Section 44020, Health and Safety Code. Reference: Sections 44020 and 44045.5, Health and Safety Code.

HISTORY

1. Amendment of subsection (b) and Note filed 6-23-95 as an emergency; operative 6-23-95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10-21-95 or emergency language will be repealed by operation of law on the following day.

2. Certificate of Compliance as to 6-23-95 order transmitted to OAL 10-20-95 and filed 12-6-95 (Register 95, No. 49).

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This database is current through 7/10/09, Register 2009, No. 28
§ 3392.1. Gold Shield Program (GSP).

The Gold Shield Program is a voluntary program that permits any licensed Smog Check test-and-repair station, which meets or exceeds the standards established pursuant to this article to obtain a certification that may be publicly displayed and otherwise advertised.

(a) The purposes of the Gold Shield program are to:

(1) Reduce the complexity of the Smog Check Program by allowing Smog Check stations certified as Gold Shield stations to offer consumers a wider array of inspection and repair services.

(2) Encourage consumer confidence in the required emissions inspections and repairs by the establishment of inspection and repair standards that stations must meet or exceed to receive and retain certification from the Bureau.

(3) Improve the identification and repair of high-emitting vehicles to enhance the effectiveness of the Smog Check Program.

(4) Contribute to the emissions reductions objectives required by the State Implementation Plan and federal standards.

Note: Authority cited: Sections 44001.5, 44002 and 44014.2, Health and Safety Code. Reference: Sections 44002 and 44014.2, Health and Safety Code.

HISTORY

1. Renumbering of former article 10 to new article 11 (sections 3395-3395.3), and new article 10 (sections 3392.1-3392.6) and section filed 4-23-97 as an emergency; operative 4-23-97 (Register 97, No. 17). A Certificate of Compliance must be transmitted to OAL by 8-21-97 or emergency language will be repealed by operation of law on the following day.

2. Certificate of Compliance as to 4-23-97 order, including amendment of first paragraph and Note, transmitted to OAL 8-19-97 and filed 9-30-97 (Register 97,

No. 40).

3. Amendment of section heading, repealer and new section and amendment of Note filed 4-28-2003; operative 5-28-2003 (Register 2003, No. 18).

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§ 3392.2. Responsibilities of Smog Check Stations Certified as Gold Shield.

(a) Smog Check test-and-repair stations certified as Gold Shield stations shall provide the following services to the public:

(1) State subsidized emissions-related repairs, under the terms and conditions of a contract executed pursuant to Section 3394.2, as a component of the Bureau's Consumer Assistance Program established pursuant to Article 11 of this Division. This paragraph shall not apply to those stations located in change of ownership program areas.

(2) The certification of vehicles previously identified as gross polluters.

(3) For Gold Shield stations with a complete BAR-97 Emissions Inspection System capable of performing enhanced area loaded-mode inspections pursuant to paragraph (1) of subdivision (a) of Section 44003 of the Health and Safety Code, irrespective of their program area location, the initial testing and certification of vehicles directed to Test-Only stations pursuant to Sections 44010.5 or 44014.7 of the Health and Safety Code.

(4) For Gold Shield stations with a complete BAR-97 Emissions Inspection System capable of performing enhanced area loaded-mode inspections pursuant to paragraph (1) of subdivision (a) of Section 44003 of the Health and Safety Code, irrespective of their program area location, the after-repairs certification of failed vehicles that were directed to and initially tested at Test-Only stations pursuant to Sections 44010.5 or 44014.7 of the Health and Safety Code provided that the vehicles are repaired at the Gold Shield station.

(5) For Gold Shield stations located in basic or change of ownership program areas that do not perform enhanced area loaded-mode inspections pursuant to paragraph (1) of subdivision (a) of Section 44003 of the Health and Safety Code, the certification of vehicles registered in enhanced areas if the vehicles were purchased by a licensed Department of Motor Vehicles Motor Vehicle Dealer, as defined in Section 285 of the Vehicle Code, with the intent of offering the vehicles for sale upon the dealer's premises that are located in basic or change of ownership areas. Gold Shield stations authorized pursuant to this paragraph shall not issue a certificate of compliance to a vehicle registered in an enhanced area that is required to have an enhanced area test if the vehicle is owned by an entity other than a Motor Vehicle Dealer licensed by the Department of Motor Vehicles.

(b) All emissions-related repairs at a Gold Shield station shall be performed in a good and workmanlike

manner and in accordance with the procedures specified by the vehicle manufacturer or by repair standards generally accepted by the industry.

(c) A Gold Shield station shall display an exterior sign that meets the following specifications:

(1) The dimensions of the sign shall be 24 inches wide and 30 inches high.

(2) The sign shall be made of 0.040-inch aluminum, steel, or plastic.

(3) The Bureau shall supply a camera-ready design and content of the sign.

(d) A Gold Shield station may advertise those services authorized by subsection (a), other than by displaying the sign specified in subsection (c).

(e) A Gold Shield station shall allow bureau personnel reasonable access to the station for the on-site inspection of vehicles where repairs are still in progress or have been completed and the vehicles remain on the premises. The inspections shall be for the purpose of evaluating the appropriateness and effectiveness of the repairs performed by the station.

Note: Authority cited: Sections 44001.5, 44002, 44010.5, 44014.2 and 44095, Health and Safety Code. Reference: Sections 44010.5, 44014, 44014.2 and 44092, Health and Safety Code.

HISTORY

1. New section filed 4-23-97 as an emergency; operative 4-23-97 (Register 97, No. 17). A Certificate of Compliance must be transmitted to OAL by 8-21-97 or emergency language will be repealed by operation of law on the following day.

2. Certificate of Compliance as to 4-23-97 order, including amendment of first paragraph and subsections (d) and (e), new subsections (f) and (g) and amendment of Note, transmitted to OAL 8-19-97 and filed 9-30-97 (Register 97, No. 40).

3. Amendment of section heading, repealer and new section and amendment of Note filed 4-28-2003; operative 5-28-2003 (Register 2003, No. 18).

4. New subsection (a)(3), subsection renumbering, amendment of newly designated subsections (a)(4)-(5) and amendment of Note filed 8-1-2007; operative 8-1-2007 pursuant to Government Code section 11343.4 (Register 2007, No. 31).

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This database is current through 7/10/09, Register 2009, No. 28
§ 3392.3. Eligibility for Gold Shield Certification; Quality Assurance.

(a) A licensed Smog Check Test-and-Repair station seeking Gold Shield certification shall complete and file a Gold Shield Station Application form (GSR-1 04/25/2003), which is hereby incorporated by reference, and shall, as of the date the application is received by the bureau, meet all of the following eligibility requirements:

(1) The station's Comparative Failure Rate (CFR) over the preceding calendar quarter must meet or exceed the industry-wide failure rate for Test-Only stations, by smog check program area, as calculated quarterly by the bureau.

(2) The station must have conducted a minimum of 10 successful emission repairs in the preceding calendar quarter. For the purposes of this section, a "successful emission repair" means:

(A) The vehicle must have failed the emissions portion of a Smog Check in official test mode or pre-test mode at any Smog Check station prior to the repair; and

(B) The Smog Check station must have repaired the vehicle and entered repair data into the Vehicle Information Database; and

(C) The vehicle must have been issued a Certificate of Compliance at any Smog Check station within ten (10) days following the repairs made by the applicant Smog Check station.

(3) The station's repair performance, in the preceding calendar quarter, must rate within the top 75% of test-and-repair stations in the same smog check program area. A station's repair performance is computed by comparing the final emission readings of each successful emission repair to the average passing emission readings for the same model-year and emission standards category of the vehicle repaired.

(4) The station must not have been issued any citations pursuant to Section 44050(a) of the Health and Safety Code within the preceding one-year period nor employ any technicians who have been issued any citations pursuant to Section 44050(b) of the Health and Safety Code within the preceding one-year period.

(5) Neither the current nor any previous registration or license of the station owner, manager and licensed Smog Check technicians employed by the station, has been issued an order of suspension, a probationary order, or any other disciplinary order within the preceding three-year period. No station owner, officer, manager, licensed Smog Check technician or other employee of the station may currently be subject to suspension, probation or other disciplinary order.

(6) The station owner, manager and licensed Smog Check technicians or other employees of the station, must not have been convicted of a crime within the preceding three-year period that is substantially related to the duties of an Automotive Repair Dealer, a licensed Smog Check station, or a licensed Smog Check technician. The station owner, manager and licensed Smog Check technicians or other employees of the station, must not have been found liable in a civil proceeding, excluding small claims matters, within the preceding three-year period, for acts or omissions that are substantially related to the duties of an Automotive Repair Dealer, a licensed Smog Check station, or a licensed Smog Check technician. The station owner, manager and licensed Smog Check technicians or other employees of the station must not be serving a probationary period as a result of any such criminal or civil proceeding.

(7) The station must not have engaged in any conduct that would be cause for discipline of the station's Automotive Repair Dealer registration or Smog Check station license.

(8) The station must pass a Quality Assurance inspection administered by bureau personnel as part of the certification process. A Quality Assurance inspection consists of any or all of the following:

(A) A verification of compliance with all licensure and license posting requirements.

(B) A verification of compliance with all signage requirements.

(C) A verification of compliance with all estimate, repair order, invoice and record-keeping requirements.

(D) A verification of possession of all required manuals and publications.

(E) A verification of possession of all required tools and equipment and a verification of their proper working order.

(F) Evaluations of licensed smog check technicians' ability to perform complete smog check inspections, and diagnoses and repairs of failed vehicles.

(b) Smog Check stations located in change of ownership program areas shall only have to meet standards (a)(4)-(a)(7), inclusive, to obtain Gold Shield certification.

(c) The bureau may conduct periodic quality assurance inspections of the station. If a Gold Shield station's performance does not comply with the criteria established pursuant to this section, written notice of the deficiency shall be provided to the station by the bureau, and the station shall have sixty (60) days to correct the deficiency. The bureau may conduct a follow-up quality assurance inspection to ensure the deficiency has been corrected.

(d) The bureau, on a quarterly basis, shall evaluate a Gold Shield station's inspection and repair performance and compliance with the criteria established pursuant to this section. A Gold Shield station that fails to meet the certification criteria specified in paragraphs (1), (2) or (3) of Subsection (a) of this section, will be notified in writing of the nature of the deficiency. The Gold Shield station may be given one additional quarter to meet those standards.

(e) A station may, upon ten (10) days written notice to the Bureau, withdraw from the Gold Shield Program.

Note: Authority cited: Sections 44001.5 and 44014.2, Health and Safety Code. Reference: Section 44014.2, Health and Safety Code.

HISTORY

1. New section filed 4-23-97 as an emergency; operative 4-23-97 (Register 97, No. 17). A Certificate of Compliance must be transmitted to OAL by 8-21-97 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 4-23-97 order, including amendment of subsections (a), (b)(1), (b)(3) and (b)(5)-(6), transmitted to OAL 8-19-97 and filed 9-30-97 (Register 97, No. 40).
3. Amendment of section heading, repealer and new section and amendment of Note filed 4-28-2003; operative 5-28-2003 (Register 2003, No. 18).

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§ 3392.4. Gold Shield Guaranteed Repair (GSGR) Program Advertising Rights.

Note: Authority cited: Section 44001.5, Health and Safety Code. Reference: Section 44014.2, Health and Safety Code.

HISTORY

1. New section filed 4-23-97 as an emergency; operative 4-23-97 (Register 97, No. 17). A Certificate of Compliance must be transmitted to OAL by 8-21-97 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 4-23-97 order transmitted to OAL 8-19-97 and filed 9-30-97 (Register 97, No. 40).
3. Repealer filed 4-28-2003; operative 5-28-2003 (Register 2003, No. 18).

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§ 3392.5. Causes for Invalidation of Gold Shield Station Certification.

(a) It shall be cause for the Bureau to invalidate the certification of a Gold Shield station, temporarily or permanently, if any of the following occur:

(1) The Gold Shield station, manager or Smog Check technicians employed by the station, engage in any conduct which violates any provision of this article or which would be cause for discipline of, or which would be cause for issuance of a citation to the station's Automotive Repair Dealer registration or Smog Check station license, or the license of a technician employed by the station.

(2) The Gold Shield station's Automotive Repair Dealer registration or Smog Check station license expires or otherwise becomes delinquent.

(3) The bureau disciplines the Gold Shield station's Automotive Repair Dealer registration or Smog Check station license in any form or manner.

(4) The Gold Shield station fails or is unable to provide the services specified in section 3392.2(a).

(5) The Gold Shield station, if located in other than an enhanced area, issues a certificate of compliance to a vehicle registered in an enhanced area that is required to have an enhanced area test if the vehicle is owned by an entity other than a motor vehicle dealer licensed by the Department of Motor Vehicles, unless the station performed an enhanced area test as prompted by the Emissions Inspection System.

(6) The Gold Shield station fails to comply with the certification criteria specified in paragraph (a)(1), (2) or (3) of Section 3392.3 for two consecutive calendar quarters.

(7) The Gold Shield station fails to correct a deficiency identified in a quality assurance inspection within the specified time period.

Note: Authority cited: Sections 44001.5 and 44014.2, Health and Safety Code. Reference: Sections 44014.2 and 44037.1, Health and Safety Code; and Sections 480 and 490, Business and Professions Code.

HISTORY

1. New section filed 4-23-97 as an emergency; operative 4-23-97 (Register 97, No. 17). A Certificate of Compliance must be transmitted to OAL by 8-21-97 or emergency language will be repealed by operation of law on the following day.

2. Certificate of Compliance as to 4-23-97 order, including amendment of subsections (d), new subsections (e) and (f) and amendment of Note, transmitted to OAL 8-19-97 and filed 9-30-97 (Register 97, No. 40).

3. Amendment of section heading, repealer and new section and amendment of Note filed 4-28-2003; operative 5-28-2003 (Register 2003, No. 18).

16 CCR § 3392.5, 16 CA ADC § 3392.5
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16 CA ADC § 3392.5

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ARTICLE 10. GOLD SHIELD PROGRAM

This database is current through 7/10/09, Register 2009, No. 28
§ 3392.6. Gold Shield Program Hearing and Determination.

If the bureau denies an application for Gold Shield certification or if the bureau invalidates, temporarily or permanently, an existing Gold Shield station's certification, the bureau shall file and serve a written notice of denial or invalidation. The written notice shall contain a summary of the facts and allegations which form the cause or causes for denial or invalidation.

(a) Service of the written notice may be effected in any manner authorized by Business and Professions Code Section 124.

(b) If a written request for a hearing is delivered 15 days from the date of service, a hearing shall be held as provided for in (c) below.

(c) The bureau shall schedule a hearing within 60 days of the date the bureau receives a timely request for a hearing. The bureau shall notify the applicant or certified Gold Shield station or representative of the time and place of the hearing. The hearing shall be limited in scope to the time period, and facts and allegation specified in the written notice prepared by the bureau.

(d) The applicant or Gold Shield station shall be notified of the determination by the chief, or the chief's designee, who shall issue a decision and notify the applicant or Gold Shield station within 15 days of the close of the hearing.

(e) The bureau may order that a certification be temporarily invalidated pending any hearing and pending any post-hearing decision of the chief.

Note: Authority cited: Sections 44001.5 and 44014.2, Health and Safety Code. Reference: Section 44014.2, Health and Safety Code; and Section 124, Business and Professions Code.

HISTORY

1. New section, including form GSR-1, filed 4-23-97 as an emergency; operative 4-23-97 (Register 97, No. 17). A Certificate of Compliance must be transmitted to OAL by 8-21-97 or emergency language will be repealed by operation of law on the following day.

2. Certificate of Compliance as to 4-23-97 order, including amendment of form GSR-1 and removal of form from printed version of California Code of Regulations, transmitted to OAL 8-19-97 and filed 9-30-97 (Register 97, No.

40).

3. Amendment of section heading, section and Note filed 4-28-2003; operative 5-28-2003 (Register 2003, No. 18).

16 CCR § 3392.6, 16 CA ADC § 3392.6
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ARTICLE 11. CONSUMER ASSISTANCE PROGRAM

This database is current through 7/10/09, Register 2009, No. 28
§ 3394.1. Purpose and Components of the Consumer Assistance Program.

The purpose of the Consumer Assistance Program (CAP) is to improve California air quality by helping consumers comply with the requirements of the Smog Check Program. Vehicle owners, who meet eligibility requirements are offered the following:

- (a) Payment for voluntarily retiring from operation a motor vehicle that fails a smog check inspection.
- (b) Financial assistance to make emissions-related repairs to a vehicle that fails a smog check inspection.

Note: Authority cited: Sections 44000, 44001.3, 44001.5, 44002 and 44091, Health and Safety Code.
Reference: Sections 44011, 44062.1, 44090, 44091, 44092, 44093, 44094 and 44095, Health and Safety Code.

HISTORY

1. Renumbering of former article 11 to new article 12 (sections 3395-3395.4) and new article 11 (sections 3394.1-3394.5) and new section filed 12-3-98 as an emergency; operative 12-3-98 (Register 98, No. 49). A Certificate of Compliance must be transmitted to OAL by 4-2-99 or emergency language will be repealed by operation of law on the following day.
2. Renumbering of former article 11 to new article 12 (sections 3395-3395.4) and new article 11 (sections 3394.1-3394.5) and new section refiled 3-30-99 as an emergency; operative 4-2-99 (Register 99, No. 14). A Certificate of Compliance must be transmitted to OAL by 8-2-99 or emergency language will be repealed by operation of law on the following day.
3. Renumbering of former article 11 to new article 12 (sections 3395-3395.4) and new article 11 (sections 3394.1-3394.5) and section refiled 7-26-99 as an emergency; operative 8-2-99 (Register 99, No. 31). A Certificate of Compliance must be transmitted to OAL by 11-30-99 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 7-26-99 order, including amendment of section heading, section and Note, transmitted to OAL 11-18-99 and filed 1-3-

2000 (Register 2000, No. 1).

5. Amendment of article heading, section heading, section and Note filed 6-26-2000 as an emergency; operative 7-1-2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 10-30-2000 or emergency language will be repealed by operation of law on the following day.

6. Amendment of article heading, section heading, section and Note refiled 10-30-2000 as an emergency; operative 10-30-2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 2-27-2001 or emergency language will be repealed by operation of law on the following day.

7. Certificate of Compliance as to 10-30-2000 order, including further amendment of section heading and section, transmitted to OAL 2-9-2001 and filed 3-27-2001 (Register 2001, No. 13).

16 CCR § 3394.1, 16 CA ADC § 3394.1
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16 CA ADC § 3394.1

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This database is current through 7/10/09, Register 2009, No. 28
§ 3394.2. Consumer Assistance Program Administration.

The Consumer Assistance Program shall be administered by the Bureau of Automotive Repair through contracts with dismantlers, licensed smog check test-and-repair stations, and other entities as necessary.

Note: Authority cited: Sections 44000, 44001.3, 44001.5 and 44002, Health and Safety Code.
Reference: Sections 44010.5, 44037.1, 44037.2, 44062.1, 44091, 44092, 44093, 44094 and 44095, Health and Safety Code.

HISTORY

1. New section filed 12-3-98 as an emergency; operative 12-3-98 (Register 98, No. 49). A Certificate of Compliance must be transmitted to OAL by 4-2-99 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 3-30-99 as an emergency; operative 4-2-99 (Register 99, No. 14). A Certificate of Compliance must be transmitted to OAL by 8-2-99 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 7-26-99 as an emergency; operative 8-2-99 (Register 99, No. 31). A Certificate of Compliance must be transmitted to OAL by 11-30-99 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 7-26-99 order, including amendment of section, transmitted to OAL 11-18-99 and filed 1-3-2000 (Register 2000, No. 1).
5. Amendment of section heading, section and Note filed 6-26-2000 as an emergency; operative 7-1-2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 10-30-2000 or emergency language will be repealed by operation of law on the following day.
6. Amendment of section heading, section and Note refiled 10-30-2000 as an

emergency; operative 10-30-2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 2-27-2001 or emergency language will be repealed by operation of law on the following day.

7. Certificate of Compliance as to 10-30-2000 order transmitted to OAL 2-9-2001 and filed 3-27-2001 (Register 2001, No. 13).

16 CCR § 3394.2, 16 CA ADC § 3394.2
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§ 3394.3. State Assistance Limits.

An applicant determined to be eligible under the Consumer Assistance Program may receive the following assistance:

(a) Under the Vehicle Retirement option, payment up to one thousand dollars (\$1,000) for each vehicle retired from operation at a dismantler operating under contract with the Bureau of Automotive Repair.

(b) Under the Repair Assistance option, up to five hundred dollars (\$500) in emissions-related diagnostic and repair services performed at a licensed smog check test-and-repair station operating under contract with the Bureau of Automotive Repair.

Note: Authority cited: Sections 44001.3, 44001.5 and 44002, Health and Safety Code. Reference: Sections 44001.3, 44015, 44017, 44037.1, 44062.1, 44091, 44092, 44093, 44094 and 44095, Health and Safety Code.

HISTORY

1. New section filed 12-3-98 as an emergency; operative 12-3-98 (Register 98, No. 49). A Certificate of Compliance must be transmitted to OAL by 4-2-99 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 3-30-99 as an emergency; operative 4-2-99 (Register 99, No. 14). A Certificate of Compliance must be transmitted to OAL by 8-2-99 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 7-26-99 as an emergency; operative 8-2-99 (Register 99, No. 31). A Certificate of Compliance must be transmitted to OAL by 11-30-99 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 7-26-99 order, including amendment of section, transmitted to OAL 11-18-99 and filed 1-3-2000 (Register 2000, No. 1).
5. Amendment of section heading, repealer and new section, and amendment of Note filed 6-26-2000 as an emergency; operative 7-1-2000 (Register 2000, No.

26). A Certificate of Compliance must be transmitted to OAL by 10-30-2000 or emergency language will be repealed by operation of law on the following day.

6. Amendment of section heading, repealer and new section, and amendment of Note refiled 10-30-2000 as an emergency; operative 10-30-2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 2-27-2001 or emergency language will be repealed by operation of law on the following day.

7. Certificate of Compliance as to 10-30-2000 order, including further amendment of subsections (a) and (b), transmitted to OAL 2-9-2001 and filed 3-27-2001 (Register 2001, No. 13).

16 CCR § 3394.3, 16 CA ADC § 3394.3
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§ 3394.4. Eligibility Requirements.

(a) In order to participate in the Consumer Assistance Program, a person must meet the following requirements, as applicable:

(1) Be the registered owner of an eligible vehicle who has paid all appropriate registration fees for the vehicle with the Department of Motor Vehicles.

(2) Under a Repair Assistance option which is based on a person's income level:

(A) i. Until December 31, 2008, have a household income that is less than or equal to two hundred twenty-five percent (225%) of the federal Poverty Guidelines, as published by the United States Department of Health and Human Services;

ii. Beginning January 1, 2009, have a household income that is less than or equal to one hundred eighty-five percent (185%) of the federal Poverty Guidelines, as published by the United States Department of Health and Human Services; and

(B) Spend a minimum co-payment of twenty dollars (\$20) on emissions-related repairs at a licensed smog check test-and-repair station. Money spent to correct tampered emissions control systems or to make a vehicle testable shall not be included in the co-payment.

(3) Under a Repair Assistance option which is based on a person's vehicle being directed to a Test-Only station to have its smog check inspection, as indicated on the Department of Motor Vehicles renewal notice, spend a minimum co-payment of one hundred dollars (\$100) on emissions-related repairs at a licensed smog check test-and-repair station. Money spent to correct tampered emissions control systems or to make a vehicle testable shall not be included in the co-payment.

(4) Under the Vehicle Retirement option:

(A) Obtain a Revivable Junk Receipt from the Department of Motor Vehicles after receiving written confirmation from the Bureau of Automotive Repair on program eligibility;

(B) Not have retired another vehicle through the Smog Check Consumer Assistance Program within a preceding twelve-(12) month period; and

(C) A vehicle owner who is a joint owner of a vehicle may not sell more than two (2) vehicles to the Consumer Assistance Program within a twelve-(12) month period.

(b) In order to qualify for participation in any option of the Consumer Assistance Program, a vehicle must be a motor vehicle that is required biennially to obtain a certificate of compliance pursuant to Section 44011 of the Health and Safety Code and has failed a biennial smog check inspection, as required pursuant to subdivision (a) of Section 44011.

(c) In order to qualify for participation in the Vehicle Retirement option of the Consumer Assistance Program, at the time of application, a vehicle must:

(1) Be currently registered with the Department of Motor Vehicles; or,

(2) Be currently operating under a repair cost waiver or economic hardship extension issued by the Bureau of Automotive Repair; or,

(3) Be currently operating under a Temporary Operating Permit issued by the Department of Motor Vehicles; or,

(4)(A) Until June 30, 2009, not have a registration that has been expired for more than one hundred eighty (180) days after the date the application is postmarked;

(B) Beginning July 1, 2009, not have a registration that has been expired for more than one hundred twenty (120) days after the date the application is postmarked; and

(5) Have been continuously registered as an operable vehicle with the Department of Motor Vehicles for the twenty-four (24) months immediately preceding the current registration expiration date; and

(6)(A) Until June 30, 2009, have failed a biennial smog check inspection no later than one hundred eighty (180) days after the expiration of the vehicle's most current renewal of registration with the Department of Motor Vehicles, provided that the registration renewal date is not more than one hundred eighty (180) days prior to the postmarked date on the application, and that the failure is for causes other than an ignition timing adjustment, a failed gas cap functional test, or a non-emission related failure identified by the malfunction indicator light;

(B) Beginning July 1, 2009, have failed a biennial smog check inspection no later than one hundred twenty (120) days after the expiration of the vehicle's most current renewal of registration with the Department of Motor Vehicles, provided that the registration renewal date is not more than one hundred twenty (120) days prior to the postmarked date on the application, and that the failure is for causes other than an ignition timing adjustment, a failed gas cap functional test, or a non-emission related failure identified by the malfunction indicator light; and

(7) Be a passenger vehicle, or light-duty truck, with a gross vehicle weight rating of 8,500 pounds or less; and

(8) Pass a visual inspection conducted by the Bureau or its representative verifying that:

(A) All doors are present;

- (B) The hood lid is present;
 - (C) The dashboard is present;
 - (D) The windshield is present;
 - (E) At least one side window glass is present;
 - (F) The driver's seat is present;
 - (G) At least one bumper is present;
 - (H) The exhaust system is present;
 - (I) All side and/or quarter panels are present; and
 - (J) At least one headlight, one taillight, and one brake light are present; and
- (9) Pass an operational inspection conducted by the Bureau or its representative verifying that:
- (A) The vehicle is driven under its own power to an approved dismantler site;
 - (B) The vehicle's engine starts readily through ordinary means without the use of starting fluids or external booster batteries;
 - (C) The drivability of the vehicle is not affected by any body, steering, or suspension damage;
 - (D) The vehicle is able to drive forward a minimum distance of ten (10) yards under its own power, and
 - (E) The interior pedals are operational.

Note: Authority cited: Sections 44001.3, 44001.5 and 44002, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 44005, 44010.5, 44011, 44012, 44014.7, 44015, 44017, 44017.1, 44037.1, 44062.1, 44091, 44092, 44093, 44094 and 44095, Health and Safety Code.

HISTORY

1. New section filed 12-3-98 as an emergency; operative 12-3-98 (Register 98, No. 49). A Certificate of Compliance must be transmitted to OAL by 4-2-99 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 3-30-99 as an emergency; operative 4-2-99 (Register 99, No. 14). A Certificate of Compliance must be transmitted to OAL by 8-2-99 or emergency language will be repealed by operation of law on the following day.

3. New section refiled 7-26-99 as an emergency; operative 8-2-99 (Register 99, No. 31). A Certificate of Compliance must be transmitted to OAL by 11-30-99 or emergency language will be repealed by operation of law on the following day.

4. Certificate of Compliance as to 7-26-99 order, including amendment of section and Note, transmitted to OAL 11-18-99 and filed 1-3-2000 (Register 2000, No. 1).

5. Amendment of section heading, section and Note filed 6-26-2000 as an emergency; operative 7-1-2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 10-30-2000 or emergency language will be repealed by operation of law on the following day.

6. Amendment of section heading, section and Note refiled 10-30-2000 as an emergency, including further amendment of Note; operative 10-30-2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 2-27-2001 or emergency language will be repealed by operation of law on the following day.

7. Certificate of Compliance as to 10-30-2000 order, including further amendment of section and Note, transmitted to OAL 2-9-2001 and filed 3-27-2001 (Register 2001, No. 13).

8. Amendment of subsection (b)(1) filed 2-26-2002 as an emergency; operative 2-26-2002 (Register 2002, No. 9). A Certificate of Compliance must be transmitted to OAL by 6-26-2002 or emergency language will be repealed by operation of law on the following day.

9. Certificate of Compliance as to 2-26-2002 order transmitted to OAL 6-13-2002 and filed 7-2-2002 (Register 2002, No. 27).

10. Amendment of section and Note filed 7-31-2006; operative 7-31-2006 pursuant to Government Code section 11343.4 (Register 2006, No. 31).

11. Redesignation and amendment of former subsection (c)(4) as subsection (c)(4)(A), new subsection (c)(4)(B), redesignation and amendment of former subsection (c)(6) as subsection (c)(6)(A) and new subsection (c)(6)(B) filed 8-12-2008; operative 8-12-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 33).

16 CCR § 3394.4, 16 CA ADC § 3394.4
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This database is current through 7/10/09, Register 2009, No. 28
§ 3394.5. Ineligible Vehicles.

(a) The following vehicles are not eligible for participation in the Consumer Assistance Program:

- (1) A vehicle undergoing a transfer of ownership.
- (2) A vehicle being initially registered in California.
- (3) A direct import vehicle being initially registered in California.
- (4) A vehicle powered by alternate fuel, unless a Bureau Referee label is posted on the vehicle.
- (5) A specially constructed vehicle, unless a Bureau Referee label is posted on the vehicle.
- (6) A dismantled vehicle pursuant to Section 11519 of the Vehicle Code.
- (7) A vehicle operated by a fleet licensed and registered pursuant to Section 44020 of the Health and Safety Code.
- (8) A vehicle registered to a non-profit organization or a business.
- (9) A vehicle that is untestable on a BAR-97 Emissions Inspection System (EIS).
- (10) Under the Repair Assistance option, a vehicle with a tampered emissions control system.
- (11) Under the Vehicle Retirement option, a vehicle with a tampered emissions control system where the tampered system is the cause for failing the smog check inspection.

Note: Authority cited: Sections 44000, 44001.3, 44001.5, 44002, 44091, 44092, 44093, 44094 and

HISTORY

1. New section filed 12-3-98 as an emergency; operative 12-3-98 (Register 98, No. 49). A Certificate of Compliance must be transmitted to OAL by 4-2-99 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 3-30-99 as an emergency; operative 4-2-99 (Register 99, No. 14). A Certificate of Compliance must be transmitted to OAL by 8-2-99 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 7-26-99 as an emergency; operative 8-2-99 (Register 99, No. 31). A Certificate of Compliance must be transmitted to OAL by 11-30-99 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 7-26-99 order, including amendment of section heading and repealer and new section, transmitted to OAL 11-18-99 and filed 1-3-2000 (Register 2000, No. 1).
5. Amendment of section heading, repealer and new section, and amendment of Note filed 6-26-2000 as an emergency; operative 7-1-2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 10-30-2000 or emergency language will be repealed by operation of law on the following day.
6. Amendment of section heading, repealer and new section, and amendment of Note refiled 10-30-2000 as an emergency, including further amendment of Note; operative 10-30-2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 2-27-2001 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 10-30-2000 order, including further amendment of section and Note, transmitted to OAL 2-9-2001 and filed 3-27-2001 (Register 2001, No. 13).
8. Change without regulatory effect amending subsection (a)(9) filed 10-11-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 41).

16 CCR § 3394.5, 16 CA ADC § 3394.5
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§ 3394.6. Application and Documentation Requirements.

(a) In order to participate in the Consumer Assistance Program, an applicant must submit a completed application, PPD 08_22 CAP/APP (02/08), which is hereby incorporated by reference, to the Department or its designee with original signature(s).

(b) The application must include copies of the following documents, as applicable:

(1) Under the Repair Assistance option, copies of any invoices for emissions-related repairs performed prior to applying to the Consumer Assistance Program, for the sole purpose of crediting the consumer co-payment required under section 3394.4.

(2) Under the Repair Assistance option, if applying based on income level, an applicant must show proof of household income by providing a copy of any one of the following documents:

(A) A letter from the issuing agency stating that the applicant receives any of the following benefits:

1. Supplemental Security Income (SSI);
2. State Supplemental Payments (SSP);
3. Temporary Assistance for Needy Families (TANF);
4. California Work Opportunity and Responsibility to Kids (CalWORKS);
5. General Assistance (GA) or General Relief (GR); or
6. Publicly subsidized medical coverage, such as or Medi-Cal.

(B) The applicant's state or federal income tax form (Form 540 or 1040) filed in the most recent tax year;

(C) A paycheck stub reflecting year-to-date earnings, hours worked, and hourly wage of the applicant;

(D) An unemployment, veterans benefits, or disability check issued to the applicant within the last sixty (60) days;

(E) A monthly bank statement issued to the applicant within the last sixty (60) days reflecting direct deposit of Social Security or Public Assistance; or

(F) Other documentation satisfactory to the Department.

Note: Authority cited: Sections 44001.5, 44002, 44091 and 44094, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 44001.3, 44005, 44010.5, 44011, 44012, 44014, 44014.2, 44015, 44017, 44017.1, 44062.1, 44092, 44093, 44094 and 44095, Health and Safety Code.

HISTORY

- 1. Renumbering of former section 3340.9 to section 3394.6, including amendment of section heading, repealer and new section, amendment of Note, and amendment of Form CAP-APP filed 6-26-2000 as an emergency; operative 7-1-2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 10-30-2000 or emergency language will be repealed by operation of law on the following day.**
- 2. Change without regulatory effect amending subsection (a) and updating Form CAP-APP filed 9-21-2000 pursuant to section 100, title 1, California Code of Regulations (Register 2000, No. 38).**
- 3. Renumbering of former section 3340.9 to section 3394.6, amendment of section heading, repealer and new section, amendment of Note, and amendment of Form CAP-APP refiled 10-30-2000 as an emergency, including further amendment of Note; operative 10-30-2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 2-27-2001 or emergency language will be repealed by operation of law on the following day.**
- 4. Certificate of Compliance as to 10-30-2000 order, including further amendment of subsections (a)-(b)(1), repealer of subsections (b)(2)-(6), subsection renumbering, and amendment of Form CAP-APP, transmitted to OAL 2-9-2001 and filed 3-27-2001 (Register 2001, No. 13).**
- 5. Change without regulatory effect amending subsection (a) and form CAP-APP filed 8-15-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 33).**
- 6. Amendment of subsection (a), new subsection (b)(2)(A)4., subsection renumbering, amendment of CAP/APP form and amendment of Note filed 2-26-2002 as an emergency; operative 2-26-2002 (Register 2002, No. 9). A Certificate of Compliance must be transmitted to OAL by 6-26-2002 or emergency language will be repealed by operation of law on the following day.**
- 7. Certificate of Compliance as to 2-26-2002 order transmitted to OAL 6-13-2002**

and filed 7-2-2002 (Register 2002, No. 27).

8. Amendment of subsection (a) and Note and repealer and new form CAP/APP (removed from print and incorporated by reference) filed 7-31-2006; operative 7-31-2006 pursuant to Government Code section 11343.4 (Register 2006, No. 31).

9. Change without regulatory effect repealing and readopting new CAP/APP form (incorporated by reference) and amending subsection (a) filed 11-2-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 44).

10. Change without regulatory effect amending subsections (a) and (b)(1)(A)6. and form PPD 05_046 CAP/APP (incorporated by reference) filed 10-1-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 40).

11. Change without regulatory effect amending subsection (a) filed 8-13-2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 33).

16 CCR § 3394.6, 16 CA ADC § 3394.6
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16 CA ADC § 3394.6

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