



Our Vision Statement

Our vision is to have a positive image in the marketplace with our consumers, industry and government that creates an environment where all stakeholders benefit from our collective efforts.

October 22, 2021

To: Members
From: Johan Gallo
Subject: BAR Advisory & Workshop Recap

We had our last BAR Advisory and workshop for 2021 and Chief Dorais opened the meeting to cover various topics that included the announcement that in view of AB 471 passing, they will be adding a new position to manage the provisions in the bill and expect the position to last at least two years if not longer. CalABC applauded the Chief's efforts and commitment to assign a new position on such a critical piece of legislation. Dorais stated that Linda Jensen was appointed to the Deputy of Administration to oversee a list of duties including licensing and the consumer assistance program. Clay Leek will continue working on the Enforcement and Licensing Modernization project.

Chief Dorais stated they will be implementing the state's guidelines for Vaccinated and Non-Vaccinated testing of all the employees and follow those guidelines for any meetings. Since there's a considerable amount of work to be done on this, he stated our January 27, 2022, BAR Advisory Meeting would be webcast and hopes the future meetings in April, July and October could be in person once again.

Breanna Miller from DCA gave a presentation on the department's Covid19 compliance efforts and are working on a balance of office and from homework environment to keep everyone safe. Miller stated they are working on Vaccination verification and Testing Guidelines of all employees and anyone who visits the state buildings. They are also working on open meeting laws to ensure compliance whether the meeting is remote or in person. Miller also reminded everyone on the Advisory they must complete the mandatory Sexual Harassment Training before the end of 2021 and mentioned that DCA is working to educate the public on the numerous scams they are finding and issuing scam alerts to keep the public informed.

Holly O'Connor provided her Legislative Update and that will be covered below in Jack Molodanof's Recap. What's critical to note is the passage of AB 471 and as I stated after the presentation, now the real work begins both for BAR, CalABC and everyone else. AB 471 is the first major piece of legislation to impact BAR in some time and we're pleased that Chief Dorais is making a commitment to add another executive staff member dedicated to working on the implementation on all facets of AB 471.

They key components of the bill are:

- Remedial education for infractions *in lieu* of citations being exposed on BAR's Auto Shop Locator website.
- A certification program for remedial education trainers.
- Creation of balanced citation and fine review tribunals consisting of one each of the following: a BAR representative, member of the industry and a public member.
- How businesses will list their certifications, awards, and recognitions on BAR's Auto Shop Locator website.
- Vehicle Inspection program for salvaged vehicles that will combine the old Brake & Lamp Licensing Inspection into a comprehensive inspection program.

These will require public workshops and other notifications of the work that's being done to comply with the full disclosure before implement everything.

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Jack Molodanof's Recap

- 1) Welcome and Introductions.** BAR Chief, Pat Dorais, made brief opening comments and introduced the BAR Advisory Group Committee members. He discussed the importance of the passage of AB 471 and that BAR is in the process of hiring a dedicated person to oversee the implementation of the legislation. The January 2022 BAG meeting will be conducted remotely unless something changes.
- 2) DCA News.** Brief update on vaccines, scam alerts and sexual harassment training for Board members.
- 3) Legislation & Regulations.** AB 220 (Smog Check), AB 294 (Vehicle Towing & Storage); AB 467 (Historic Vehicles Exemption); AB 471 (BAR Administration/Citations/Safety Inspections)-signed by Governor; AB 646 (Expunged Convictions); AB 745 (Clean Cars 4 all program); SB 586 (Criminal Fees)-gutted an amended; SB 607 (Business & Professions)-signed by Governor. Pending BAR Regulations: Smog Check Equipment Security and Fraud Prevention- "Bio-Metrics"; STAR Program Updates; Smog Check Repair Assistance; Laws and Regulations Training; Auto Body Equipment and Supplemental Restraint Systems; Citation Program for Automotive Repair Dealers; Storage Fees for Automotive Repair Dealers; Auto Body and Windshield Repair. See link for presentation.
https://www.bar.ca.gov/pdf/BAG/202110/Legislation_and_Regulations_Update.pdf
- 4) Enforcement/Licensing Modernization (ELM) Update.** The BAR provided an update on the ELM project. The goal of ELM project is modernizing all BAR business practices, including processing licenses renewals on-line. See link for presentation.
<https://www.bar.ca.gov/pdf/BAG/202110/ELM.pdf>
- 5) Catalytic Converter Theft Prevention and Outreach.** BAR provided an interesting and informative presentation on catalytic converter theft. About 1,600 converter thefts are reported each month. Targeted vehicles are typically Toyota and Honda products due to high value precious metals in the converter. There is a shortage of replacement converters, and the state Referee is seeing as many as five hundred vehicles per month that OEM or approved aftermarket converters not available. If the state Referee finds that a needed converter is on back order, a converter is identified by CARB as closely resembling the unavailable OEM, that part may be allowed. The process is only utilized when the state Referee finds unacceptable converter shortages. See link for presentation.
https://www.bar.ca.gov/pdf/BAG/202110/Catalytic_Converter.pdf
- 6) Complaint and Investigation Process.** The BAR provided an overview of the complaint investigative process, expectations, document workflow and specific example of consumer complaint, involving an early bird authorization situation which resulted in many BAR violations. See link for presentation.
https://www.bar.ca.gov/pdf/BAG/202110/Complaint_Investigation.pdf
- 7) BAR Enforcement Statistics.** Consumer complaints to BAR are as follows: Engine Repair/Performance 34%; General Repair Maintenance 18%; Autobody 14%; Transmission 8%; Smog 7%; Used Car Transactions 5%; Vehicle Warranty 3%; Unlicensed Activity 3%. See link below for handout. https://www.bar.ca.gov/pdf/BAG/202110/Enforcement_Statistics_Update.pdf
- 8) License Processing Data.** The BAR provided a handout with licensing processing data including average time frames for processing initial BAR license applications and renewals. Average processing time for ARD licenses is 39 days. See link below for handout.
https://www.bar.ca.gov/pdf/BAG/202110/License_Processing_Data.pdf

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9) Public Discussion. Not only are smog check stations subject to disciplinary action by BAR for issuing illegal smog certificates but vehicle owners that obtain or attempt to obtain an illegal smog certification are also subject to a \$5,000 fine under AB 2289. Suggestion made that BAR raise awareness with consumers through BAR website and other social media regarding civil penalties associated with consumers obtaining illegal smog certificates to try to deter such behavior.

Storage Fees Regulatory Workshop

BAR held a workshop on storage fees. The proposed regulation is designed to clarify BAR additional authority to address storage issues as provided in AB 471; codify BAR's guidance to the automotive repair industry regarding storage and to bring together existing laws governing storage fees. Comments and concerns were raised by the stakeholders including proposed changes that an ARD would have to wait 15 days after a car was available for pick up to charge storage and ARDs would have to notify customers of storage rates by posting signs in the shop. BAR will be revising these sections based on the comments and feedback received at the workshop.

See link for presentation.

https://www.bar.ca.gov/pdf/Workshops/202110_Storage_Fees/Presentation.pdf

Auto Body and Windshield Repairs Regulatory Workshop

BAR also held a regulatory workshop regarding auto body repair standards and windshield repair. Many concerns were raised by stakeholders during the workshop including that the proposed regulations were too vague and overly broad and created unintended consequences that may allow insurers to dictate the repair standards for vehicle repair rather than the OEM. Concerns were also raised that the regulations may restrict the type of vehicle parts used in a repair. It became clear during the workshop that these regulations are controversial and are not ready for "prime time". BAR indicated that this was a first draft and that they would review all comments and revise the proposed regulations before moving forward.

See link for

presentation. https://www.bar.ca.gov/pdf/Workshops/202110_Auto_Body_Windshield/Presentation.pdf

You can find more details in the links on each presentation. To watch the recording and other information you can go to: https://www.bar.ca.gov/BAR_Advisory_Group

Important Dates for 2022:

BAR Advisory Meetings & Potential Workshops:

January 27, 2022, April 21, 2022, July 21, 2022, October 20, 2022.

All Meetings begin at 9:30 AM to 1:00 PM at DCA Headquarters unless otherwise noted.

Note: BAR Advisory Meetings – January will be webcast and the remaining meetings may be in person with a state requirement on vaccinations and/or Covid19 testing for in person meetings. DCA is working on guidelines for the option of in person and remote meetings.

Sincerely,

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