

ASCCA Legislative Update – by Jack Molodanof

Below is a summary of the BAR Advisory Group Committee meeting held in Sacramento on Thursday April 24, 2025:

BAR Advisory Group Committee Meeting

Welcome and Introductions. BAR Chief Patrick Dorais delivered opening remarks, and BAG Committee members introduced themselves.

Legislation and Regulations Update:

Legislative Bills: **AB 987** (Vehicle Storage & Towing); **AB 1368** (Smog Check Exemption); **SB 615** (Vehicle Traction Batteries); **SB 712** (Smog Check Exemption); **SB 861** (Business & Professions Code Clean-up).

Pending Regulations include Tear Down Disclosure Requirements; Smog Check Readiness Monitor Limits; Storage Fees; and Mobile and Referral Automotive Repair Dealers.

See link for presentation: <https://www.bar.ca.gov/pdf/bag/202504/legislation-regulations.pdf>

Future Testing of Pre-OBD II Vehicles: BAR is implementing significant changes to the smog check program, including establishing a contracted testing network for model year 1995 and older vehicles (pre-OBD II) and transitioning testing for 1996-1999 vehicles to BAR-OIS. BAR is seeking input through surveys of smog check stations on contracted network process, gathering data on prices, equipment and the population of older pre-OBD II vehicles. This change will alleviate burdensome BAR-97 requirements for STAR stations who no longer wish to continue BAR-97 testing. Implementation is expected to span two years.

See link for presentation: <https://www.bar.ca.gov/pdf/bag/202504/testing.pdf>

Roadside Emissions Survey Program Overview: BAR along with CHP conduct voluntary roadside emissions inspection surveys to evaluate the smog check program. During inspections, BAR notifies the vehicle drivers of additional issues with the vehicle, such as oil leaking, tire conditions, etc. BAR inspects approximately 10,000 vehicles per year. The data collected supports the smog check program.

See link for presentation: <https://www.bar.ca.gov/pdf/bag/202504/roadside.pdf>

Demonstration of Educational Certifications and Online Change Form: BAR outlined procedures for filing and uploading online education certificates such as I-CAR, ASE and OEM certifications. These certificates will then be placed in the Auto Shop Locator for customers to view and use in their decision-making process. See link to the Auto Shop locator: <https://www.bar.ca.gov/locator>

Also, the presentation provided for updating ARD business information and corporate officer changes. The BAR has moved towards online modernization and eliminating paperwork filings. Assistance for ARDs navigating the online processes is available via phone or email, with screenshot submissions aiding swift issue resolution.

Complaint Case Study: BAR presented an autobody case study involving a total loss situation. The consumer's vehicle arrived at the shop for repair on December 27. By December 30, the ARD had informed the insurer that the car was a total loss. On January 13, the consumer signed a repair order for vehicle diagnostics, which was inappropriate in this situation since the autobody shop had previously indicated that the vehicle was not repairable. BAR indicated that knowingly entering into a repair transaction for a vehicle that is not economically feasible to repair may be considered fraud. Storage charges, as well as other repair charges, were disputed by the insurer. The autobody shop should have requested that the customer remove the vehicle once it was determined to be non-repairable. Disputes over storage charges, similar to this situation, underscore the need for storage regulations. See link for presentation: <https://www.bar.ca.gov/pdf/bag/202504/complaint.pdf>

Enforcement Statistics: The enforcement statistics detailing consumer complaints received by BAR in different categories, are as follows: Engine Repair 34%; General Repair/Maintenance 15%; Auto Body 15%; Transmission 7%; Vehicle Purchase 7%; Smog 6%; Used Car lots 6%; Towing and Storage 3%. Unlicensed activity 2%. See link for the presentation: <https://www.bar.ca.gov/pdf/bag/202504/enforcement-statistics.pdf>

Licensing Statistics: A total of 34,994 automotive repair dealers are in the state. There are 464 Vehicle Safety Systems Stations. See link for presentation: <https://www.bar.ca.gov/pdf/bag/202504/licensing-statistics.pdf>

The next BAR Advisory Committee meeting is scheduled for Thursday, July 31, 2025.

Additional Legislative and Regulatory Update since the BAR Meeting:

Towing and Storage

AB 987 – Towing and Storage – Concerns/Amendments. This bill would prohibit automotive repair dealers from charging storage fees on holidays and when the repair shop is closed. We met with the Assembly member's staff and requested amendments. The bill was amended to address concerns. Status: Assembly Appropriations Committee.

Electric Vehicle Batteries

SB 615 – Electric Vehicle Batteries – Concerns/Amendments. This bill, among other things, requires that automotive repair dealers who remove electric battery from a vehicle for repair, remanufacturing, or recycling must ensure that the battery is disposed of properly, adhering to the end-of-life requirements specified in the legislation. Clarifying amendments have been requested. Status: Senate Appropriations Committee.

AB 855 – Commercial Electric Vehicle Safety – Watch. This bill would require the Office of Emergency Services, on or before January 1, 2027, to develop and post on its website, an action plan for responding to electric commercial motor vehicle battery fires that covers specified topics, including best practices for reducing wildfire risk and mitigating the risk of battery reignition. Status: Assembly Appropriations Committee.

Employment

AB 1221 – Workplace Surveillance Tools – Concerns. This bill would require an employer, at least 30 days before introducing workplace surveillance tool to provide a worker written notice that includes, among other things, a description of the worker data to be collected, the intended purpose of the workplace surveillance tool, and how this form of surveillance is necessary to meet that purpose. Status: Assembly Appropriations Committee.

AB 1234 – Nonpayment of Wages – Concerns. This bill would impose a 30% administrative penalty fee on every order, decision, or award issued by the Labor Commissioner. Status: Assembly Appropriations Committee.

AB 1331 – Workplace Surveillance – Concerns. This bill would limit the use of workplace surveillance tools, as defined, by employers, including by prohibiting an employer from monitoring or surveilling workers in private, off-duty areas, as specified, and requiring workplace surveillance tools to be disabled during off-duty hours, as specified. Status: Assembly Appropriations Committee.

AB 1371 – Occupational Safety: Hazardous Waste – Watch. This bill would, among other things, allow an employee, acting in good faith, to refuse to perform a task assigned by an employer if it would violate those prescribed safety standards or if the employee has a reasonable apprehension that the performance of the assigned task would result in injury or illness to the employee or other employees. Status: Assembly Labor & Employment Committee. Two-year bill.

SB 310 – Failure to Pay Wages: Penalties – Concerns. Existing law allows wage claim penalties to either be recovered by an employee as a statutory penalty or by the Labor Commissioner as a civil penalty, as prescribed. This bill also would permit the penalty to be recovered by an independent civil action through the Private Attorneys General Act (PAGA). Status: Senate Appropriations Committee.

SB 464 – Publication of Pay Data – Watch. This bill, among other things, requires an employer with 100 or more employees to collect and store demographic information gathered by an employer or labor contractor for the purpose of submitting the pay data separately from employees' personnel records. Status: Senate Appropriations Committee.

Vehicle Emissions

AB 1368 – Smog Check- Exemption – Watch. This bill would extend the smog check exemption from vehicles that were manufactured prior to the 1976 model year, to any motor vehicle that is 30 or more model years old. Status: Assembly Transportation Committee. Two-year bill.

SB 712 – Smog Check: Exemption - Watch. This bill, known as the Jay “Leno’s Law”, would fully exempt a collector motor vehicle from the smog check requirement if the vehicle is at least 35 model years old and proof is submitted that the motor vehicle is insured as a collector motor vehicle, as specified. Status: Senate Appropriations Committee.

Ignition Interlock Devices

AB 71 – Ignition Interlock Devices – Watch. This bill would extend the sunset of the ignition interlock device program currently in place from January 1, 2026 to January 1, 2033. Status: Assembly Appropriations Committee.

Ignition Interlock Devices Continued

AB 366 – Ignition Interlock Devices – Watch. This bill would extend the operation of the ignition interlock device provisions indefinitely and would repeal related reporting requirements. Status: Assembly Appropriations Committee.

Career Technical Education

AB 401 – Career Technical Education – Watch. This bill is intended to provide greater stability in funding for career technical education by automatically renewing grants awarded pursuant to the California Career Technical Education Incentive Grant Program for three years if the grant recipient meets specified requirements. Status: Assembly Appropriations Committee.

SB 343 – Career Technical Education Teaching Credentials – Watch. This bill would require the commission to grant a waiver from the minimum requirements for the 3-year preliminary designated subjects career technical education teaching credential and the 5-year clear designated subjects career technical education teaching credential to an individual meeting prescribed requirements, including, among other things, having a valid industry-recognized certification in a trade designated by the commission. Status: Senate Education Committee. Two-year bill.

SB 845 – Career Technical Education – Watch. This bill, among other things, makes several changes to the state’s framework for career technical education and work-based learning. Status: Senate Appropriations Committee.

Other Bills of Interest

AB 646 – Insurance: Warranty: Catalytic Converter - Watch. This bill would limit the warranty benefit to the actual cost of replacing the catalytic converter if the warranty covers only the vehicle's catalytic converter. Status: Assembly Appropriations Committee.

AB 1355 – Location Privacy – Watch. This bill would prohibit a covered entity, as defined, from collecting or using the location information of an individual unless doing so is necessary to provide goods or services requested by that individual and the individual has expressly opted into the collection or use of their location information for that purpose. Status: Assembly Appropriations Committee.

SB 354 – Insurance Consumer Privacy Protection Act of 2025 – Watch. This bill would create and update standards for the collection, processing, retaining, or sharing, collectively known as “processing”, of consumers’ personal information by licensees and their third-party service providers. Status: Senate Appropriations Committee.

SB 682 – Environmental Health: Product Safety – Concerns. Prohibits a person from distributing, selling or offering for sale in the state a product that contains Polyfluoroalkyl substance, unless currently unavoidable. These substances are used in many products, including automotive products such as gaskets, shock absorbers and bushings. This bill is similar to last year’s SB 903, which died in the Senate Appropriations Committee. Status: Senate Appropriations Committee.

SB 766 – California Combating Auto Retail Scams Act – Watch. The bill sets new requirements for motor vehicle dealers including customer disclosures, document retention, and a 10-day right to cancel for customers. Status: Senate Appropriations Committee.

Other Bills of Interest Continued

SB 861 – Consumer Affairs- Watch. This is the annual omnibus bill for the Department of Consumer Affairs and makes non-substantive, and non-controversial changes to the Business and Professions Code. Status: Senate Appropriations Committee.

Regulations

California Energy Commission (CEC) – Replacement Tire Regulations

The California Energy Commission (CEC) is working on replacement tire efficiency regulations that require tire retailers, including all automotive repair dealers, to display signs, provide tire efficiency disclosures to consumers and to include this information in all advertising, and ensure retailers receive training on the sale of these new efficient tires. We are waiting the release of the revised tire regulation text and will provide updates as they become available. For more details, see the link:

<https://www.energy.ca.gov/programs-and-topics/programs/replacement-tire-efficiency-program>

Bureau of Automotive Repair

Vehicle Storage Fee Regulations

The BAR is proposing new regulations that will significantly impact how automotive repair dealers charge for vehicle storage fees. Under the proposed regulations, repair dealers that perform repairs resulting from accidents or theft recoveries must to report their daily storage rate to BAR annually. The proposal has raised many concerns, including how storage fees are calculated and whether BAR's oversight could limit the rates that repair dealers can charge. For more details, see the link:

<https://www.bar.ca.gov/public-workshops/>

Tear Down Regulations

The BAR is proposing regulations to revise the tear-down process (disassembly to prepare and estimate) to include a description of the area of the vehicle being disassembled. If the payment amount by a third-party insurer is known, it must be included in the estimate. If the amount from the third-party insurer is not known, the repair dealer must provide a disclaimer stating that it is the customer's responsibility to contact the third party for approval of payment for the repairs. The regulations also include provisions that discourage repair shops from adopting the exact insurer estimate and instead encourage shops to create their own estimate and creating separate documentation for towing charges. For more information, see the link: <https://www.bar.ca.gov/regulatory-actions>

BAR Citation & Fine Program

The BAR continues to increase the number of citations and fines issued to California automotive repair dealers. Automotive repair dealers may be eligible to attend an 8-hour BAR-approved remedial training course. Successful completion of this course removes the citation from the BAR website.

<https://www.bar.ca.gov/arsc/newsletters/newsletter/fall-2023/citation-and-remedial-training-programs>