



March 6, 2023

Senator Richard Roth, Chair
Senate Business, Professions and Economic Development Committee
1021 O Street
Room 3320
Sacramento, CA 95816

Assembly member Marc Berman, Chair
Assembly Business and Professions Committee
1020 N Street
Room 379
Sacramento, CA 95816

RE: Joint Sunset Review Hearing 3/14/23 - California Bureau of Automotive Repair

Dear Senator Roth and Assembly member Berman,

We, the undersigned, automotive groups and trade organizations, are writing to offer comments with regards to the Bureau of Automotive Repair (“BAR”) Sunset Review hearing. The BAR serves an essential function for the state of California by protecting the public through oversight of the automotive repair industry. The undersigned support many of the efforts and progress BAR has made since the last Sunset Review in 2018.

We have worked with BAR and continue working for the improvement of the automotive repair industry for consumers, automotive repair dealers, education providers and other interested stakeholders.

Since the last Sunset Review, we have worked with the BAR to improve the industry, these efforts include:

- Participating in the BAR Advisory Group quarterly meetings which are intended to increase communication and awareness among the auto repair industry, educational providers, and consumers.
- Supporting AB 3141 (Low, Chapter 503, Statutes of 2018) which requires all automotive repair facilities, including those performing previously minor exempted services such as replacing spark plus, changing tires and installing batteries, to be under the oversight of BAR.
- Supporting AB 949 (Medina, Chapter 266, Statutes of 2019) which prohibits an automotive repair dealer from installing an unsafe used tire on a motor vehicle.
- Supporting AB 471 (Low, Chapter 372, Statutes of 2021) which among other things, authorizes a process for informal review and recommendations including: a review by a three-member panel and a

process to prevent disclosure of minor violation citations upon successful remedial training. It also establishes a safety systems inspection and certification program for salvage-titled vehicles, replacing the existing brake and lamp program.

- Supporting electronic documents and consumer authorization regulations in 2018 to streamline the repair process for consumers and automotive repair dealers.
- Supporting updates to the Mobile Automotive Repair and Automatic Transmissions regulations effective 2021.
- Supporting BAR Disciplinary Guideline amendments effective 2022.

Below are some of the upcoming issues that we believe are important to bring to the Committee's attention and welcome the opportunity to work with Committee on these issues.

- 1) BAR Advisory Group Committee Meetings. We strongly support the continuation of the BAR quarterly Advisory Group Committee meetings. The BAR Advisory Group committee increases the level of communication between the BAR, the automotive industry, education providers and consumers. These public meetings provide transparency to the public regarding current issues and possible solutions within the automotive repair industry.
- 2) Automotive Repair Shop Management Software. Electronic estimate and authorization regulations were adopted in 2018 that better serve consumers and automotive repair dealers in repair transactions. Since this regulatory change, vendors have marketed software to automotive repair dealers to streamline the repair process. Unfortunately, these vendors are not subject to BAR oversight. Issues have arisen that some software applications may put the automotive repair dealer at risk violating estimate, work order and invoice requirements. BAR should have jurisdiction over software and point of sale vendors that purport to comply with BAR estimate and invoice regulations.
- 3) AB 471 Implementation. BAR is in the process of developing and promulgating regulations to implement all the provisions of AB 471 (Low, Chapter 372, Statutes of 2021). BAR is moving forward, and the process is ongoing. During the regulatory process there may be areas where "cleanup" legislation is needed to properly implement the intent AB 471 and to extend sunset dates.
- 4) Automotive Service Writer. Automotive Service writers are employed by the automotive repair dealer and is the person who directly communicates with the customer, prepares estimates, obtains authorizations and records all work on the invoice. These individuals should be required to attending remedial training of laws and regulations under AB 471 on behalf of the automotive repair dealer. The pending AB 471 citation and remedial training regulations require the registrant (e.g. owner, principle, etc.) or responsible managing employee (RME) to attend remedial training, not the service writer. The service writer would be the most appropriate person to attend training and receive the greatest benefit. Due to lack of statutory authority, BAR is not able to accomplish this request in the regulations. There may be an opportunity for "clean up" legislation to allow service writers for the facility to attend remedial training, rather than the registrant or RME.
- 5) Storage Fees and Insurers. BAR has established a dedicated email to accept referrals from insurers and automotive repair dealers to determine if unreasonable storage fees were charged. BAR works to mediate an equitable solution among the parties. Some of the cases involving excessive storage fees

result directly from the unreasonable delay by the insurer to inspect the vehicle. There may be an opportunity to address these storage issues by creating a task force which would include the BAR, Department of Insurance, auto repair dealers, insurers and other stakeholders to make recommendations to the legislature on possible solutions.

Thank you for the opportunity to provide comments and to the Committee. Please feel free to contact us with any questions.

Sincerely,

Gloria Peterson
Executive Director
Automotive Service Councils of California

A handwritten signature in cursive script, appearing to read "Gloria Peterson".

Rick Johnson
Executive Director
California Autobody Association

A handwritten signature in cursive script, appearing to read "Rick Johnson".

Johan Gallo
Executive Director
California Automotive Business Coalition

A handwritten signature in cursive script, appearing to read "Johan Gallo".