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To: Government Affairs <asc-govcomm@googlegroups.com>

Sent: Thu, Oct 22, 2015 9:58 am

Subject: [asc-govcomm] BAR Advisory Meeting Summary & Regulations Workshop

Summary 10/21/15

Below is a summary of the BAR Advisory meeting and Regulation Workshops that took place on 10/21/15 Both Tracy Renee and Mary Kemnitz attend and participated.

BAR Advisory Group Meeting

- 1) Introductions/DCA News. DCA provided an update on AB 873 (provides authority to BAR to determine which services are minor and which are major and thus requiring BAR oversight). DCA is working with all the stakeholders to address concerns that towing industry has raised. They are looking to define emergency road side services (i.e. key lockouts, assist with gas, changing flat tires, jump starts, etc..).
- 2) Partial Zero Emission Vehicles (PZEV). Presentation by CARB. Overview of emission warranties. Warranty periods vary for emission related parts. PZEV warranty in California is 15 years/150,000. CARB has a warranty enforcement unit. They average 80 warranty complaints annually. For more information please contact John Urkov ARB/BAR liaison at 626-575.6720.
- 3) Smog Check Reports. BAR required to recreate analysis originally used to justify AB 2289 and STAR program. They compared the 2003-06 Sierra Roadside study (1976-95 model year vehicles) to a recent roadside study. The results indicate an improvement in failure rates, but not significant. The STAR stations showed more improvement than non-STAR stations. The reports are available on BAR website.
- 4) Smog Check Certificates. At the last BAG meeting, several suggestions were made BAR, which included decreasing number of certificates in a book to reduce cost; block the BAR-97 from issuing certificates on OIS vehicles, and allow certificates to move from BAR-97 to an OIS. BAR examined each request but found issues with each including high level of effort and complexity and possible expensive software updates. The BAR is recommending that if smog stations are not sure which equipment to use then test on OIS first to determine if BAR-97 is required. The OIS will prompt stations and indicate that they are using incorrect equipment. A BAR ET blast was sent to smog stations recommending testing on OIS first, if unsure.
- 5) Smog Check Feasibility Study. The BAR is in the process of issuing a request for proposals (RFP) to vendors who wish to bid on the administering of the smog check data base. The project is called Cal-Vista and goals include ensuring the continuity of the smog check program, compliance with State/Federal mandates, align with State IT policy. The transition to new Data base vendor will not impact smog stations and the goal is to make process seamless.
- 6) Disciplinary Hearing Process. The BAR has an informal process that is simpler and more expeditious if a shop/tech has received a citation that it wants to appeal. It provides the licensee an opportunity to be heard by the Chief or designee. The licensee must request an appeal with a specified time frame outlined in the citation and the licensee shall submit the appeal in writing outlining the licensee position. The BAR may affirm, modify or dismiss a citation, including any levied fine. BAR said that approximately 60% of the citations that have been appealed under this informal process were either overturned or modified.

7) Enforcement Statistics. BAR provided an update on the complaint trends for the July-Sept 2015 period. The complaint trends are as follows: Engine repair/performance account for 34% of the complaints; General Repair/Maintenance 17%; Auto body 11%; Smog 10% and Transmission 10%;

8) Legislation and Regulations. BAR provided updates on the following pending regulations; Disciplinary Guidelines; BAR Certified Institutions and Instructors; Windshield Replacement Standards; Mobile ARD advertising; Electronic Documents and Authorizations; STAR regulations clean-up; Brake and Lamp Handbooks updates;

BAR Regulations Public Workshops-

Electronic Documents and Authorizations Regulation. The purpose of these regulations is to allow for electronic authorizations (such as text, email, etc) and transmission of repair transaction documents; and reorganize and clarify written estimate, work order and invoice provisions. Public comments included clarification that Text messages were acceptable authorization, definition clarifications and how prepackaged parts kits containing many part components were to be handled. BAR welcomed additional comments and feedback as they move forward.

BAR Certified Institutions and Instructors Regulation. The BAR is updating the requirements for certification of Smog Check training providers in order to create consistency with current licensing requirements, along with other clarifying amendments. The regulations also provided for allowance of non-technical training, such as ethics and write it right training. This would allow shops who may have a disciplinary action the opportunity to take training and avoid fines. Overall, the industry was supportive of these regulations.

Thank you.

Jack Molodanof