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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).

16 CCR § 3303.1, 16 CA ADC § 3303.1
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16 CA ADC § 3303.1

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