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16 CA ADC § 3392.3

16 CCR § 3392.3

Cal. Admin. Code tit. 16, § 3392.3

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 10. GOLD SHIELD PROGRAM

This database is current through 7/10/09, Register 2009, No. 28
§ 3392.3. Eligibility for Gold Shield Certification; Quality Assurance.

(a) A licensed Smog Check Test-and-Repair station seeking Gold Shield certification shall complete and file a Gold Shield Station Application form (GSR-1 04/25/2003), which is hereby incorporated by reference, and shall, as of the date the application is received by the bureau, meet all of the following eligibility requirements:

(1) The station's Comparative Failure Rate (CFR) over the preceding calendar quarter must meet or exceed the industry-wide failure rate for Test-Only stations, by smog check program area, as calculated quarterly by the bureau.

(2) The station must have conducted a minimum of 10 successful emission repairs in the preceding calendar quarter. For the purposes of this section, a "successful emission repair" means:

(A) The vehicle must have failed the emissions portion of a Smog Check in official test mode or pre-test mode at any Smog Check station prior to the repair; and

(B) The Smog Check station must have repaired the vehicle and entered repair data into the Vehicle Information Database; and

(C) The vehicle must have been issued a Certificate of Compliance at any Smog Check station within ten (10) days following the repairs made by the applicant Smog Check station.

(3) The station's repair performance, in the preceding calendar quarter, must rate within the top 75% of test-and-repair stations in the same smog check program area. A station's repair performance is computed by comparing the final emission readings of each successful emission repair to the average passing emission readings for the same model-year and emission standards category of the vehicle repaired.

(4) The station must not have been issued any citations pursuant to Section 44050(a) of the Health and Safety Code within the preceding one-year period nor employ any technicians who have been issued any citations pursuant to Section 44050(b) of the Health and Safety Code within the preceding one-year period.

(5) Neither the current nor any previous registration or license of the station owner, manager and licensed Smog Check technicians employed by the station, has been issued an order of suspension, a probationary order, or any other disciplinary order within the preceding three-year period. No station owner, officer, manager, licensed Smog Check technician or other employee of the station may currently be subject to suspension, probation or other disciplinary order.

(6) The station owner, manager and licensed Smog Check technicians or other employees of the station, must not have been convicted of a crime within the preceding three-year period that is substantially related to the duties of an Automotive Repair Dealer, a licensed Smog Check station, or a licensed Smog Check technician. The station owner, manager and licensed Smog Check technicians or other employees of the station, must not have been found liable in a civil proceeding, excluding small claims matters, within the preceding three-year period, for acts or omissions that are substantially related to the duties of an Automotive Repair Dealer, a licensed Smog Check station, or a licensed Smog Check technician. The station owner, manager and licensed Smog Check technicians or other employees of the station must not be serving a probationary period as a result of any such criminal or civil proceeding.

(7) The station must not have engaged in any conduct that would be cause for discipline of the station's Automotive Repair Dealer registration or Smog Check station license.

(8) The station must pass a Quality Assurance inspection administered by bureau personnel as part of the certification process. A Quality Assurance inspection consists of any or all of the following:

(A) A verification of compliance with all licensure and license posting requirements.

(B) A verification of compliance with all signage requirements.

(C) A verification of compliance with all estimate, repair order, invoice and record-keeping requirements.

(D) A verification of possession of all required manuals and publications.

(E) A verification of possession of all required tools and equipment and a verification of their proper working order.

(F) Evaluations of licensed smog check technicians' ability to perform complete smog check inspections, and diagnoses and repairs of failed vehicles.

(b) Smog Check stations located in change of ownership program areas shall only have to meet standards (a)(4)-(a)(7), inclusive, to obtain Gold Shield certification.

(c) The bureau may conduct periodic quality assurance inspections of the station. If a Gold Shield station's performance does not comply with the criteria established pursuant to this section, written notice of the deficiency shall be provided to the station by the bureau, and the station shall have sixty (60) days to correct the deficiency. The bureau may conduct a follow-up quality assurance inspection to ensure the deficiency has been corrected.

(d) The bureau, on a quarterly basis, shall evaluate a Gold Shield station's inspection and repair performance and compliance with the criteria established pursuant to this section. A Gold Shield station that fails to meet the certification criteria specified in paragraphs (1), (2) or (3) of Subsection (a) of this section, will be notified in writing of the nature of the deficiency. The Gold Shield station may be given one additional quarter to meet those standards.

(e) A station may, upon ten (10) days written notice to the Bureau, withdraw from the Gold Shield Program.

Note: Authority cited: Sections 44001.5 and 44014.2, Health and Safety Code. Reference: Section 44014.2, Health and Safety Code.

HISTORY

1. New section filed 4-23-97 as an emergency; operative 4-23-97 (Register 97, No. 17). A Certificate of Compliance must be transmitted to OAL by 8-21-97 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 4-23-97 order, including amendment of subsections (a), (b)(1), (b)(3) and (b)(5)-(6), transmitted to OAL 8-19-97 and filed 9-30-97 (Register 97, No. 40).
3. Amendment of section heading, repealer and new section and amendment of Note filed 4-28-2003; operative 5-28-2003 (Register 2003, No. 18).

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