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16 CA ADC § 3394.4

16 CCR § 3394.4

Cal. Admin. Code tit. 16, § 3394.4

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 11. CONSUMER ASSISTANCE PROGRAM

This database is current through 7/10/09, Register 2009, No. 28
§ 3394.4. Eligibility Requirements.

(a) In order to participate in the Consumer Assistance Program, a person must meet the following requirements, as applicable:

(1) Be the registered owner of an eligible vehicle who has paid all appropriate registration fees for the vehicle with the Department of Motor Vehicles.

(2) Under a Repair Assistance option which is based on a person's income level:

(A) i. Until December 31, 2008, have a household income that is less than or equal to two hundred twenty-five percent (225%) of the federal Poverty Guidelines, as published by the United States Department of Health and Human Services;

ii. Beginning January 1, 2009, have a household income that is less than or equal to one hundred eighty-five percent (185%) of the federal Poverty Guidelines, as published by the United States Department of Health and Human Services; and

(B) Spend a minimum co-payment of twenty dollars (\$20) on emissions-related repairs at a licensed smog check test-and-repair station. Money spent to correct tampered emissions control systems or to make a vehicle testable shall not be included in the co-payment.

(3) Under a Repair Assistance option which is based on a person's vehicle being directed to a Test-Only station to have its smog check inspection, as indicated on the Department of Motor Vehicles renewal notice, spend a minimum co-payment of one hundred dollars (\$100) on emissions-related repairs at a licensed smog check test-and-repair station. Money spent to correct tampered emissions control systems or to make a vehicle testable shall not be included in the co-payment.

(4) Under the Vehicle Retirement option:

(A) Obtain a Revivable Junk Receipt from the Department of Motor Vehicles after receiving written confirmation from the Bureau of Automotive Repair on program eligibility;

(B) Not have retired another vehicle through the Smog Check Consumer Assistance Program within a preceding twelve-(12) month period; and

(C) A vehicle owner who is a joint owner of a vehicle may not sell more than two (2) vehicles to the Consumer Assistance Program within a twelve-(12) month period.

(b) In order to qualify for participation in any option of the Consumer Assistance Program, a vehicle must be a motor vehicle that is required biennially to obtain a certificate of compliance pursuant to Section 44011 of the Health and Safety Code and has failed a biennial smog check inspection, as required pursuant to subdivision (a) of Section 44011.

(c) In order to qualify for participation in the Vehicle Retirement option of the Consumer Assistance Program, at the time of application, a vehicle must:

(1) Be currently registered with the Department of Motor Vehicles; or,

(2) Be currently operating under a repair cost waiver or economic hardship extension issued by the Bureau of Automotive Repair; or,

(3) Be currently operating under a Temporary Operating Permit issued by the Department of Motor Vehicles; or,

(4)(A) Until June 30, 2009, not have a registration that has been expired for more than one hundred eighty (180) days after the date the application is postmarked;

(B) Beginning July 1, 2009, not have a registration that has been expired for more than one hundred twenty (120) days after the date the application is postmarked; and

(5) Have been continuously registered as an operable vehicle with the Department of Motor Vehicles for the twenty-four (24) months immediately preceding the current registration expiration date; and

(6)(A) Until June 30, 2009, have failed a biennial smog check inspection no later than one hundred eighty (180) days after the expiration of the vehicle's most current renewal of registration with the Department of Motor Vehicles, provided that the registration renewal date is not more than one hundred eighty (180) days prior to the postmarked date on the application, and that the failure is for causes other than an ignition timing adjustment, a failed gas cap functional test, or a non-emission related failure identified by the malfunction indicator light;

(B) Beginning July 1, 2009, have failed a biennial smog check inspection no later than one hundred twenty (120) days after the expiration of the vehicle's most current renewal of registration with the Department of Motor Vehicles, provided that the registration renewal date is not more than one hundred twenty (120) days prior to the postmarked date on the application, and that the failure is for causes other than an ignition timing adjustment, a failed gas cap functional test, or a non-emission related failure identified by the malfunction indicator light; and

(7) Be a passenger vehicle, or light-duty truck, with a gross vehicle weight rating of 8,500 pounds or less; and

(8) Pass a visual inspection conducted by the Bureau or its representative verifying that:

(A) All doors are present;

- (B) The hood lid is present;
 - (C) The dashboard is present;
 - (D) The windshield is present;
 - (E) At least one side window glass is present;
 - (F) The driver's seat is present;
 - (G) At least one bumper is present;
 - (H) The exhaust system is present;
 - (I) All side and/or quarter panels are present; and
 - (J) At least one headlight, one taillight, and one brake light are present; and
- (9) Pass an operational inspection conducted by the Bureau or its representative verifying that:
- (A) The vehicle is driven under its own power to an approved dismantler site;
 - (B) The vehicle's engine starts readily through ordinary means without the use of starting fluids or external booster batteries;
 - (C) The drivability of the vehicle is not affected by any body, steering, or suspension damage;
 - (D) The vehicle is able to drive forward a minimum distance of ten (10) yards under its own power, and
 - (E) The interior pedals are operational.

Note: Authority cited: Sections 44001.3, 44001.5 and 44002, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 44005, 44010.5, 44011, 44012, 44014.7, 44015, 44017, 44017.1, 44037.1, 44062.1, 44091, 44092, 44093, 44094 and 44095, Health and Safety Code.

HISTORY

1. New section filed 12-3-98 as an emergency; operative 12-3-98 (Register 98, No. 49). A Certificate of Compliance must be transmitted to OAL by 4-2-99 or emergency language will be repealed by operation of law on the following day.

2. New section refiled 3-30-99 as an emergency; operative 4-2-99 (Register 99, No. 14). A Certificate of Compliance must be transmitted to OAL by 8-2-99 or emergency language will be repealed by operation of law on the following day.

3. New section refiled 7-26-99 as an emergency; operative 8-2-99 (Register 99, No. 31). A Certificate of Compliance must be transmitted to OAL by 11-30-99 or emergency language will be repealed by operation of law on the following day.

4. Certificate of Compliance as to 7-26-99 order, including amendment of section and Note, transmitted to OAL 11-18-99 and filed 1-3-2000 (Register 2000, No. 1).

5. Amendment of section heading, section and Note filed 6-26-2000 as an emergency; operative 7-1-2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 10-30-2000 or emergency language will be repealed by operation of law on the following day.

6. Amendment of section heading, section and Note refiled 10-30-2000 as an emergency, including further amendment of Note; operative 10-30-2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 2-27-2001 or emergency language will be repealed by operation of law on the following day.

7. Certificate of Compliance as to 10-30-2000 order, including further amendment of section and Note, transmitted to OAL 2-9-2001 and filed 3-27-2001 (Register 2001, No. 13).

8. Amendment of subsection (b)(1) filed 2-26-2002 as an emergency; operative 2-26-2002 (Register 2002, No. 9). A Certificate of Compliance must be transmitted to OAL by 6-26-2002 or emergency language will be repealed by operation of law on the following day.

9. Certificate of Compliance as to 2-26-2002 order transmitted to OAL 6-13-2002 and filed 7-2-2002 (Register 2002, No. 27).

10. Amendment of section and Note filed 7-31-2006; operative 7-31-2006 pursuant to Government Code section 11343.4 (Register 2006, No. 31).

11. Redesignation and amendment of former subsection (c)(4) as subsection (c)(4)(A), new subsection (c)(4)(B), redesignation and amendment of former subsection (c)(6) as subsection (c)(6)(A) and new subsection (c)(6)(B) filed 8-12-2008; operative 8-12-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 33).

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