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16 CA ADC § 3340.1

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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 5.5. MOTOR VEHICLE INSPECTION PROGRAM

This database is current through 7/10/09, Register 2009, No. 28

§ 3340.1. Definitions.

In this article, unless the context otherwise requires:

(a) "Heavy duty vehicle" means a vehicle with a manufacturer's gross vehicle weight rating of 8501 pounds or more.

(b) "Implementation area" means a geographical area, in which a local district has requested implementation of a biennial inspection program pursuant to section 44003 of the Health and Safety Code.

(c) "Smog check station" or "station" means a smog check test-only station or smog check test-and-repair station licensed by the bureau in the smog check program.

(d) "Smog check test-only station" or "test-only station" means a smog check station licensed by the bureau to test and inspect vehicles in the smog check program.

(e) "Smog check test-and-repair station" or "test-and-repair station" means a smog check station licensed by the bureau to test, inspect, diagnose and repair vehicles in the smog check program.

(f) "Smog check technician" or "technician" means an individual who holds one of the technician licenses specified in section 3340.28 of this article.

(g) "Emissions inspection system" or "EIS" means a tamper-resistant instrument which meets the requirements of subdivision (b) of section 44036 of the Health and Safety Code and which is certified by the bureau for use in the California Smog Check program.

(h) "Bureau" or "BAR" means the Bureau of Automotive Repair.

(i) "Smog check program" or "program" means the motor vehicle inspection program conducted pursuant to section 44005 of the Health and Safety Code, and as hereby described in this article.

(j) "ARD-exempt heavy-duty station" means a smog check test-and-repair station or a smog check test-only station that only tests and/or repairs commercial vehicles which have a gross vehicle weight rating of 10,000 pounds or greater.

(k) "Enhanced area" or "Enhanced vehicle inspection and maintenance program area" means the smog check program conducted in any part of an urbanized area of the state which is classified by the Environmental Protection Agency as a serious, severe or extreme nonattainment area for ozone or a moderate or serious nonattainment area for carbon monoxide with a design value greater than 12.7 ppm.

- (l) "Basic area" or "Basic vehicle inspection and maintenance program area" means the smog check program conducted in any area of the state which is not classified as an enhanced vehicle inspection and maintenance program area.
- (m) "Gaseous fuel" means fuel composed of propane, liquefied or compressed natural gas.
- (n) "Supervising technician" means the licensed technician that performs the after repairs test of a vehicle that has failed an inspection at a smog check station.
- (o) "After repairs test" means a test performed on a vehicle after repairs have been made to that vehicle as a result of failing an inspection at a smog check station.
- (p) "Test-only facility" means a facility contracted by the bureau to test and inspect vehicles.
- (q) "Gold Shield station" means a registered Automotive Repair Dealer who is also a smog check test-and-repair station which has been certified by the department and meets all the requirements specified in Article 10, of these regulations.
- (r) "Comparative Failure Rate" or "CFR" means that the station's failure rate, under the Gold Shield Program, must be comparable to the test-only station failure rate for all non-directed vehicles of the same model-year. The station's failure rate, using initial tests, by model-year, of non-directed vehicles is applied to an industry-wide failure rate for test-only stations, calculated quarterly by smog check program area, using initial tests, by model-year, of non-directed vehicles inspected, and includes an allowable deviation to compensate for the random distribution of passing and failing vehicles based upon a 95 percent confidence level.
- (s) "Non-directed vehicle" means a vehicle that was not required to be inspected at a test-only station pursuant to Sections 44010.5 or 44014.7 of the Health and Safety Code.
- (t) "Clean piping," for the purposes of Health and Safety Code section 44072.10(c)(1), means the use of a sample of the exhaust emissions of one vehicle in order to cause the EIS to issue a certificate of compliance for another vehicle.
- (u) "Initial test" means the first Smog Check inspection of a vehicle done in official test mode or pre-test mode and performed within one hundred eighty (180) days prior to a registration renewal date or a change of ownership date for that vehicle. An initial test does not include tests that are aborted before completion or tests done in the training or manual modes of the EIS.
- (v) "Vehicle Information Database" or "VID" means a centralized computer database and computer network, which is readily accessible by all licensed smog check technicians on a real time basis.
- (w) "Repair Assistance" means a component of the Consumer Assistance Program (CAP) that provides financial assistance for emissions-related repairs to help eligible motor vehicle owners bring their vehicles into compliance with the requirements of the Smog Check Program.
- (x) "Household" means a family of persons or any group of two or more unrelated persons that reside together and share common living expenses.
- (y) "Vehicle Retirement" means a component of the Consumer Assistance Program (CAP) that provides payments to eligible motor vehicle owners who choose to voluntarily retire their vehicles from operation rather than make emissions-related repairs to bring the vehicles into compliance with the requirements of the Smog Check Program.
- (z) "Dismantler" means an automobile dismantler, as defined in Section 220 of the Vehicle Code and licensed pursuant to Section 11500 of the Vehicle Code, who has contracted with the Bureau to retire vehicles from operation.
- (aa) "Revivable Junk Receipt" means a receipt showing proof that the vehicle is recorded and titled as "junked" by the Department of Motor Vehicles.
- (bb) "Vehicle Inspection Report" or "VIR" means an official smog check inspection report that is printed from an emissions inspection system and given to the registered vehicle owner(s) or their legal representative.
- (cc) "Consumer Assistance Program" or "CAP" means a program of the Bureau of Automotive Repair that

provides eligible motor vehicle owners the options of Repair Assistance and Vehicle Retirement.

Note: Authority cited: Sections 44001.5, 44002, 44072.10, 44091 and 44095, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 44001.3, 44005, 44010.5, 44011, 44012, 44014, 44014.2, 44014.5, 44017, 44017.1, 44030, 44036, 44037.1, 44056, 44062.1, 44070, 44072.10, 44092, 44093, 44094 and 44103, Health and Safety Code; Sections 220 and 11500, Vehicle Code; and Section 11505, Government Code.

HISTORY

1. New article 5.5 (sections 3340.1-3340.50.5) filed 3-23-84; effective upon filing pursuant to Government Code section 11346.2(d) (Register 84, No. 12).
2. New subsection (j) filed 8-24-88; operative 9-23-88 (Register 88, No. 37).
3. Amendment filed 4-16-90; operative 4-16-90 (Register 90, No. 19).
4. New subsection (k) filed 5-11-90; operative 6-10-90 (Register 90, No. 26).
5. Repealer of subsection (e), subsection relettering, amendment of newly designated subsections (e) and (k), new subsections (l)-(o) and Note filed 6-23-95 as an emergency; operative 6-23-95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10-21-95 or emergency language will be repealed by operation of law on the following day.
6. New subsection (p) and amendment of Note filed 8-17-95 as an emergency; operative 8-17-95 (Register 95, No. 33). A Certificate of Compliance must be transmitted to OAL by 12-15-95 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 6-23-95 order including amendment of subsection (m) transmitted to OAL 10-20-95 and filed 12-6-95 (Register 95, No. 49).
8. Certificate of Compliance as to 8-17-95 order transmitted to OAL 12-15-95 and filed 1-25-96 (Register 96, No. 4).
9. Amendment of subsection (g) filed 4-29-96 as an emergency; operative 4-29-96 (Register 96, No. 18). A Certificate of Compliance must be transmitted to OAL by 8-27-96 or emergency language will be repealed by operation of law on the following day.
10. Amendment of subsection (c) and (d), new subsection (e) and subsection relettering, repealer of previously designated subsection (f), and amendment of subsections (g), (k) and (l) filed 7-26-96 as an emergency; operative 7-26-96 (Register 96, No. 30). A Certificate of Compliance must be transmitted to OAL by 11-25-96 or emergency language will be repealed by operation of law on the following day.
11. Certificate of Compliance as to 4-29-96 order transmitted to OAL 8-21-96 and filed 9-30-96 (Register 96, No. 40).
12. Editorial correction of subsection (p) (Register 97, No. 2).

13. Certificate of Compliance as to 7-26-96 order, including further amendment of subsection (g), transmitted to OAL 11-19-96 and filed 1-6-97 (Register 97, No. 2).

14. New subsections (q) and (r) and amendment of Note 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.

15. Certificate of Compliance as to 4-23-97 order, including new subsections (s)-(t) and further amendment of Note, transmitted to OAL 8-19-97 and filed 9-30-97 (Register 97, No. 40).

16. New subsections (u)-(x) and amendment of Note filed 10-30-98 as an emergency; operative 10-30-98 (Register 98, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-1-99 or emergency language will be repealed by operation of law on the following day.

17. New subsections (ad)-(ag) and amendment of Note 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.

18. New subsections (u)-(x) and amendment of Note refiled 2-25-99 as an emergency; operative 3-1-99 (Register 99, No. 9). A Certificate of Compliance must be transmitted to OAL by 6-29-99 or emergency language will be repealed by operation of law on the following day.

19. New subsections (ad)-(ag) and amendment of Note 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.

20. Certificate of Compliance as to 2-25-99 emergency, including amendment of subsection (x) and Note, transmitted to OAL 3-18-99 and filed 4-15-99; effective 5-1-99 (Register 99, No. 16).

21. New subsections (ad)-(ag) and amendment of Note 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.

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

23. Amendment of subsection (v) and repealer of subsection (w) filed 3-27-2000 as an emergency; operative 3-27-2000 (Register 2000, No. 13). A Certificate of Compliance must be transmitted to OAL by 7-25-2000 or emergency language will be repealed by operation of law on the following day.

24. Amendment of subsection (v), repealer of subsection (af), redesignation and amendment of subsections (x)-(ag) as subsections (w)-(z), new subsection (aa) and amendment of 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.

25. Amendment of subsection (v), repealer of subsection (af), redesignation and amendment of subsections (x)-(ag) as subsections (w)-(z), new subsection (aa) and amendment of Note refiled 10-30-2000 as an emergency; 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.

26. Certificate of Compliance as to 10-30-2000 order, including further amendment of subsections (v)-(y), new subsection (z), subsection relettering, and amendment of newly designated subsection (bb), transmitted to OAL 2-9-2001 and filed 3-27-2001 (Register 2001, No. 13).

27. Amendment of subsection (g), new subsection (t), subsection relettering and amendment of Note filed 3-3-2003; operative 4-2-2003 (Register 2003, No. 10).

28. Amendment of subsection (q), repealer and new subsections (r) and (s), new subsection (u), repealer of former subsection (v) and subsection relettering filed 4-28-2003; operative 5-28-2003 (Register 2003, No. 18).

29. Editorial correction restoring inadvertently omitted subsection (h) (Register 2006, No. 19).

30. Amendment of subsections (c)-(g), (i)-(j), (q)-(v) and (bb)-(cc) filed 5-30-2006; operative 6-29-2006 (Register 2006, No. 22).

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