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16 CA ADC § 3340.15

16 CCR § 3340.15

Cal. Admin. Code tit. 16, § 3340.15

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
§ 3340.15. General Requirements for Smog Check Stations.

A smog check station shall meet the following requirements for licensure and shall comply with these requirements at all times while licensed.

(a) The testing and repairing of vehicles shall be performed only in a work area of the station that has been approved by the bureau during the licensing inspection. Other work may be performed in the approved area, as desired. Except for heavy-duty vehicles, the work area shall be within a building and shall be large enough to accommodate the type of vehicle being serviced. In the case of the testing and repair of heavy-duty vehicles the work area need not be in a building, but the emissions inspection system used at the station may only be used within a building. The work area shall be kept clean and orderly.

(b) During all hours the station is open for the business of testing and/or repairing vehicles pursuant to the Smog Check Program, a technician, licensed for the appropriate category of vehicle being tested or repaired and the appropriate area, shall be present.

(c) A smog check station shall not have in its employ more than two intern technicians at any given time. The repairs or adjustments made by intern technicians at smog check stations to emissions control systems on vehicles subject to the Smog Check Program shall be performed under the direction of a supervising technician that is on the premises of the smog check station at the time of the repair or adjustment.

(d) The station license and technician licenses shall be posted prominently under glass or other transparent material in an area frequented by customers.

(e) The station shall post conspicuously in an area frequented by customers a list of price ranges for the specific activities for which it is licensed. The posted prices shall include the price charged by the station for inspections, and, if a separate price is charged for reinspections, the reinspection price. The station shall also post the inspection prices for vans and/or heavy-duty vehicles if those prices differ from the passenger car inspection price. If the station imposes an hourly labor charge for repairs, the hourly labor rate shall be posted. The price of issuance of a certificate of compliance or noncompliance charged by the bureau shall be posted separately from the price of the inspection and of the reinspection, if any.

(f) The station shall make, keep secure, and have available for inspection on request of the bureau, or

its representative, legible records showing the station's transactions as a licensee for a period of not less than three years after completion of any transaction to which the records refer. All records shall be open for reasonable inspection and/or reproduction by the bureau or its representative. Station records required to be maintained shall include copies of:

- (1) All certificates of compliance and certificates of noncompliance in stock and/or issued,
- (2) Repair orders relating to the inspection and repair activities, and
- (3) Vehicle inspection reports generated either manually or by the emissions inspection system.

The above listed station records shall be maintained in such a manner that the records for each transaction are kept together, so as to facilitate access to those records by the bureau or its representative. In this regard, the second copy of an issued certificate shall be attached to the final invoice record.

(g) A smog check station shall be open and available to the general public for Smog Check Program services.

(h) A smog check station shall afford the bureau or its representative reasonable access during normal business hours to the station for the bureau's quality assurance efforts to evaluate the effectiveness of tests and/or repairs made to vehicles subject to the Smog Check Program.

(i) A licensed smog check station shall not sublet inspections or repairs required as part of the Smog Check Program, except for the following:

(1) Repairs of a vehicle's exhaust system which are normally performed by muffler shops, provided that the malfunction has been previously diagnosed by the specific smog check station originally authorized by the customer to perform repairs to the vehicle.

(2) Repairs of those individual components that have been previously diagnosed as being defective and that have been removed by the specific smog check station originally authorized by the customer to perform repairs to the vehicle.

Note: Authority cited: Section 44002 and 44030, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 44014, 44030, 44032, 44033, 44036, 44037 and 44045.5, Health and Safety Code.

HISTORY

1. Amendment of subsection (g) and repealer of subsection (h) filed 3-28-84; effective thirtieth day thereafter (Register 86, No. 13).
2. Amendment of subsection (d) 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. Editorial correction of printing error in subsection (g) (Register 91, No. 6).

5. Amendment of subsection (e) filed 10-23-91; operative 11-22-91 (Register 92, No. 35).

6. Amendment of subsection (d) filed 8-18-92; operative 9-17-92 (Register 92, No. 37).

7. Repealer of subsection (b), subsection relettering, amendment of newly designated subsection (b), new subsection (c), and amendment of subsection (d) 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.

8. Certificate of Compliance as to 6-23-95 order transmitted to OAL 10-20-95 and filed 12-6-95 (Register 95, No. 49).

9. New subsections (h)-(i)(2) and amendment of Note filed 4-15-97 as an emergency; operative 4-15-97 (Register 97, No. 16). A Certificate of Compliance must be transmitted to OAL by 8-13-97 or emergency language will be repealed by operation of law on the following day.

10. Editorial correction of History 9 (Register 97, No. 29).

11. Certificate of Compliance as to 4-15-97 order, including amendment of subsections (i)-(i)(2), transmitted to OAL 8-11-97 and filed 9-18-97 (Register 97, No. 38).

12. Amendment of subsection (a) filed 6-9-2003; operative 7-9-2003 (Register 2003, No. 24).

13. Change without regulatory effect amending section filed 10-11-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 41).

16 CCR § 3340.15, 16 CA ADC § 3340.15
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16 CA ADC § 3340.15

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[Docs In Sequence](#) [Table of Contents](#)