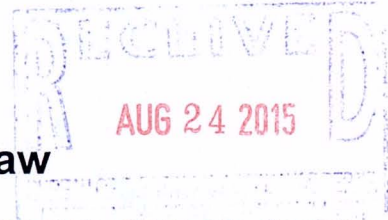


**State of California
Office of Administrative Law**



In re:
Bureau of Electronic and Appliance Repair,
Home Furnishings and Thermal Insulation

Regulatory Action:

Title 16, California Code of Regulations

Adopt sections: 2744, 2744.1

Amend sections:

Repeal sections:

NOTICE OF APPROVAL OF REGULATORY
ACTION

Government Code Section 11349.3

OAL Matter Number: 2015-0803-01

OAL Matter Type: Regular (S)

The Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation proposed this action to adopt two sections under title 16 of the California Code of Regulations pertaining to the installation, maintenance, and servicing of ignition interlock devices.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 10/1/2015.

Date: August 19, 2015

Richard L. Smith

Richard L. Smith
Senior Attorney

For: DEBRA M. CORNEZ
Director

Original: Justin Paddock
Copy: Terri Rice

NOTICE PUBLICATION/REGULATORY

SUBMISSION

(See instructions on
reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2015-0114-01	REGULATORY ACTION NUMBER 2015-0803-015	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

ENDORSED - FILEDIn the office of the Secretary of State
of the State of California**AUG 19 2015****2:23 pm****2015 AUG 31 A 10:14****OFFICE OF
ADMINISTRATIVE LAW**

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY

DCA/Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE ☐ Notice re Proposed ☐ Regulatory Action ☐ Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY ☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2015, 52	PUBLICATION DATE 1/30/2015	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Ignition Interlock Devices		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT 2744 and 2744.1	
		AMEND	
TITLE(S) 16		REPEAL	
3. TYPE OF FILING			
☒ Regular Rulemaking (Gov. Code §11346) ☐ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) ☐ Emergency (Gov. Code, §11346.1(b)) ☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. ☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) ☐ Emergency Readopt (Gov. Code, §11346.1(h)) ☐ File & Print ☐ Other (Specify) _____ ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) ☐ Print Only			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) n/a			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100) ☒ Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) ☐ Effective on filing with Secretary of State ☐ §100 Changes Without Regulatory Effect ☐ Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY ☒ Department of Finance (Form STD. 399) (SAM §6660) ☐ Fair Political Practices Commission ☐ State Fire Marshal ☐ Other (Specify) _____			
7. CONTACT PERSON Terri Rice		TELEPHONE NUMBER (916) 999-2058	FAX NUMBER (Optional) Terri.Rice@dca.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

7.22.15

TYPED NAME AND TITLE OF SIGNATORY

AWET KIDANE, Director, Department of Consumer Affairs

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED**AUG 19 2015****Office of Administrative Law**

BUREAU OF ELECTRONIC AND APPLIANCE REPAIR
HOME FURNISHINGS AND THERMAL INSULATION
DIVISION 27 OF TITLE 16 OF THE
CALIFORNIA CODE OF REGULATIONS

ORDER OF ADOPTION
RELATED TO THE IGNITION INTERLOCK DEVICES

Adopt section 2744 into Article 4 to read as follows:

2744. Ignition Interlock Devices

Ignition interlock device standards apply to the installation, calibration, maintenance, monitoring, or servicing of electrical devices installed in a motor vehicle that measure a motorist's breath sample for alcohol content, and, on the basis of that measurement, allow or not allow the vehicle's starter to be energized.

NOTE: Authority cited: Section 9814, Business and Professions Code. Reference: Section 9807, Business and Professions Code.

Adopt section 2744.1 into Article 4 to read as follows:

2744.1. Installation Standards Applicable to Ignition Interlock Devices

An electronic service dealer, as defined in subdivision (p) of Section 9801 of the Business and Professions Code, who installs, calibrates, maintains, monitors, or services any ignition interlock device shall:

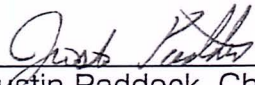
- (a) Prohibit customers or other unauthorized persons from observing the installation, calibration, maintenance, monitoring, or servicing of an ignition interlock device.
- (b) Have all tools, test equipment, and manuals needed to install or otherwise service an ignition interlock device and to screen vehicles for acceptable mechanical and electrical condition prior to installation.
- (c) Provide adequate security measures to prevent unauthorized persons from accessing secured materials (tamper seals or installation instructions).
- (d) Install or service an ignition interlock device in a vehicle taking into account the condition of the vehicle's mechanical and electrical systems.
- (e) Install or service an ignition interlock device following accepted trade standards and instructions from the ignition interlock device manufacturer.
- (f) Verify that the ignition interlock device is functioning properly after it has been installed in the vehicle or serviced.

(g) Ensure that an interlock ignition device is not installed or serviced in a manner that could adversely affect the performance of the ignition interlock device or impede the safe operation of the vehicle.

(h) Restore a vehicle to its original condition when an interlock ignition device is removed. All severed wires must be permanently reconnected and insulated with heat shrink tubing or equivalent.

NOTE: Authority cited: Section 9814, Business and Professions Code. Reference: Section 9807, Business and Professions Code.

Dated: 5/28/15


Justin Paddock, Chief
Bureau of Electronic & Appliance Repair,
Home Furnishings & Thermal Insulation

**BUREAU OF ELECTRONIC AND APPLIANCE REPAIR,
HOME FURNISHINGS AND THERMAL INSULATION**

FINAL STATEMENT OF REASONS

Hearing Date: March 24, 2015

Subject Matter of Proposed Regulations: Ignition Interlock Device Standards

Sections Affected: Adopt §2744 and §2744.1 to Article 4 of Division 27 of Title 16 of the California Code of Regulations

Updated Information:

The Initial Statement of Reasons is included in the file.

This proposed regulatory action was originally noticed and published on January 30, 2015 (Z-2015-0114-01) which had a scheduled hearing of March 17, 2015. However, due to some administrative oversight, the Notice of Proposed Changes was not sent out on or before the publication date. On February 4, 2015, the Bureau sent out the Notice of Change of Date of Regulatory Hearing and Extension of Written Comment Period which re-scheduled the hearing to March 24, 2015, together with the original Notice of Proposed Changes and Proposed Language, to allow the interested parties at least 45 days to comment on the proposed regulations.

Local Mandate:

A mandate is not imposed on local agencies or school districts.

Small Business Impact:

The Bureau has determined that the proposed regulations would not affect small businesses. It is anticipated that this regulatory proposal has the potential of affecting approximately 600 businesses that are currently registered within the electronic repair industry. This total consists of businesses whose current operations comprise of installing and/or repairing various types of equipment (i.e. auto radios, stereos, alarms, etc.) in a private vehicle, although not all are anticipated to participate.

The economic impact is anticipated to be minimal since the services performed by the affected businesses are relatively similar, therefore they may be able to forgo some of the initial costs of acquiring the tools, equipment, and workforce needed to perform the IID service. In addition, B&P section 9807 authorizes the registered electronic repair industry to install, calibrate, maintain, monitor, and service the IID while remaining under the Bureau's jurisdiction; therefore businesses may receive a negligible cost savings from not having to independently register with the BAR.

Further, the costs could be negated by the monthly/periodic fees charged to clients (with the exception of the four mandated counties) to install, calibrate, service, monitor, and maintain the IID. Therefore, the Bureau anticipates that the economic impact will be negligible.

Benefits of Regulation: The Bureau has determined that this regulatory proposal could benefit the health and welfare of California residents should more location options become available making compliance with the IID program more convenient and attainable. This regulatory proposal neither burdens nor benefits worker safety or the state's environment since it does not alter workplace safety guidelines or the emission profiles of any vehicle for which the IID is installed.

Consideration of Alternatives:

The Bureau has determined that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Objections or Recommendations/Responses:

The Bureau did not receive any objections or recommendations regarding this proposed action.