

AMENDED IN SENATE JUNE 30, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 226**

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**Introduced by Assembly Member Negrete McLeod**

February 3, 2005

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~~An act to amend Section 473.4 of the Business and Professions Code, relating to regulatory programs. An act to add Article 10 (commencing with Section 9889.25) to Chapter 20.3 of Division 3 of the Business and Professions Code, relating to automotive technology education.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 226, as amended, Negrete McLeod. ~~Boards and commissions. Automotive technology education.~~

*Existing law, the Automotive Repair Act, establishes the Bureau of Automotive Repair within the Department of Consumer Affairs. Under existing law, the bureau's chief, who is responsible to the Director of Consumer Affairs, administers the act, and automotive repair dealers are required to register with the director. The act creates the Vehicle Inspection and Repair Fund where all fees and revenue collected under the act's provisions are deposited. The act makes the revenue in the fund available for expenditure by the department upon appropriation by the Legislature.*

*This bill would create the Automotive Career and Technical Education Account in the fund. The bill would make the funds in the account available, upon appropriation by the Legislature, to the bureau and would authorize it to award grants to a public secondary educational institution for automotive technology education. The bill would require the bureau to work with an advisory committee in making these awards. The bill would require a local school district of*

*the secondary educational institution receiving a grant to provide equal matching funds. The bill would require each grant recipient to report to the bureau and would also require the bureau to report to the Legislature on the grant program.*

~~Existing law creates various boards to license and regulate professions and vocations and other matters. Under existing law, the Joint Committee on Boards, Commissions, and Consumer Protection is required to determine if a public need exists for the continued existence of a board based on specified factors.~~

~~This bill would also require the committee to consider as a factor whether the functions of the board would be accomplished more effectively if the board was replaced by a single executive officer.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. (a) *The Legislature finds and declares the*
- 2     *following:*
- 3     (1) *According to the Employment Development Department*
- 4     *and the United States Bureau of Labor Statistics, a demand and*
- 5     *increasing need exist for an adequate supply of automotive*
- 6     *technicians trained and skilled to provide competent services to*
- 7     *the motoring public.*
- 8     (2) *Both the California Department of Consumer Affairs’*
- 9     *Bureau of Automotive Repair and the National Association of*
- 10    *Attorneys General have found, in separate reviews, that the*
- 11    *availability of competent and skilled technicians is essential to*
- 12    *consumer protection.*
- 13    (3) *According to the United States Environmental Protection*
- 14    *Agency, the availability of competent and skilled technicians who*
- 15    *are properly trained to diagnose and repair vehicle emissions*
- 16    *systems is essential to the reduction of harmful emissions from*
- 17    *light and heavy duty vehicles.*
- 18    (4) *Although automotive training programs exist in California*
- 19    *public schools, the number of courses available to students has*
- 20    *been significantly reduced since 1980. The automotive training*
- 21    *programs in high schools are currently in desperate need of*
- 22    *funding and support in order to provide the necessary exposure*

1 *and training to a sufficient number of students to meet the needs*  
2 *of consumers and for air quality improvement.*

3 *(b) It is the intent of the Legislature that proactive steps be*  
4 *taken to protect both California consumers and air quality from*  
5 *the effects of a prolonged shortage of competent automotive*  
6 *technicians by providing resources from the Vehicle Inspection*  
7 *and Repair Fund to help support our public schools in their*  
8 *efforts to provide qualified automotive training programs.*

9 *SEC. 2. Article 10 (commencing with Section 9889.25) is*  
10 *added to Chapter 20.3 of Division 3 of the Business and*  
11 *Professions Code, to read:*

12

13 *Article 10. Automotive Career and Technical Education*

14

15 *9889.25. This article shall be known and may be cited as the*  
16 *Automotive Career and Technical Education Act of 2005.*

17 *9889.26. (a) The Automotive Career and Technical*  
18 *Education Account is hereby created as a separate account in the*  
19 *Vehicle Inspection and Repair Fund, and it shall be known as the*  
20 *account for the purposes of this article. Funds in the account*  
21 *shall be available for the purposes of this article upon*  
22 *appropriation by the Legislature. The bureau may, upon*  
23 *appropriation, allocate a maximum of thirty thousand dollars*  
24 *(\$30,000) annually from the account for the administration of the*  
25 *provisions of this article.*

26 *(b) The bureau may accept grants from federal, state, or local*  
27 *public agencies, or from private foundations or individuals, in*  
28 *order to assist it in carrying out its duties, functions, and powers*  
29 *under this article. The bureau shall deposit all grant moneys into*  
30 *the account.*

31 *9889.27. (a) The bureau may award grants from the account*  
32 *to qualified public secondary educational institutions for the*  
33 *support of courses of study in automotive technology. The grants*  
34 *shall be made only to a secondary educational institution*  
35 *providing practical experience in automotive technology. The*  
36 *total amount of a grant that may be awarded to a single*  
37 *secondary educational institution shall not exceed an amount*  
38 *equal to 25 percent of the total funds available under this article.*

39 *(b) An organization of automotive repair dealers or an*  
40 *organization of automotive repair dealer organizations*

1 *incorporated under Division 2 (commencing with Section 5000)*  
2 *of the Corporations Code, may request that the bureau award*  
3 *grants pursuant to subdivision (a) directly to a qualified public*  
4 *secondary educational institution of its choice.*

5 9889.28. (a) *The bureau shall either establish or use an*  
6 *existing advisory committee for the purposes of making*  
7 *recommendations on grant awards. An advisory committee*  
8 *established under this article shall consist of a minimum of 11*  
9 *members, with at least one representative from each of the*  
10 *following entities:*

11 (1) *The Automotive Repair Coalition.*  
12 (2) *The Automotive Service Councils of California.*  
13 (3) *The Automotive Trade Organizations of California.*  
14 (4) *The California Autobody Association.*  
15 (5) *The California AAMCO Dealers Association.*  
16 (6) *The California Motor Car Dealers Association.*  
17 (7) *The California Service Station and Automotive Repair*  
18 *Association.*

19 (8) *The Coalition for Clean Air.*  
20 (9) *The Consumers Federation of California.*  
21 (b) *The advisory committee shall make recommendations to*  
22 *the chief for the use of funds in the account to assist in*  
23 *maintaining and increasing the quality and availability of*  
24 *automotive education programs to serve consumers. The primary*  
25 *focus of those recommendations is to provide financial resources,*  
26 *which are currently unavailable, to automotive education*  
27 *programs in California to maintain and upgrade facilities and*  
28 *equipment and to obtain accreditation of those programs.*

29 (c) *The advisory committee shall perform all of the following*  
30 *duties:*

31 (1) *Confirm the qualifications of a program of an applicant*  
32 *secondary educational institution.*

33 (2) *If the account has insufficient funds to award the total*  
34 *amount of the grant sought by an applicant, recommend to the*  
35 *bureau a lesser grant amount.*

36 (3) *Receive and review reports of the use and impact of grants.*

37 (4) *Approve applications for Automotive Technician Training*  
38 *Standards (ATTS) or National Automotive Technicians*  
39 *Education Foundation (NATEF) accreditation, or equivalent,*  
40 *and, if funds are available in the account, recommend that the*

1 chief award a grant to an applicant to complete the accreditation  
2 process.

3 (5) Promote close ties between middle schools, high schools,  
4 and community colleges.

5 (6) Support the development of new educational programs that  
6 emphasize automotive technology.

7 (d) Members of the advisory committee shall not receive per  
8 diem or reimbursement for traveling or other expenses.

9 9889.29. (a) A local school district of a secondary  
10 educational institution that receives a grant under this article  
11 shall provide funds equal to the amount of the grant awarded to  
12 the secondary educational institution.

13 (b) The secondary educational institution shall use the grant  
14 only for the following purposes:

15 (1) To obtain instructional materials and support and  
16 equipment.

17 (2) To obtain or maintain ATTS, NATEF, or equivalent  
18 accreditation.

19 (3) Faculty recruitment and development.

20 (4) Curriculum development and delivery.

21 (c) Grant moneys shall be used to supplement and not replace  
22 or supplant existing resources used by a local school district.

23 9889.30. The bureau shall report to the Legislature biennially  
24 on the grant program and shall include in the report the names  
25 of the secondary educational institutions that were awarded a  
26 grant, the amount of each grant, the purposes for which the funds  
27 were granted to each recipient, the number of students involved  
28 in the recipient's program, the estimated number of placements  
29 made into the automotive industry for the previous two academic  
30 years, and any other information the bureau considers relevant  
31 to the program.

32 9889.31. (a) The administrator of each public secondary  
33 educational institution receiving a grant under this article shall  
34 submit a report to the bureau delineating the amount of the grant  
35 it was awarded and the manner in which it used those funds. The  
36 report shall include, but not be limited to, the following  
37 information:

38 (1) The number of automotive technology students placed into  
39 the University of California, the California State University  
40 system, the California community college system, or private

1 *post-secondary educational institutions during the previous*  
2 *academic year.*

3 (2) *The expected enrollment in automotive technology courses*  
4 *in the next academic year.*

5 (b) *The administrator shall submit this report with the*  
6 *application for a grant for the next academic year.*

7 9889.32. *It is the intent of the Legislature that state funding*  
8 *for the grants awarded under this article be provided only from*  
9 *the account to the extent that funds are available in that account*  
10 *and that no other state funding be provided for those grants.*

11 SECTION 1. ~~Section 473.4 of the Business and Professions~~  
12 ~~Code is amended to read:~~

13 ~~473.4. (a) The Joint Committee on Boards, Commissions,~~  
14 ~~and Consumer Protection shall evaluate and determine whether a~~  
15 ~~board or regulatory program has demonstrated a public need for~~  
16 ~~the continued existence of the board or regulatory program and~~  
17 ~~for the degree of regulation the board or regulatory program~~  
18 ~~implements based on the following factors and minimum~~  
19 ~~standards of performance:~~

20 (1) ~~Whether regulation by the board is necessary to protect the~~  
21 ~~public health, safety, and welfare.~~

22 (2) ~~Whether the basis or facts that necessitated the initial~~  
23 ~~licensing or regulation of a practice or profession have changed.~~

24 (3) ~~Whether other conditions have arisen that would warrant~~  
25 ~~increased, decreased, or the same degree of regulation.~~

26 (4) ~~If regulation of the profession or practice is necessary,~~  
27 ~~whether existing statutes and regulations establish the least~~  
28 ~~restrictive form of regulation consistent with the public interest,~~  
29 ~~considering other available regulatory mechanisms, and whether~~  
30 ~~the board rules enhance the public interest and are within the~~  
31 ~~scope of legislative intent.~~

32 (5) ~~Whether the board operates and enforces its regulatory~~  
33 ~~responsibilities in the public interest and whether its regulatory~~  
34 ~~mission is impeded or enhanced by existing statutes, regulations,~~  
35 ~~policies, practices, or any other circumstances, including~~  
36 ~~budgetary, resource, and personnel matters.~~

37 (6) ~~Whether an analysis of board operations indicates that the~~  
38 ~~board performs its statutory duties efficiently and effectively.~~

39 (7) ~~Whether the composition of the board adequately~~  
40 ~~represents the public interest and whether the board encourages~~

1 ~~public participation in its decisions rather than participation only~~  
2 ~~by the industry and individuals it regulates.~~

3 ~~(8) Whether the board and its laws or regulations stimulate or~~  
4 ~~restrict competition, and the extent of the economic impact the~~  
5 ~~board's regulatory practices have on the state's business and~~  
6 ~~technological growth.~~

7 ~~(9) Whether complaint, investigation, powers to intervene, and~~  
8 ~~disciplinary procedures adequately protect the public and~~  
9 ~~whether final dispositions of complaints, investigations,~~  
10 ~~restraining orders, and disciplinary actions are in the public~~  
11 ~~interest; or if it is, instead, self-serving to the profession, industry~~  
12 ~~or individuals being regulated by the board.~~

13 ~~(10) Whether the scope of practice of the regulated profession~~  
14 ~~or occupation contributes to the highest utilization of personnel~~  
15 ~~and whether entry requirements encourage affirmative action.~~

16 ~~(11) Whether administrative and statutory changes are~~  
17 ~~necessary to improve board operations to enhance the public~~  
18 ~~interest.~~

19 ~~(12) Whether the functions of the board would be~~  
20 ~~accomplished more effectively if the board was replaced by a~~  
21 ~~single executive officer.~~

22 ~~(b) The Joint Committee on Boards, Commissions, and~~  
23 ~~Consumer Protection shall consider alternatives to placing~~  
24 ~~responsibilities and jurisdiction of the board under the~~  
25 ~~Department of Consumer Affairs.~~

26 ~~(e) Nothing in this section precludes any board from~~  
27 ~~submitting other appropriate information to the Joint Committee~~  
28 ~~on Boards, Commissions, and Consumer Protection.~~