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CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 287**

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**Introduced by Assembly Members Gordon, Eggman, and  
Mark Stone  
(Principal coauthor: Assembly Member Wilk)  
(Coauthors: Assembly Members Dababneh, Jones, and Lackey)**

February 11, 2015

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An act to amend ~~Sections 3065 and 11713.18~~ *Section 3065* of, and to add Article 1.1 (commencing with Section 11750) to Chapter 4 of Division 5 of, the Vehicle Code, relating to vehicle safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 287, as amended, Gordon. Vehicle safety: recalls.

Existing law generally regulates the transfer and registration of motor vehicles. Existing federal law requires a motor vehicle manufacturer to notify the owner or purchaser of a motor vehicle when the manufacturer determines that the vehicle contains a safety-related defect or when the manufacturer is ordered by the federal Secretary of Transportation to notify vehicle owners and purchasers that a vehicle has a safety-related defect. Existing federal law also prohibits a motor vehicle dealer from

selling a vehicle if it has been notified of a safety-related defect by the manufacturer, except as specified. A violation of the Vehicle Code is a crime.

This bill would enact the Consumer Automotive Recall Safety Act, which would become operative on July 1, 2017. The act would prohibit a dealer or rental car company, as defined, from loaning, renting, or offering for loan or rent a vehicle subject to a manufacturer's recall after receiving a notice of the recall, as specified, until the vehicle has been repaired, except as specified. ~~The act would require a dealer to obtain a recall database report, as defined, before displaying or offering for sale, and every 30 days thereafter, a used vehicle advertised as "certified," or any similar descriptive term, that implies the vehicle has been certified to meet the terms of a used vehicle certification program. If a recall database report indicates that the used vehicle is subject to a manufacturer's recall, the act would prohibit a dealer from advertising or selling the vehicle as "certified" or any similar descriptive term until the recall repair has been made.~~ The act would also require the Department of Motor Vehicles to obtain a recall database report before mailing a notice of registration renewal to the registered owner of a vehicle and, if the recall database report indicates the vehicle is subject to a manufacturer's recall, to include a specified recall disclosure statement with the notice of registration renewal. This requirement would not take effect until the Director of Motor Vehicles executes a declaration, as specified, certifying that the department has appropriate access to the necessary data within a recall database and available funding to include the recall disclosure statement. By creating new prohibitions, the violation of which would be a crime under existing law, this bill would impose a state-mandated local program.

Existing law requires a vehicle franchisor to properly fulfill every warranty agreement made by it and adequately and fairly compensate each of its franchisees for labor and parts used to fulfill that warranty when the franchisee has fulfilled warranty obligations of diagnostics, repair, and servicing.

This bill would specify that the warranty obligations include all costs associated with the disposal of hazardous materials that are associated with a recall. The bill would provide, for purposes of the above-described warranty obligations, that a warranty includes a recall conducted pursuant to federal motor vehicle safety laws. The bill would state that this provision is declaratory of existing law.

~~Existing law makes it a violation of the Vehicle Code for the holder of a dealer's license to advertise for sale or sell a used vehicle as "certified" if, among other things, the dealer knows the odometer on the vehicle does not indicate actual mileage, the dealer knows the vehicle has sustained frame damage, or the dealer fails to provide the buyer with a completed inspection report indicating all the components inspected prior to sale.~~

~~This bill would additionally make it a violation of the Vehicle Code for the holder of a dealer's license to advertise for sale or sell a used vehicle as "certified" if the vehicle is subject to an unremedied manufacturer's recall described in a recall database report.~~

~~The bill would state findings and declarations of the Legislature relative to vehicle recalls.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

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

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

1 SECTION 1. (a) The Legislature finds and declares all of the  
2 following:

3 (1) Over the past one-half decade, automakers and the National  
4 Highway Traffic Safety Administration have issued more recalls  
5 on new and used motor vehicles than ever before. The year 2014  
6 set the record for the most recalls on vehicles in United States  
7 history with over 63.8 million vehicles recalled. The rate of vehicle  
8 recalls has exponentially grown over this past one-half decade as  
9 51 million recalls were issued in 2015, 22 million recalls were  
10 issued in 2013, and 16.2 million were issued in 2012. The increase  
11 of recalls in 2014 is a 190 percent increase from 2013 and a 293.8  
12 percent increase from 2012.

13 (2) While federal motor vehicle safety standards are more  
14 demanding now than at any other point in time and new vehicles  
15 sold today are the safest in history, the exponential growth of  
16 recalls issued on motor vehicles has caused confusion and apathy  
17 for far too many Californians. According to the National Highway

1 Traffic Safety Administration and others, about one-third of all  
2 recalled vehicles are never repaired by the vehicle’s owner.

3 (3) Federal regulations now require most vehicle manufacturers  
4 to provide motor vehicle safety recall information applicable to  
5 the vehicles they manufacture on the Internet and to the public.

6 (b) Accordingly, it is the intent of the Legislature in enacting  
7 this act to increase consumer awareness of unrepaired recalls on  
8 their cars, to ensure that consumers have access to loaner and rental  
9 vehicles free of any unrepaired recalls, and to safeguard the  
10 advertising of “certified” used cars.

11 (c) The Legislature further finds and declares all of the  
12 following:

13 (1) The distribution, sale, and service of new motor vehicles in  
14 the State of California vitally affect the general economy of this  
15 state and the public welfare.

16 (2) The new motor vehicle franchise system, which operates  
17 within a strictly defined and highly regulated statutory scheme,  
18 assures the consuming public of a well-organized distribution  
19 system for the availability and sale of new motor vehicles  
20 throughout the state, provides a network of quality warranty, recall,  
21 and repair facilities to maintain those vehicles, and creates a  
22 cost-effective method for the state to police those systems through  
23 the licensing and regulation of private sector franchisors and  
24 franchisees.

25 (3) California franchise laws require manufacturers to provide  
26 reasonable reimbursement to dealers for warranty and recall work,  
27 but fail to establish guidelines for compensating franchisee disposal  
28 costs associated with hazardous waste generated by repairs on  
29 recalled vehicles.

30 (d) Accordingly, it is the intent of the Legislature in enacting  
31 this act to ensure that new motor vehicle dealer franchisees are  
32 treated fairly by their franchisors and that new motor vehicle dealer  
33 franchisees are reasonably compensated for repairs on recalled  
34 vehicles.

35 SEC. 2. Section 3065 of the Vehicle Code is amended to read:

36 3065. (a) Every franchisor shall properly fulfill every warranty  
37 agreement made by it and adequately and fairly compensate each  
38 of its franchisees for labor and parts used to fulfill that warranty  
39 when the franchisee has fulfilled warranty obligations of  
40 diagnostics, repair, and servicing and shall file a copy of its

1 warranty reimbursement schedule or formula with the board. The  
2 warranty reimbursement schedule or formula shall be reasonable  
3 with respect to the time and compensation allowed to the franchisee  
4 for the warranty diagnostics, repair, servicing, and all other  
5 conditions of the obligation, including all costs associated with  
6 the disposal of hazardous materials that are associated with a recall.  
7 The reasonableness of the warranty reimbursement schedule or  
8 formula shall be determined by the board if a franchisee files a  
9 protest with the board. A franchisor shall not replace, modify, or  
10 supplement the warranty reimbursement schedule to impose a  
11 fixed percentage or other reduction in the time and compensation  
12 allowed to the franchisee for warranty repairs not attributable to  
13 a specific repair. A franchisor may reduce the allowed time and  
14 compensation applicable to a specific warranty repair only upon  
15 15 days' prior written notice to the franchisee. Any protest  
16 challenging a reduction in time and compensation applicable to  
17 specific parts or labor operations shall be filed within six months  
18 following the franchisee's receipt of notice of the reduction, and  
19 the franchisor shall have the burden of establishing the  
20 reasonableness of the reduction and adequacy and fairness of the  
21 resulting compensation.

22 (b) In determining the adequacy and fairness of the  
23 compensation, the franchisee's effective labor rate charged to its  
24 various retail customers may be considered together with other  
25 relevant criteria. If in a protest permitted by this section filed by  
26 any franchisee the board determines that the warranty  
27 reimbursement schedule or formula fails to provide adequate and  
28 fair compensation or fails to conform with the other requirements  
29 of this section, within 30 days after receipt of the board's order,  
30 the franchisor shall correct the failure by amending or replacing  
31 the warranty reimbursement schedule or formula and implementing  
32 the correction as to all franchisees of the franchisor that are located  
33 in this state.

34 (c) If any franchisor disallows a franchisee's claim for a  
35 defective part, alleging that the part, in fact, is not defective, the  
36 franchisor shall return the part alleged not to be defective to the  
37 franchisee at the expense of the franchisor, or the franchisee shall  
38 be reimbursed for the franchisee's cost of the part, at the  
39 franchisor's option.

1 (d) (1) All claims made by franchisees pursuant to this section  
2 shall be either approved or disapproved within 30 days after their  
3 receipt by the franchisor. Any claim not specifically disapproved  
4 in writing within 30 days from receipt by the franchisor shall be  
5 deemed approved on the 30th day. All claims made by franchisees  
6 under this section and Section 3064 for labor and parts shall be  
7 paid within 30 days after approval.

8 (2) A franchisor shall not disapprove a claim unless the claim  
9 is false or fraudulent, repairs were not properly made, repairs were  
10 inappropriate to correct a nonconformity with the written warranty  
11 due to an improper act or omission of the franchisee, or for material  
12 noncompliance with reasonable and nondiscriminatory  
13 documentation and administrative claims submission requirements.

14 (3) When any claim is disapproved, the franchisee who submits  
15 it shall be notified in writing of its disapproval within the required  
16 period, and each notice shall state the specific grounds upon which  
17 the disapproval is based. The franchisor shall provide for a  
18 reasonable appeal process allowing the franchisee at least 30 days  
19 after receipt of the written disapproval notice to provide additional  
20 supporting documentation or information rebutting the disapproval.  
21 If disapproval is based upon noncompliance with documentation  
22 or administrative claims submission requirements, the franchisor  
23 shall allow the franchisee at least 30 days from the date of receipt  
24 of the notice to cure any material noncompliance. If the disapproval  
25 is rebutted, and material noncompliance is cured before the  
26 applicable deadline, the franchisor shall approve the claim.

27 (4) If the franchisee provides additional supporting  
28 documentation or information purporting to rebut the disapproval,  
29 attempts to cure noncompliance relating to the claim, or otherwise  
30 appeals denial of the claim and the franchisor continues to deny  
31 the claim, the franchisor shall provide the franchisee with a written  
32 notification of the final denial within 30 days of completion of the  
33 appeal process, which shall conspicuously state “Final Denial” on  
34 the first page.

35 (5) Failure to approve or pay within the above specified time  
36 limits, in individual instances for reasons beyond the reasonable  
37 control of the franchisor, shall not constitute a violation of this  
38 article.

39 (6) Within six months after either receipt of the written notice  
40 described in paragraph (3) or (4), whichever is later, a franchisee

1 may file a protest with the board for determination of whether the  
2 franchisor complied with the requirements of this subdivision. In  
3 any protest pursuant to this subdivision, the franchisor shall have  
4 the burden of proof.

5 (e) (1) Audits of franchisee warranty records may be conducted  
6 by the franchisor on a reasonable basis for a period of nine months  
7 after a claim is paid or credit issued. A franchisor shall not select  
8 a franchisee for an audit, or perform an audit, in a punitive,  
9 retaliatory, or unfairly discriminatory manner. A franchisor may  
10 conduct no more than one random audit of a franchisee in a  
11 nine-month period. The franchisor's notification to the franchisee  
12 of any additional audit within a nine-month period shall be  
13 accompanied by written disclosure of the basis for that additional  
14 audit.

15 (2) Previously approved claims shall not be disapproved or  
16 charged back to the franchisee unless the claim is false or  
17 fraudulent, repairs were not properly made, repairs were  
18 inappropriate to correct a nonconformity with the written warranty  
19 due to an improper act or omission of the franchisee, or for material  
20 noncompliance with reasonable and nondiscriminatory  
21 documentation and administrative claims submission requirements.  
22 A franchisor shall not disapprove or chargeback a claim based  
23 upon an extrapolation from a sample of claims, unless the sample  
24 of claims is selected randomly and the extrapolation is performed  
25 in a reasonable and statistically valid manner.

26 (3) If the franchisor disapproves of a previously approved claim  
27 following an audit, the franchisor shall provide to the franchisee,  
28 within 30 days after the audit, a written disapproval notice stating  
29 the specific grounds upon which the claim is disapproved. The  
30 franchisor shall provide a reasonable appeal process allowing the  
31 franchisee a reasonable period of not less than 30 days after receipt  
32 of the written disapproval notice to respond to any disapproval  
33 with additional supporting documentation or information rebutting  
34 the disapproval and to cure noncompliance, with the period to be  
35 commensurate with the volume of claims under consideration. If  
36 the franchisee rebuts any disapproval and cures any material  
37 noncompliance relating to a claim before the applicable deadline,  
38 the franchisor shall not chargeback the franchisee for that claim.

39 (4) If the franchisee provides additional supporting  
40 documentation or information purporting to rebut the disapproval,

1 attempts to cure noncompliance relating to the claim, or otherwise  
 2 appeals denial of the claim and the franchisor continues to deny  
 3 the claim, the franchisor shall provide the franchisee with a written  
 4 notification of the final denial within 30 days of completion of the  
 5 appeal process, which shall conspicuously state “Final Denial” on  
 6 the first page.

7 (5) The franchisor shall not chargeback the franchisee until 45  
 8 days after receipt of the written notice described in paragraph (3)  
 9 or paragraph (4), whichever is later. Any chargeback to a franchisee  
 10 for warranty parts or service compensation shall be made within  
 11 90 days of receipt of that written notice. If the franchisee files a  
 12 protest pursuant to this subdivision prior to the franchisor’s  
 13 chargeback for denied claims, the franchisor shall not offset or  
 14 otherwise undertake to collect the chargeback until the board issues  
 15 a final order on the protest. If the board sustains the chargeback  
 16 or the protest is dismissed, the franchisor shall have 90 days  
 17 following issuance of the final order or the dismissal to make the  
 18 chargeback, unless otherwise provided in a settlement agreement.

19 (6) Within six months after either receipt of the written  
 20 disapproval notice or completion of the franchisor’s appeal process,  
 21 whichever is later, a franchisee may file a protest with the board  
 22 for determination of whether the franchisor complied with this  
 23 subdivision. In any protest pursuant to this subdivision, the  
 24 franchisor shall have the burden of proof.

25 (f) If a false claim was submitted by a franchisee with the intent  
 26 to defraud the franchisor, a longer period for audit and any resulting  
 27 chargeback may be permitted if the franchisor obtains an order  
 28 from the board.

29 (g) For purposes of this section, “warranty” includes a recall  
 30 conducted pursuant to Sections 30118 to 30120, inclusive, of Title  
 31 49 of the United States Code. This subdivision is declaratory and  
 32 not amendatory of existing law.

33 ~~SEC. 3. Section 11713.18 of the Vehicle Code is amended to~~  
 34 ~~read:~~

35 ~~11713.18. (a) It is a violation of this code for the holder of~~  
 36 ~~any dealer’s license issued under this article to advertise for sale~~  
 37 ~~or sell a used vehicle as “certified” or use any similar descriptive~~  
 38 ~~term in the advertisement or the sale of a used vehicle that implies~~  
 39 ~~the vehicle has been certified to meet the terms of a used vehicle~~  
 40 ~~certification program if any of the following apply:~~

- 1     ~~(1) The dealer knows or should have known that the odometer~~  
2     ~~on the vehicle does not indicate actual mileage, has been rolled~~  
3     ~~back or otherwise altered to show fewer miles, or replaced with~~  
4     ~~an odometer showing fewer miles than actually driven.~~
- 5     ~~(2) The dealer knows or should have known that the vehicle~~  
6     ~~was reacquired by the vehicle's manufacturer or a dealer pursuant~~  
7     ~~to state or federal warranty laws.~~
- 8     ~~(3) The title to the vehicle has been inscribed with the notation~~  
9     ~~"Lemon Law Buyback," "manufacturer repurchase," "salvage,"~~  
10    ~~"junk," "nonrepairable," "flood," or similar title designation~~  
11    ~~required by this state or another state.~~
- 12    ~~(4) The vehicle has sustained damage in an impact, fire, or flood,~~  
13    ~~that after repair prior to sale substantially impairs the use or safety~~  
14    ~~of the vehicle.~~
- 15    ~~(5) The dealer knows or should have known that the vehicle has~~  
16    ~~sustained frame damage.~~
- 17    ~~(6) Prior to sale, the dealer fails to provide the buyer with a~~  
18    ~~completed inspection report indicating all the components~~  
19    ~~inspected.~~
- 20    ~~(7) The dealer disclaims any warranties of merchantability on~~  
21    ~~the vehicle.~~
- 22    ~~(8) The vehicle is sold "AS IS."~~
- 23    ~~(9) The term "certified" or any similar descriptive term is used~~  
24    ~~in any manner that is untrue or misleading or that would cause any~~  
25    ~~advertisement to be in violation of subdivision (a) of Section 11713~~  
26    ~~of this code or Section 17200 or 17500 of the Business and~~  
27    ~~Professions Code.~~
- 28    ~~(10) The vehicle is subject to an unremedied manufacturer's~~  
29    ~~recall described in a recall database report required by Section~~  
30    ~~11756.~~
- 31    ~~(b) A violation of this section is actionable under the Consumers~~  
32    ~~Legal Remedies Act (Title 1.5 (commencing with Section 1750)~~  
33    ~~of Part 4 of Division 3 of the Civil Code), the Unfair Competition~~  
34    ~~Law (Chapter 5 (commencing with Section 17200) of Part 2 of~~  
35    ~~Division 7 of the Business and Professions Code), Section 17500~~  
36    ~~of the Business and Professions Code, or any other applicable state~~  
37    ~~or federal law. The rights and remedies provided by this section~~  
38    ~~are cumulative and shall not be construed as restricting any right~~  
39    ~~or remedy that is otherwise available.~~

1 ~~(e) This section does not abrogate or limit any disclosure~~  
2 ~~obligation imposed by any other law.~~

3 ~~(d) This section does not apply to the advertisement or sale of~~  
4 ~~a used motorcycle or a used off-highway motor vehicle subject to~~  
5 ~~identification under Section 38010.~~

6 ~~SEC. 4.~~

7 SEC. 3. Article 1.1 (commencing with Section 11750) is added  
8 to Chapter 4 of Division 5 of the Vehicle Code, to read:

9

10 Article 1.1. Consumer Automotive Recall Safety Act

11

12 11750. This article shall be known, and may be cited, as the  
13 Consumer Automotive Recall Safety Act (CARS Act).

14 11752. As used in this article, the following definitions apply:

15 (a) The term “dealer” has the same meaning as in Section 285.

16 (b) (1) A “manufacturer’s recall” is a recall conducted pursuant  
17 to Sections 30118 to 30120, inclusive, of Title 49 of the United  
18 States Code.

19 (2) A manufacturer’s recall does not include a service campaign  
20 or emission recall when the vehicle manufacturer or the National  
21 Highway Traffic Safety Administration has not issued a recall  
22 notice to owners of affected vehicles, pursuant to Section 30118  
23 of Title 49 of the United States Code.

24 (c) A “recall database” is a database from which an individual  
25 may obtain vehicle identification number (VIN) specific  
26 manufacturer’s recall information relevant to a specific vehicle.

27 (1) For a vehicle manufacturer that is not subject to the  
28 regulations adopted pursuant to Section 31301 of the federal  
29 Moving Ahead for Progress in the 21st Century Act (Public Law  
30 112-141), a recall database is one of the following:

31 (A) The recall data on a vehicle manufacturer’s Internet Web  
32 site for a specific vehicle’s line-make.

33 (B) The recall data in a vehicle manufacturer’s internal system  
34 that provides information to its franchisees on vehicles subject to  
35 recall.

36 (C) The recall data in subparagraph (A) or (B) that is contained  
37 in a commercially available vehicle history system.

38 (2) For a vehicle manufacturer that is subject to the regulations  
39 adopted pursuant to Section 31301 of the federal Moving Ahead  
40 for Progress in the 21st Century Act (Public Law 112-141), a recall

1 database shall include, at a minimum, the recall information  
2 required pursuant to Section 573.15 of Title 49 of the Code of  
3 Federal Regulations.

4 (d) A “recall database report” is a report, specific to a vehicle  
5 that is identified by its VIN, containing information obtained from  
6 a recall database.

7 (e) A “rental car company” is a person or entity in the business  
8 of renting passenger vehicles to the public in California.

9 (f) The term “used vehicle” has the same meaning as set forth  
10 in Section 665.

11 11754. (a) No later than 48 hours after receiving a notice of a  
12 manufacturer’s recall, or sooner if practicable, a dealer or rental  
13 car company shall not loan, rent, or offer for loan or rent a vehicle  
14 subject to that recall until the recall repair has been made.

15 (b) If a recall notification indicates that the remedy for the recall  
16 is not immediately available and specifies actions to temporarily  
17 repair the vehicle in a manner to eliminate the safety risk that  
18 prompted the recall, the dealer or rental car company, after having  
19 the repairs completed, may loan or rent the vehicle. Once the  
20 remedy for the vehicle becomes available to the dealer or rental  
21 car company, the dealer or rental car company shall not loan or  
22 rent the vehicle until the vehicle has been repaired.

23 ~~11756. (a) For every used vehicle advertised for sale as~~  
24 ~~“certified” or any similar descriptive term in the advertisement or~~  
25 ~~the sale of a used vehicle that implies the vehicle has been certified~~  
26 ~~to meet the terms of a used vehicle certification program, a dealer~~  
27 ~~shall obtain a recall database report before the display or offer and~~  
28 ~~every 30 days thereafter until the vehicle is no longer displayed~~  
29 ~~or offered for sale.~~

30 ~~(b) If a recall database report obtained by a dealer indicates that~~  
31 ~~a used vehicle is subject to a manufacturer’s recall, the dealer shall~~  
32 ~~not advertise for sale or sell that vehicle as “certified” or use any~~  
33 ~~similar descriptive term in the advertisement or the sale of the used~~  
34 ~~vehicle that implies the vehicle has been certified to meet the terms~~  
35 ~~of a used vehicle certification program until the recall repair has~~  
36 ~~been made.~~

37 11758. (a) Before mailing a notice of registration renewal to  
38 the registered owner of a vehicle, pursuant to Section 1661, the  
39 department shall obtain a recall database report for that vehicle.  
40 If the recall database report indicates that the vehicle is subject to

1 a manufacturer’s recall, the department shall notify the registered  
 2 owner by checking the box next to the recall disclosure statement  
 3 specified in subdivision (b).

4 (b) The department shall include the following recall disclosure  
 5 statement on the notice of registration renewal for a vehicle subject  
 6 to a manufacturer’s recall:

7  
 8 “WARNING. This vehicle has an unrepaired manufacturer’s  
 9 recall. You can get this recall repaired for free. You can check for  
 10 any recalls and how to get the recall repaired at the National  
 11 Highway Traffic Safety Administration’s Internet Web site.”  
 12

13 (c) This section shall become operative on the date that the  
 14 Director of Motor Vehicles executes a declaration, to be retained  
 15 by the director, in which the director certifies that the department  
 16 has appropriate access to the necessary data within a recall database  
 17 and available funding to include a recall disclosure statement on  
 18 the notice of registration renewal for a vehicle subject to a  
 19 manufacturer’s recall. The director shall post the declaration on  
 20 the department’s Internet Web site and shall send the declaration  
 21 to the appropriate committees of the Legislature and to the  
 22 Legislative Counsel.

23 11760. This article shall not create any legal duty upon the  
 24 dealer, rental car company, or department related to the accuracy,  
 25 errors, or omissions contained in a recall database report or any  
 26 legal duty to provide information added to a recall database after  
 27 the dealer, rental car company, or department obtained the recall  
 28 database report pursuant to Sections ~~11754, 11756, 11754~~ and  
 29 11758.

30 ~~11760.5.~~

31 11761. The rights and remedies provided by this article are  
 32 cumulative and shall not be construed as restricting any right or  
 33 remedy that is otherwise available.

34 ~~11761. This article does not apply to the sale of a recreational  
 35 vehicle, a motorcycle, an off-highway motor vehicle subject to  
 36 identification under Section 38010, a vehicle sold by a dismantler  
 37 after being reported for dismantling pursuant to Section 11520, or  
 38 a vehicle sold by a salvage pool after obtaining a salvage pool  
 39 certificate pursuant to Section 11515 or a nonrepairable vehicle  
 40 certificate issued pursuant to Section 11515.2.~~

1 11762. The provisions of this article are severable. If any  
2 provision of this article or its application is held invalid, that  
3 invalidity shall not affect other provisions or applications that can  
4 be given effect without the invalid provision or application.

5 11763. Except as otherwise provided in Section 11758, this  
6 article shall become operative on July 1, 2017.

7 ~~SEC. 5.~~

8 *SEC. 4.* No reimbursement is required by this act pursuant to  
9 Section 6 of Article XIII B of the California Constitution because  
10 the only costs that may be incurred by a local agency or school  
11 district will be incurred because this act creates a new crime or  
12 infraction, eliminates a crime or infraction, or changes the penalty  
13 for a crime or infraction, within the meaning of Section 17556 of  
14 the Government Code, or changes the definition of a crime within  
15 the meaning of Section 6 of Article XIII B of the California  
16 Constitution.

O