



CONSUMER NEWS

SAN DIEGO CITY ATTORNEY'S OFFICE

Automotive Repair

July 2010

Anyone who engages in the business of repairing or diagnosing vehicles that are not functioning properly for compensation in California must register with the Bureau of Automotive Repair (BAR).

The BAR issues registrations to automotive repair shops and takes complaints from members of the public about the shops. The telephone number to complain to the BAR about an auto repair business in San Diego County is **(858) 716-1025**. The City Attorney's Office prosecutes cases referred to it by the BAR.

REPAIRING VEHICLES FOR A FEE WITHOUT REGISTERING IS A CRIME:

If a person repairs vehicles for a fee without first registering with the BAR, this is a misdemeanor. If convicted, the person faces jail and fines.

The registration process involves paying a fee to the BAR and agreeing to abide by the regulations governing automotive repair. The BAR does **not** test applicants to determine their skill or ability to perform automotive repairs. Thus, consumers should determine for themselves whether a registered automotive repair shop has the skills necessary to perform the work.

TIPS FOR CHOOSING A REPAIR SHOP:

The following tips can help you choose a repair shop:

- Find out if shop is registered with the BAR by checking its website: www.autorepair.ca.gov
- Check with the Better Business Bureau to see if there have been complaints against the business that have not been satisfactorily resolved: www.sandiego.bbb.org

- Ask the shop owner for references and check with the references.
- Check with your friends and family to find out about the repair shops they like.
- Ask whether the repair shop belongs to any automotive trade organizations or its employees have specialized technician certifications.
- Look at the shop and determine whether it is neat, organized, and has modern equipment.
- Ask the shop employee whether it guarantees its work, and if so, ask for a copy of the guarantee in writing.
- Make sure that the shop provides you the paperwork that it is required to provide by law.
- Use a shop for smaller jobs to make sure you like it.

LAWS THAT PROTECT CONSUMERS:

All auto repair shops must post a sign to inform consumers of their rights. These rights include:

- Receiving a written estimate for repair work
- Receiving a detailed invoice of work done and parts supplied, and
- Returning replaced parts, if requested at the time a work order is placed.

An auto repair shop must provide a written estimate before doing any work on your vehicle. The estimate must include all the costs for parts and labor. The estimate must list the parts to be used and the method of repair. Unless you authorize the repair, the shop cannot begin the work or charge you for it.

The initial repair estimate must be approved by you in writing to be binding. After you have authorized the work, if the shop wishes to change the bill, it must ask for your approval before commencing the additional work. The shop can get your approval for additional work verbally.

Before you sign an estimate or agree to additional repairs, be sure you understand the work that the shop will do and what it will cost.

When the repairs are completed, the shop must present you with a written invoice that describes all the work done and parts that were replaced, whether the parts

were used, reconditioned, or rebuilt, and the labor cost.

If the business charges you for hazardous waste disposal, the shop must list the charge and its Environmental Protection Agency number on the invoice. You can request to get your replaced parts back before the work is done and the shop must provide them to you.

Automotive repair shops are not required to guarantee their work, but if they offer a guarantee it must be in writing and set forth what is covered, what you must do to use the guarantee, the length of time the guarantee lasts, any exclusions, and whether the guarantee is transferable if you sell the vehicle.

FREE BODY WORK INSPECTIONS:

Some unscrupulous body shops represent that they will replace damaged parts but then merely fill the damaged parts and paint them over. This reduces the vehicle's value and may leave a structurally unsound part in place. The BAR offers a free inspection program for consumers who have had body work done to their vehicles.

Consumers can call the BAR at (866) 799-3811 toll free to schedule an appointment. A BAR inspector will come to your home to inspect your vehicle for free. The inspector will compare the representations on your invoice with the work actually done.

If the work was not done as represented, you will be informed and can file a complaint with the BAR and/or your insurance company. The program is free and well worth the time.

SMOG CHECK PROGRAM:

The BAR also regulates Smog Check stations. Unscrupulous stations engage in "clean piping" which involves testing a vehicle that complies with the emissions requirements for tailpipe emissions and certifying the test was performed on a vehicle that does not comply with the emissions standards.

Consumers can complain to the BAR about a smog station online at <https://app.dca.ca.gov/bar/complaints.asp>.

If your car fails the smog inspection and requires repairs in order to pass, you may be eligible for financial assistance to pay for the repairs. There is also a program that pays consumers to junk their cars when the cars cannot be repaired to comply with smog laws. Information about these programs is available on the BAR website at http://www.autorepair.ca.gov/03_BARPrograms/Smog_Check.html.

ENFORCEMENT:

The BAR investigates complaints by consumers. Investigators interview consumers, inspect the work that has been done, and contact

the shop owners for their side of the story.

If there has been a violation of law, the BAR may fine the registered owner of the shop or may refer the matter for prosecution to the City Attorney's Office. Many disputes are resolved when shop owners agree to repair the vehicle to the consumer's satisfaction. The BAR provides a valuable service to consumers.

For more information on the laws and programs discussed in this newsletter, please visit the BBB website.

**San Diego
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Consumer and Environmental
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This newsletter was written by Assistant City Attorney Tricia Pummill.

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Sources: California Business and Professions Code sections 9880-9889.68 and the BAR website. The information provided in this newsletter is intended to convey general information and is not intended to be relied upon as legal advice.

To report violations of consumer protection laws, call the City Attorney's Hotline at **(619) 533-5600**.