



# California Regulatory Notice Register

REGISTER 2016, NO. 10-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

MARCH 4, 2016

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

CALIFORNIA REGULATORY NOTICE REGISTER (USPS 002–931), (ISSN 1041-2654) is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by Barclays, a subsidiary of West, a Thomson Reuters Business, and is offered by subscription for \$205.00 (annual price). To order or make changes to current subscriptions, please call (800) 888-3600. “Periodicals Postage Paid in Saint Paul, MN.” **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Barclays, a subsidiary of West, a Thomson Reuters Business, P.O. Box 2006, San Francisco, CA 94126. The Register can also be accessed at <http://www.oal.ca.gov>.

## PROPOSED ACTION ON REGULATIONS

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### TITLE 2. DEPARTMENT OF HUMAN RESOURCES

The Department of Human Resources (Department) proposes to adopt a regulation to provide clarity and specificity to section 18720.45 which was added to the Government Code by Senate Bill 1240. Section 18720.45, provides that state agencies shall use employment forms that require applicants for employment to disclose if they have previously entered into an agreement which prohibits the applicant from seeking or accepting subsequent employment with the state. The Department proposes to adopt the regulation described below after considering all comments, objections, and recommendations regarding the proposed action.

#### I. PUBLIC HEARING

The Department has not scheduled a public hearing on this proposed action. However, the Department will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

#### II. WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. Comments may also be submitted by facsimile (FAX) at (916) 323-4723 or by email to [nancy.craig@calhr.ca.gov](mailto:nancy.craig@calhr.ca.gov). The written comment period begins on March 4, 2016 and closes at 5:00 p.m. on April 18, 2016. The Department will consider only comments received at the Department during that time. Submit comments to:

Nancy Craig  
Legal Division  
California Department of Human Resources  
1515 S Street, North Building, Suite 500  
Sacramento, CA 95811  
[Nancy.craig@calhr.ca.gov](mailto:Nancy.craig@calhr.ca.gov)

#### III. AUTHORITY AND REFERENCE

The Department has authority to regulate in this area pursuant to Government Code section 19815.4, subd. (d) and Government Code section 18720. The proposed regulation implements, interprets, and makes specific section 18720.45 of the Government Code.

#### IV. INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This rulemaking action will establish clear, updated, and specific guidance regarding what information must be requested from applicants on state employment forms.

Government Code section 18720.45, provides that employment forms used by state agencies shall require applicants to disclose whether the applicant has entered any agreement which prohibits the applicant from seeking or accepting subsequent employment with the state.

This proposed regulation will clarify and make specific section 18720.45. The Department interprets the statute to require applicants to disclose both prior agreements not to seek or accept employment with a particular agency as well as broader agreements not to seek or accept employment with any agency in the entire state civil service. This interpretation is supported by the law and good public policy. The Department has become aware that some employees and their exclusive representatives interpret section 18720.45 such that the applicant need only disclose those agreements in which the applicant agreed not to seek or accept employment with any agency in the entire state civil service. Under this interpretation, applicants need not disclose agreements not to return to a particular agency. Therefore, in order to provide clarity and transparency, and to prevent confusion as to when and under what circumstances applicants for a position must disclose a prior agreement not to seek or accept employment with the state, the Department is adopting this regulation to clarify and make more specific section 18720.45.

The proposed regulation clarifies that section 18720.45 requires disclosure of both types of agreements: those which include an agreement not to return to one particular agency as well as those that contain an agreement not to return to employment in state civil service as a whole. The proposed regulation mandates the exact questions and directions that must be included on employment forms to solicit the required information.

Under the proposed regulation, an applicant who previously entered into an agreement not to seek or accept employment anywhere in state civil service must disclose all such agreements. However, where an applicant agreed not to seek or accept employment with a particular agency, the proposed regulation limits the types of

agreements that must be disclosed. Hence, where an applicant entered a prior agreement not to seek or accept employment with a particular agency, the applicant will only be required to disclose those agreements involving adverse actions, rejections during probation, and absence without leave (AWOL) separations.

By narrowing the types of agreements which must be disclosed when the employee agreed not to return to a particular agency, the regulation ensures that only those agreements that relate to the employee's work performance, including reliability, are disclosed. For example, agreements pertaining only to an employee's medical condition or workers' compensation history do not reflect on the employee's work performance, including reliability, with the prior employer nor do such agreements predict ability to perform and be a good fit for a subsequent employer. Thus, the regulation does not require that those types of agreements be disclosed. However, agreements involving adverse actions, rejections during probation and AWOL termination do provide other state agencies with relevant information regarding the employee's prior performance history, including reliability. Moreover, currently there is no mechanism in place in the state whereby state agencies other than the prior agency who entered the agreement, can obtain this information.

This same limitation is not necessary where an applicant agreed not to seek or accept employment with any agency in the state civil service as a whole. In such cases, all agreements are relevant because the individual agreed never to return to any agency in the state.

The proposed regulation also defines "state agency" for the purpose of the regulation.

Anticipated Benefits of the Proposed Regulation:

These regulations will benefit applicants for employment, state agencies, and the state civil service overall. With the guidance provided by this regulation, applicants for employment will know precisely what information they are required to disclose regarding any previous agreements not to seek or accept employment with the state. The regulation will decrease the chance that such applicants fail to provide required information and the chance that they will provide unnecessary information. State agencies will receive relevant information regarding applicants' prior work history and reliability and will be able to make more informed hiring decisions. Specifically, they will be able to avoid unknowingly appointing individuals who had previously agreed to refrain from seeking or accepting employment with the state. Finally, the state service as a whole will benefit from a more transparent hiring process that enables better informed hiring decisions which will result in a stronger workforce.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

The Department conducted a search of any regulations that would relate to this area and found that there are no existing state regulations that implement Government Code section 18720.45 and the requirement of state employment applicants to disclose prior agreements with the state. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

**V. DISCLOSURES REGARDING THE PROPOSED ACTION**

The Department has made the following initial determinations:

Mandate on local agencies and school districts:

None. The regulation merely interprets what information must be disclosed on applications for state employment.

Cost or savings to any state agency:

The regulation creates no new cost or savings to any state agency.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630:

None.

Other nondiscretionary cost or savings imposed on local agencies:

None.

Cost or savings in federal funding to the state:

None.

Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states:

None. This regulation only affects the information that must be provided on applications for state employment.

Cost impacts on a representative private person or business:

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Small Business Impact:

None. The proposed regulation affects only applicants for state employment and neither impacts nor applies to small businesses.

Impact on Reporting:

None. The proposed action does not require the making of any reports.

Effect on Housing Costs:

None.

VI. RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The proposed regulations specify and clarify what information must be required on an application for state employment. This proposal does not affect the creation or elimination of jobs within California. No new business will be created by and no existing businesses will be eliminated by this proposal. This proposal will not affect the expansion of existing businesses in California. The regulations do not have a direct impact on the health and welfare of California residents, worker safety, or the state's environment. However, the proposed regulations will indirectly benefit the health and welfare of California residents by increasing the information available to those selecting candidates for state employment, potentially resulting in a better working environment for state employees and greater efficiency and a higher quality of work produced by state employees.

VII. CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative it considered 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 proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

VIII. CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Nancy Craig  
 Labor Relations Counsel  
 California Department of Human Resources  
 1515 S Street, North Building, Suite 500  
 Sacramento, CA 95811  
 Telephone: (916) 324-0512  
 E-mail: [Nancy.Craig@calhr.ca.gov](mailto:Nancy.Craig@calhr.ca.gov)

The backup contact person for these inquiries is:

Frolan Aguilin  
 Deputy Chief Counsel  
 California Department of Human Resources  
 1515 S Street, North Building, Suite 500  
 Sacramento, CA 95811  
 Telephone: (916) 324-0512  
 E-mail: [Frolan.Aguiling@calhr.ca.gov](mailto:Frolan.Aguiling@calhr.ca.gov)

Please direct requests for copies of the proposed text (the "express terms") of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Nancy Craig at the above address.

IX. AVAILABILITY OF THE STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. Copies of the full text of the proposed action, the proposed regulation, as well as the Initial Statement of Reasons and other items in the rulemaking file are also available for viewing and download on the Department's website at <http://www.calhr.ca.gov/Pages/public-notice.aspx>. Copies can also be obtained by contacting the Contact Person listed above.

X. AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Department may then adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with changes clearly indicated) available to the public for at least 15 days before the department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Nancy Craig at the address indicated above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

XI. AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Nancy Craig at the above address.

**TITLE 2. FAIR POLITICAL PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested

in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict-of-interest codes, will review the proposed/amended conflict-of-interest codes of the following:

**CONFLICT-OF-INTEREST CODES**

**AMENDMENT**

STATE AGENCY: Legislative Counsel Bureau

A written comment period has been established commencing on March 4, 2016, and closing on April 18, 2016. Written comments should be directed to the Fair Political Practices Commission, Attention Ivy Branaman, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict-of-interest code(s) will be submitted to the Commission's Executive Director for her review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict-of-interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon her or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than April 18, 2016. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

**COST TO LOCAL AGENCIES**

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

**EFFECT ON HOUSING COSTS  
AND BUSINESSES**

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

**AUTHORITY**

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code-reviewing body for the above conflict-of-interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

**REFERENCE**

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict-of-interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to Ivy Branaman, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

**AVAILABILITY OF PROPOSED  
CONFLICT-OF-INTEREST CODES**

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Ivy Branaman, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

**TITLE 8. OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

**General Industry Safety Orders  
Section 5155**

**Airbone Contaminants — Wood Dust and  
Western Red Cedar**

NOTICE IS HEREBY GIVEN that the Occupational Safety and Health Standards Board (Board) proposes to adopt, amend or repeal the foregoing provisions of Title 8 of the California Code of Regulations in the manner described in the Informative Digest, below.

PUBLIC HEARING

The Board will hold a public hearing starting at 10:00 a.m. on **April 21, 2016** in the **Council Chambers** of the **Walnut Creek City Hall, 1666 N. Main Street, Walnut Creek**. At this public hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest.

WRITTEN COMMENT PERIOD

Any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. The written comment period commences on **March 4, 2016** and closes at 5:00 p.m. on **April 21, 2016**. Comments received after that deadline will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments are to be submitted as follows:

- By mail to Sarah Money, Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; or
- By fax at (916) 274-5743; or
- By e-mail sent to [oshsb@dir.ca.gov](mailto:oshsb@dir.ca.gov).

AUTHORITY AND REFERENCE

Labor Code Section 142.3 establishes the Board as the only agency in the State authorized to adopt occupational safety and health standards. In addition, Labor Code Section 142.3 requires the adoption of occupational and health standards that are at least as effective as federal occupational safety and health standards.

Labor Code Section 144.6 requires that the Board, when dealing with standards for toxic materials and harmful physical agents, adopt standards which most adequately assure, to the extent feasible, that no employee suffer material impairment of health or functional capacity even if such employee has regular exposure to the hazard for the period of their working lifetime. This section also requires that the Board base standards on research, demonstrations, experiments and other information as may be appropriate. Labor Code Section 144.6 also lists other considerations such as the latest available scientific data in the field, the reasonableness of the standards, and experience gained under this and other health and safety laws.

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

CCR Title 8, Section 5155, Airborne Contaminants, establishes minimum requirements for controlling employee exposure to specific airborne contaminants. California periodically amends the airborne contaminants table (Table AC-1) in this standard to keep it consistent with current information regarding harmful effects of exposure to these substances and other new substances not listed.

The substances wood dust and western red cedar with the amended Permissible Exposure Limits (PEL) in this proposal were considered by the Division of Occupational Safety and Health's (Division) Health Expert Advisory Committee (HEAC) in three public meetings from September 2009 through June 2010. The HEAC considered the health basis of possible changes to the PEL based on a range of scientific information. Technical assistance was also provided to the Division by the Hazard Evaluation System and Information Service in the California Department of Public Health. In addition, informal public comment was invited on the range for possible PELs recommended by the HEAC for potential feasibility and cost issues at a meeting of the Division's Feasibility Advisory Committee (FAC) on October 6, 2010. The meetings of both the HEAC and the FAC were open to the public.

The effect of these amendments is to reduce the risk of material impairment of health or functional capacity of employees exposed to wood dust and western red cedar.

The proposed changes to CCR Title 8, Section 5155 are considered to be at least as effective as, or more stringent than, the Code of Federal Regulations (CFR) requirements for these substances found at CFR Title 29, Section 1910.1000 for Air Contaminants.

This proposed rulemaking action is not inconsistent or incompatible with existing state regulations. This proposal is part of a system of occupational safety and health regulations. The consistency and compatibility of that system's component regulations is provided by the requirement of the federal government and the Labor Code that the State regulations be at least as effective as their counterpart and the requirement that all state occupational safety and health rulemaking be channeled through a single entity (the Standards Board).

This proposal differs from existing federal standards in that federal OSHA does not currently include a specific PEL value for wood dust or for western red cedar. Regarding occupational health issues not covered by federal standards, Labor Code section 147.1(c) mandates that the Division maintain surveillance, determine the necessity for standards, and develop and present

proposed standards to the Standards Board. For a variety of reasons, the federal standards for air contaminants have remained largely unrevised since their promulgation in the early 1970s, with the exception of substances for which individual comprehensive chemical hazard control standards have been promulgated, primarily for carcinogens. Since the federal standards were promulgated over 40 years ago, considerable scientific evidence has shown that wood dust and western red cedar have the potential to adversely affect human health. The Standards Board believes the Division appropriately carried out its mandate under Labor Code section 147.1 to present the PELs proposed for wood dust and for western red cedar in this rulemaking, including a determination of necessity for the proposed amendments. In addition, the Standards Board believes that with this proposal, it is carrying out its mandate under Labor Code section 144.6 to adopt standards dealing with toxic materials which most adequately assure, to the extent feasible, that no employee will suffer material impairment of health or functional capacity, taking into account the latest available scientific data in the field and the reasonableness of the standard.

Anticipated Benefits

Adoption of the proposed change to the PEL for wood dust will result in improved lung function and fewer respiratory symptoms for workers in the wood industry. This change will also reduce workers’ potential for the development of cancer as a result of exposure to wood dust.

Adoption of the proposed change to the PEL for western red cedar will protect workers exposed to dust from this wood from development of occupational asthma.

The specific changes are as follows:

- Lowers the existing PEL in CCR, Title 8, Section 5155 Table AC–1 for wood dust from an 8–hour time–weighted average (TWA) of 5 milligrams per cubic meter of air (mg/M<sup>3</sup>) to 1 mg/M<sup>3</sup> total particulate mass.
- Lowers the existing 15–minute short term exposure limit in CCR, Title 8, Section 5155 Table AC–1 for wood dust from 10 mg/M<sup>3</sup> to 5 mg/M<sup>3</sup> total particulate mass.
- Lowers the existing PEL in CCR, Title 8, Section 5155 Table AC–1 for Western Red Cedar from an 8–hour TWA of 2.5 mg/M<sup>3</sup> to 0.5 mg/M<sup>3</sup> total particulate mass.

The effect of these revisions will be to lower the risk that workers exposed to these dusts will develop lung disease, including cancer and occupational asthma. These changes will assure, to the extent feasible, that no employee will suffer material impairment of health or

functional capacity from exposure to these materials over a working life.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on Local Agencies and School Districts: None.

Cost or Savings to State Agencies: None.

Cost to any Local Government or School District which must be Reimbursed in Accordance with Government Code Sections 17500 through 17630: None.

Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None.

Cost or Savings in Federal Funding to the State: None.

Cost Impacts on a Representative Private Person or Business:

The Division is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. Based upon a representative study, the Division believes that a large proportion of affected enterprises are already in compliance with the proposed full–shift PEL, so these enterprises will not have any new costs. For those far fewer enterprises that may not be in compliance and for which there may be a cost impact, the Division believes this cost impact will be nominal. The Division believes that technological improvement and growth and spread of knowledge in recent years has made complying with the proposed PEL easier and in many cases far cheaper than in the past.

Most wood manufacturers with large scale facilities and large numbers of employees must rely on specialized central ventilation systems that deposit wood dust outside the work building. Though such ventilation systems can be very expensive, nearly all large wood manufacturers have had such systems installed for many years. The industry and its insurers have long recognized that such systems are necessary to prevent fires and explosions, so large wood manufacturers already have these systems, though in some cases not well–maintained. Since 2008, federal OSHA has conducted a major emphasis program on reducing the risk of dust explosions. Employers in many industries, including wood manufacturing, have been responding by improving the maintenance and performance of their existing ventilation systems. Long overlooked maintenance on the ventilation systems, such as replacing inefficient ventilation fans, cleaning ducts and repairing leaks, as well as improved maintenance of woodworking machines and better housekeeping of remaining fugitive dust all serve to reduce worker exposure to wood dust as

a side effect of reducing the risk of wood dust explosions. As stated above, because of the attention woodworking manufacturing enterprises have paid to these issues, many will not incur new costs to comply with this proposal.

Most of the wood manufacturing facilities that are not in compliance with the proposed PEL are smaller scale facilities, employing in most cases, only a few workers. In many instances such facilities never installed central ventilation systems. However, because of late 2007 regulatory changes adopted by the Standards Board CCR Title 8, Section 4324, indoor utilization of small, inexpensive “enclosureless bag-type dust collectors [ECD]” is now permitted instead of designed central dust collection systems with a cyclone and/or baghouse located outside the workshop. ECD systems cost between a few hundred dollars for units servicing one or two single woodworking machines to a couple of thousand for complex units servicing more machines. Another way in which wood manufacturers can reduce fugitive wood dust emissions is modification of the designed dust capture ventilation systems on existing woodworking machines, such as table saws and sanders. Vintage machines have ventilation designs that have been determined to be leaking and inefficient but easily and very cheaply remediated by employers by their own efforts incurring only the cost of off-the-shelf sheet metal parts (under \$100). Various sources, including federal OSHA, National Institute for Occupational Safety and Health and numerous other sources available on the internet provide detailed instructions and designs to assist do-it-yourselfers make these modifications.

Another low-cost way to reduce wood dust exposure is to remove accumulated dust more frequently and more efficiently. Enterprises that clean by dry sweeping fugitive dust accumulations contribute both to higher airborne wood dust concentrations and to the explosion and fire risk. Low cost vacuums are an effective housekeeping alternative to sweeping. For hand operations, such as cutting with circular saws, vacuum equipped hand tools are available at costs equivalent to non-vacuum equipped models.

The above considerations [as well as other production-related changes with secondary effects reducing the amount of employee dust exposure, such as a proper alignment of cutting tools and computerized cutting] contribute to the conclusion that the average cost for achieving compliance with the proposed PELs to employers not already in compliance will be low, while a large majority of firms will incur no new costs.

**Statewide Adverse Economic Impact Directly Affecting Businesses and Individuals: Including the Ability of California Businesses To Compete:**

The Division has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses/individuals, including the ability of California businesses to compete with businesses in other states. Based upon the most relevant study by Kalliny et al., nearly three quarters of affected facilities with air sampling data available are already compliant with the proposed full-shift PEL. The high percentage of complying facilities demonstrates that most non-attaining facilities will be able to come into compliance by adopting improved housekeeping and maintenance policies rather than through additional capital expenditure.

**Significant Affect on Housing Costs:** None.

DETERMINATION OF MANDATE

The Division of Occupational Safety and Health has determined that the proposed standard does not impose a local mandate. There are no costs to any local government or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630.

SMALL BUSINESS DETERMINATION

The Division has determined that the proposed amendment may affect small businesses. However, no economic impact is anticipated because small businesses will be able to come into compliance through the use of improved administrative procedures such as better housekeeping and better maintenance of existing mechanical exhaust ventilation. Small businesses are currently required to provide mechanical exhaust ventilation and provide adequate housekeeping in order to maintain wood dust levels below the current PELs. See also the discussion of cost impacts on private businesses, as those considerations as well as other production-related changes with secondary effects reducing the amount of employee dust exposure, such as proper alignment of cutting tools and computerized cutting, contribute to the conclusion that the average cost for achieving compliance with the proposed PELs to small business employers not already in compliance will be about \$1,000. Based upon the overall small percentage of woodworking firms not already in compliance, only about a thousand firms in California will be financially impacted.

**RESULTS OF THE ECONOMIC IMPACT  
ASSESSMENT/ANALYSIS**

The proposed regulation will not have any effect on the creation or elimination of California jobs or the creation of new businesses or the elimination of existing California businesses or affect the expansion of existing California businesses.

There will be no significant adverse economic impact on businesses as a result of this proposal because most affected businesses are already compliant with the proposed new PELs and those affected businesses not in compliance are also not in compliance with the existing PELs either due to poor housekeeping and poor maintenance of existing exhaust ventilation equipment or because of failure to install exhaust ventilation required under existing regulations.

This proposal will neither create nor eliminate jobs within the State of California. This proposal will not create new businesses or eliminate existing businesses within the State of California or lead to the expansion of businesses currently doing business within the State of California.

**BENEFITS OF THE PROPOSED ACTION**

Both employers and employees in the wood manufacturing industry will benefit from improved employee respiratory health as a result of adoption of this proposal. The Division believes that employees in the wood manufacturing industry in California will benefit from improved respiratory health as a result of the adoption of these amended PELs. Employers will benefit from improved work attendance by employees due to improved respiratory health. Employers not already compliant with the new PELs will improve maintenance and utilization of existing mechanical exhaust ventilation to achieve ambient wood dust levels that are compliant with the new PELs. Improved mechanical exhaust dust capture will result in less dust on workplace surfaces. Less surface dust accumulation benefits employers by lowering housekeeping costs. By thus reducing workplace accumulated dust levels and associated fire hazards, employers and employees will both benefit.

**CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code Section 11346.5(a)(13), the Division must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its

attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled public hearing or during the written comment period.

**CONTACT PERSONS**

Inquiries regarding this proposed regulatory action may be directed to Marley Hart (Executive Officer); the back-up contact person is Michael Manieri (Principal Safety Engineer) at the Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; (916) 274-5721.

**AVAILABILITY OF STATEMENT OF REASONS,  
TEXT OF THE PROPOSED REGULATIONS AND  
RULEMAKING FILE**

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of reasons and supporting documents or other information upon which the rulemaking is based. Copies may be obtained by contacting Ms. Hart or Mr. Manieri at the address or telephone number listed above.

**AVAILABILITY OF CHANGED OR  
MODIFIED TEXT**

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public at least 15 days before the Board adopts the regulations as revised. Please request copies of any modified regulations by contacting Ms. Hart or Mr. Manieri at the address or telephone number listed above. The Board will accept written comments on the modified regulations for at least 15 days after the date on which they are made available.

**AVAILABILITY OF THE FINAL STATEMENT  
OF REASONS**

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ms. Hart or Mr. Manieri at the address or telephone number listed above or via the internet.

**AVAILABILITY OF DOCUMENTS ON  
THE INTERNET**

The Board will have rulemaking documents available for inspection throughout the rulemaking process on its web site. Copies of the text of the regulations in an underline/strikeout format, the Notice of Proposed action and the Initial Statement of Reasons can be accessed through the Standards Board's website at <http://www.dir.ca.gov/oshsb>.

**TITLE 10. DEPARTMENT OF  
INSURANCE**

**NOTICE OF PROPOSED RULEMAKING AND  
NOTICE OF PUBLIC HEARING**

**Anti-Steering in Auto Body Repairs**

**Date: March 4, 2016**  
**CDI Regulation File: REG-2015-00015**

**SUBJECT OF PROPOSED RULEMAKING**

The California Department of Insurance ("the Department") proposes to adopt amendments of Title 10, California Code of Regulations ("CCR"), Chapter 5, Subchapter 7.5, Article 1, section 2695.8(e), hereinafter referred to as "Anti-Steering in Auto Body Repairs" Regulations. (All references to the CCR in this Initial Statement of Reasons are references to sections in CCR Title 10.) The Department proposes to amend this section under the authority granted by California Insurance Code ("Ins. Code") sections 790.10, 12921 and 12926; Civil Code section 3333; and Government Code sections 11152 and 11342.2. The regulations will clarify the anti-steering provisions of Ins. Code section 758.5 which prohibit insurers from making untruthful and deceptive statements that unreasonably influence a claimant's right to select an auto body repair facility, and untruthful and deceptive statements made by insurers during the claims process.

**PUBLIC HEARING**  
(Government Code § 11346.5(a)(1))

The Department will hold a public hearing to provide all interested persons an opportunity to present statements or arguments, orally or in writing, with respect to the proposed amendments to the regulations, as follows:

**Date:** **April 22, 2016**  
**Time:** **10:00 a.m.** If it is necessary for the hearing to exceed two hours, there will likely be a one-hour break from 12:00 noon to 1:00 p.m.

**Location:** **Employment Development  
Department  
722 Capitol Mall, 1st Floor  
Auditorium  
Sacramento, CA 95814**

The hearing will continue on the date noted above until all testimony has been submitted or until 2:00 p.m., whichever is earlier.

**PRESENTATION OF WRITTEN COMMENTS;  
CONTACT PERSONS**  
(Government Code § 11346.5(a)(14))

All persons are invited to submit written comments on the proposed amendments to the regulations during the public comment period. The public comment period will end at **5:00 p.m., April 22, 2016**. Please direct all written comments to the following contact person:

Kara Boonsirisermsook Potts, Senior Attorney  
California Department of Insurance  
45 Fremont Street, 21st Floor  
San Francisco, CA 94105  
Telephone: (415) 538-4174  
Kara.Potts@insurance.ca.gov

Questions regarding procedure, comments, or the substance of the proposed action should be addressed to the above contact person. In the event the contact person is unavailable, inquiries regarding the proposed action may be directed to the following backup contact person:

Edward Wu, Senior Attorney  
California Department of Insurance  
300 South Spring Street, South Tower  
Los Angeles, CA 90013  
Telephone: (213) 346-6635  
Edward.Wu@insurance.ca.gov

DEADLINE FOR WRITTEN COMMENTS  
(Government Code § 11346.5(a)(15))

All written materials must be received by the Department, addressed to the contact person at her address listed above, **no later than 5:00 p.m. on April 22, 2016**. Any written materials received after that time may not be considered.

COMMENTS TRANSMITTED BY E-MAIL  
OR FACSIMILE

The Department will accept written comments transmitted by e-mail provided they are sent to the following two e-mail addresses: [Kara.Potts@insurance.ca.gov](mailto:Kara.Potts@insurance.ca.gov) and [Edward.Wu@insurance.ca.gov](mailto:Edward.Wu@insurance.ca.gov). The Department will also accept written comments transmitted by facsimile provided they are directed to the attention of Kara B. Potts and sent to the following facsimile number: (415) 904-5490. However, e-mail comments are preferred.

**Comments sent to other e-mail addresses or other facsimile numbers will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline set forth above for written comments.**

ACCESS TO HEARING ROOMS

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person(s) for the hearing in order to make special arrangements, if necessary.

AUTHORITY AND REFERENCE  
(Government Code § 11346.5(a)(2); 1 CCR § 14)

The Department proposes the amendment of CCR section 2695.8(e) under the authority granted by Ins. Code sections 790.10, 12921 and 12926; Civil Code section 3333; and Government Code sections 11152 and 11342.2.

The Department's proposed amendments to CCR section 2695.8(e) will implement, interpret, and make specific the provisions of Ins. Code sections 758.5 and 790.03 of the Ins. Code.

INFORMATIVE DIGEST  
(Government Code § 11346.5(a)(3))

SUMMARY OF EXISTING LAW  
(Government Code §11346.5(a)(3)(A))

California Business and Professions Code section 9880.1(a) defines "automotive repair dealer" as a person who, for compensation, engages in the business of repairing or diagnosing malfunctions of motor vehicles.

In 2003, SB 551 added California Insurance Code ("Ins. Code") section 758.5 to prohibit insurers from requiring claimants to use a specific automotive repair dealer, and suggesting or recommending an automobile be repaired at a specified automotive dealer, unless the claimant requests the referral, and the claimant is informed in writing of his or her rights. In 2009, AB 1200 amended Ins. Code section 758.5 to permit insurers to provide claimants with specific truthful and non-deceptive information regarding the services and benefits available to claimants during the claims process.

Current CCR section 2695.8(e), clarifies Ins. Code section 785.5, prohibiting insurers from requiring automobiles to be repaired at a specific repair shop and from suggesting or recommending a repair shop under certain conditions. Specifically, the section prohibits insurers from requiring an automobile be repaired at a specific shop, suggest or recommend a claimant to select a specific repair shop, and require a claimant to travel an unreasonable distance to have their vehicle inspected or to obtain a repair estimate.

CCR section 2698.90 which became effective October 25, 2002, clarifies and defines what is considered a Direct Repair Program ("DRP") under Ins. Code section 758. DRP includes any program through a formal agreement where insurers refer, suggest, or recommend an auto body repair facility to claimants for auto body repair work. Auto body repair shops who deny participating in DRPs must report this to the Market Conduct Division/Field Claims Bureau of the Department.

According to Ins. Code section 790.10, the Commissioner must promulgate reasonable rules and regulations and amendments, necessary to administer the sections under 790, *et seq.*, including Ins. Code section 790.03.

Ins. Code section 790.03, which first became effective in 1959, and has since been amended numerous times, defines unfair methods of competition and unfair deceptive practices in the business of insurance. Under subdivision (b), making any statement that is untrue, deceptive, or misleading which is known or should be known as untrue regarding the business of insurance is considered an unfair method of competition or an unfair deceptive practice. Under subdivision (h) it is consid-

ered an unfair claims settlement practice for knowingly committing or performing with such frequency as to indicate a general business practice, such as (1) misrepresenting to claimants pertinent facts or insurance policy provisions relating to coverage.

**EFFECT OF PROPOSED ACTION**  
(Government Code § 11346.5(a)(3)(A))

The Department anticipates that the proposed regulations will have multiple effects, including: 1) insurers will not communicate false or misleading information, 2) insurers will not steer claimants to specific repair shops, and 3) insurers will not require claimants to travel unreasonable distances or wait an unreasonable time to inspect or replace a vehicle. For instance, the Department anticipates that insurers will comply with section 2695.8(e), and will not steer claimants when suggesting or recommending a repair shop. This will create a more open market where claimants are not steered away from their chosen auto body repair shop by an insurer. The proposed regulations will likely have the effect of fewer complaints being filed by consumers and auto body repair shops based on steering.

**POLICY STATEMENT OVERVIEW**  
(Government Code § 11346.5(a)(3)(C))

The understanding and application of Insurance Code section 758.5 and CCR section 2695.8(e) by insurance companies is not consistent, resulting in some claimants becoming confused about, uncertain of, and deprived of their right to select a repair facility. Additionally, the Department has received information that insurers are making statements that are in direct violation of Ins. Code section 758.5 by making statements that are deceptive and untruthful during the claims process.

In order to address these issues, and to provide insurers with guidance and add clarity to Ins. Code section 758.5, the Department is proposing amending section 2695.8(e). The primary overall objective of the proposed regulations is to clarify section 758.5 of the Insurance Code by defining what conduct is considered “steering” during the claims settlement process, and to define what is considered false, deceptive or misleading information to the claimant.

An additional objective is to clarify what is considered an unreasonable distance or period of time to inspect a vehicle, conduct an inspection, obtain a repair estimate, or have an automobile repaired at a specific repair shop.

The proposed amendments will most likely not impact worker safety and will have no effect on the state’s environment.

The Department anticipates numerous benefits from the proposed action, including:

1. The proposed regulations will benefit consumers who will have the right to evaluate options and to get the best repairs as quickly as possible, and allow body shops to compete freely in an open market, increasing openness and transparency in business and government, and promote health and welfare to consumers and businesses.
2. Consumers will benefit by not having to drive an unreasonable distance or wait an unreasonable amount of time to have their vehicles inspected. Ins. Code section 758.5 intends for consumers to have the right to a timely vehicle inspection without having to travel an excessive distance. The proposed standards codify reasonable targets for good service to the insurance consumers, which promotes the welfare of consumers.
3. Auto body repair shops will benefit since the proposed regulations prohibit disparaging and discrediting statements of a customer’s chosen specific shop without specific documentation. Additionally, the proposed regulations will prevent insurers from making untruthful and deceptive statements that unreasonably influence a claimant’s right to select their auto body repair facility. These benefits increase openness and transparency in business and government.

**COMPARABLE FEDERAL LAW**  
(Government Code § 11346.5(a)(3)(B))

There are no existing federal regulations or statutes that are comparable to the proposed amended regulations.

**CONSISTENCY OR COMPATIBILITY WITH EXISTING STATE REGULATIONS**  
(Government Code § 11346.5(a)(3)(D))

The Department has evaluated the proposed amendments to the regulations for any related regulations in this area and has found that these are the only regulations concerning anti-steering. Therefore, the proposed amended regulations are neither inconsistent nor incompatible with any existing state regulations.

**MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS**  
(Government Code § 11346.5(a)(5))

The proposed regulations do not impose any mandate on local agencies or school districts. There are no costs

to local agencies or school districts for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement.

**COST OR SAVINGS TO ANY STATE AGENCY  
OR COST TO ANY LOCAL AGENCY OR  
SCHOOL DISTRICT OR COST OR SAVINGS IN  
FEDERAL FUNDING TO THE STATE**  
(Government Code § 11346.5(a)(6))

The Department has determined that the proposed regulations will result in no cost or savings to any state agency, no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, no other nondiscretionary cost or savings imposed on local agencies, and no cost or savings in federal funding to the State.

**IMPACT ON HOUSING COSTS**  
(Government Code § 11346.5(a)(12))

The Department makes an initial determination that the proposed amendments to the regulations will have no significant effect on housing costs.

**ECONOMIC IMPACT ON BUSINESS AND THE  
ABILITY OF CALIFORNIA BUSINESSES  
TO COMPETE**  
(Government Code § 11346.5(a)(7))

The Department has made an initial determination that the amendment of this regulation may have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The types of businesses that may be affected are insurers.

Currently, the regulation does not specify the time-frame for vehicles to be inspected, or the maximum distance that claimants may be required to travel for an inspection. The proposed regulations will specify a time-frame and maximum distance for inspection of a vehicle. The projected compliance requirement would prohibit insurers from requiring a claimant to travel more than 10 miles in larger populations, and more than 25 miles in smaller populations. Additionally, insurers must inspect a vehicle within six (6) business days after receiving a notice of claim or request for an estimate. In the case where an insurer requests an estimate of repairs in lieu of physical inspection, the request must be made within three (3) days, and an inspection thereafter within six (6) days. There are no projected reporting or recordkeeping requirements

The Department has considered proposed alternatives that would lessen any adverse economic impact on business and invites you to submit proposals. Submissions may include the following considerations:

- (i) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
- (ii) Consolidation or simplification of compliance and reporting requirements for businesses.
- (iii) The use of performance standards rather than prescriptive standards.
- (iv) Exemption or partial exemption from the regulatory requirements for businesses.

**STATEMENT OF THE RESULTS OF THE  
ECONOMIC IMPACT ASSESSMENT**  
(Government Code § 11346.5(a)(10))

The Department is required to assess any impact the proposed regulations may have on the creation or elimination of jobs within the State of California; to assess the creation of new businesses or the elimination of existing businesses within the State of California; and to assess the expansion of businesses currently doing business within the State of California.

There is no estimated impact on the creation or elimination of jobs based on the proposed regulations. The proposed amendments are not expected to impact the creation of new businesses or the elimination of existing businesses within California, and the Department has determined that the proposed regulations will not affect California businesses' ability to expand.

The proposed amendments are not likely to have an impact on worker safety and will have no effect on the state's environment.

As the Department stated above in its Policy Statement Overview, the proposed amendments to the regulations will have numerous benefits, including:

1. The proposed regulations will benefit consumers who will have the right to evaluate options and to get the best repairs as quickly as possible, and allow body shops to compete freely in an open market, increasing openness and transparency in business and government, and promote health and welfare to consumers and businesses.
2. Consumers will benefit by not having to drive an unreasonable distance or wait an unreasonable amount of time to have their vehicles inspected. Ins. Code section 758.5 intends for consumers to have the right to a timely vehicle inspection without having to travel an excessive distance. The proposed standards codify reasonable targets for good service to the insurance consumers, which promotes the welfare of consumers.

3. Auto body repair shops will benefit since the proposed regulations prohibit disparaging and discrediting statements of a customer's chosen specific shop without specific documentation. Additionally, the proposed regulations will prevent insurers from making untruthful and deceptive statements that unreasonably influence a claimant's right to select their auto body repair facility. These benefits increase openness and transparency in business and government.

The full text of the Department's Economic Impact Assessment is included in the Initial Statement of Reasons.

**POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES**  
(Government Code § 11346.5(a)(9))

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**FINDING OF NECESSITY**  
(Government Code § 11346.3(d))

The Department finds that it is necessary for the health, safety, or welfare of the people of the state that the regulations apply to businesses.

**IMPACT ON SMALL BUSINESS**  
(1 CCR § 4(a) and (b))

The Department has made an initial determination that the adoption of the proposed amendments will directly affect insurers but insurers are not small businesses under Government Code section 11342.610(b)(2). The Department projects that there is a direct and positive impact on auto body repair shops not part of an insurer's DRP, who will derive a benefit from the enforcement of the regulation. The Department invites public comments on the question of economic impact on small businesses.

**ALTERNATIVES STATEMENT**  
(Government Code § 11346.5(a)(13))

The Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which this action is proposed, would be as effective and less burdensome to affected private per-

sons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

**AVAILABILITY STATEMENTS**  
(Government Code § 11346.5(a)(16))

The Department has prepared an Initial Statement of Reasons that sets forth the reasons for the proposed action. Upon request, the Initial Statement of Reasons will be made available for inspection and copying. Requests for the Initial Statement of Reasons or questions regarding this proceeding should be directed to the contact person listed above.

The file for this proceeding, which includes a copy of the express terms of the proposed amended regulations, the Initial Statement of Reasons, all the information upon which the proposed action is based, and any supplemental information, including any reports, documentation and other materials related to the proposed action that is contained in the rulemaking file, is available by appointment for inspection and copying by prior appointment at 45 Fremont Street, 21st Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday.

**MODIFIED LANGUAGE**  
(Government Code §§ 11346.5(a)(18); 11346.8(c))

If the Department adopts regulations that differ from those that have originally been made available but are sufficiently related to the original proposed amendments, the full text of the amended regulations, with the change clearly indicated, will be made available to the public for at least 15 days prior to the date the Department adopts the amended regulations. Interested persons should request a copy of the amended regulations from the contact person listed above.

**AUTOMATIC MAILING**  
(Government Code § 11346.4(a)(1))

A copy of this Notice (including the Informative Digest, which contains the general substance of the proposed amendments to the regulations) will be sent to all persons who have previously filed a request with the Department to receive notice of proposed rulemaking.

**FINAL STATEMENT OF REASONS**  
(Government Code § 11346.5(a)(19))

Upon request, the Final Statement of Reasons will be made available for inspection and copying once it has

been prepared pursuant to Government Code section 11346.9(a). Requests for the Final Statement of Reasons should be directed to the contact person in this Notice.

**WEBSITE POSTINGS**  
(Government Code § 11346.5(a)(20))

Documents concerning this proceeding are available on the Department's website. To access them, go to <http://www.insurance.ca.gov>. Click on "Insurers" then "Legal Information" then "Proposed Regulations" then "Search for Proposed Regulations." When the "Proposed Regulations" screen appears, you may choose to find the documents either by conducting a search for "REG-2015-00015" or by browsing for them by name as "Anti-Steering in Auto Body Repairs" regulations.

**TITLE 10. DEPARTMENT OF INSURANCE**

**NOTICE OF PROPOSED RULEMAKING AND NOTICE OF PUBLIC HEARING**

**Auto Body Repair Labor Rate Surveys**

**Date: March 4, 2016**  
**CDI Regulation File: REG-2012-00002**

**SUBJECT OF PROPOSED RULEMAKING**

The California Department of Insurance ("the Department") proposes to adopt under Title 10, California Code of Regulations ("CCR"), Chapter 5, Subchapter 7.5, Article 1, section 2695.81, entitled "The Standardized Auto Body Repair Labor Rate Survey," and section 2695.82, entitled, "Questionnaire For the Standardized Labor Rate Survey." Additionally, the Department proposes to make amendments to Title 10, CCR, Chapter 5, Subchapter 9, Article 7, section 2698.91, entitled "Reporting Auto Body Repair Labor Rate Surveys." The amendment and adoption of these three sections are collectively called "Auto Body Repair Labor Rate Surveys." (All references to the CCR in this Initial Statement of Reasons are references to sections in CCR Title 10, unless otherwise stated.) The Department proposes to amend and adopt these sections under the authority granted by California Insurance Code ("Ins. Code") sections 758, 790.10, 12921, and 12926. The regulations will clarify the standards that govern the proce-

dures for conducting and reporting the results of Auto Body Repair Labor Rate Surveys with the Department.

**PUBLIC HEARING**  
(Government Code § 11346.5(a)(1))

The Department will hold a public hearing to provide all interested persons an opportunity to present statements or arguments, orally or in writing, with respect to the proposed regulations, as follows:

**Date:** April 21, 2016  
**Time:** 10:00 a.m. If it is necessary for the hearing to exceed two hours, there will likely be a one-hour break from 12:00 noon to 1:00 p.m.  
**Location:** Employment Development Department  
722 Capitol Mall, 1st Floor Auditorium  
Sacramento, California 95814

The hearing will continue on the date noted above until all testimony has been submitted or until 2:00 p.m., whichever is earlier.

**PRESENTATION OF WRITTEN COMMENTS; CONTACT PERSONS**  
(Government Code § 11346.5(a)(14))

All persons are invited to submit written comments on the proposed regulations during the public comment period. The public comment period will end at **5:00 p.m. April 21, 2016**. Please direct all written comments to the following contact person:

Kara Boonsirisermsook Potts, Senior Attorney  
California Department of Insurance  
45 Fremont Street, 21st Floor  
San Francisco, CA 94105  
Telephone: (415) 538-4174  
Kara.Potts@insurance.ca.gov

Questions regarding procedure, comments, or the substance of the proposed action should be addressed to the above contact person. In the event the contact person is unavailable, inquiries regarding the proposed action may be directed to the following backup contact person:

Edward Wu, Senior Attorney  
California Department of Insurance  
300 South Spring Street, South Tower  
Los Angeles, CA 90013  
Telephone: (213) 346-6635  
Edward.Wu@insurance.ca.gov

DEADLINE FOR WRITTEN COMMENTS  
(Government Code § 11346.5(a)(15))

All written materials must be received by the Department, addressed to the contact person at her address listed above, **no later than 5:00 p.m. on April 21, 2016**. Any written materials received after that time may not be considered.

COMMENTS TRANSMITTED BY E-MAIL  
OR FACSIMILE

The Department will accept written comments transmitted by e-mail provided they are sent to the following two e-mail addresses: [Kara.Potts@insurance.ca.gov](mailto:Kara.Potts@insurance.ca.gov) and [Edward.Wu@insurance.ca.gov](mailto:Edward.Wu@insurance.ca.gov). The Department will also accept written comments transmitted by facsimile provided they are directed to the attention of Kara B. Potts and sent to the following facsimile number: (415) 904-5490. However, e-mail comments are preferred.

**Comments sent to other e-mail addresses or other facsimile numbers will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline set forth above for written comments.**

ACCESS TO HEARING ROOMS

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person(s) for the hearing in order to make special arrangements, if necessary.

AUTHORITY AND REFERENCE  
(Government Code § 11346.5(a)(2); 1 CCR § 14)

The Department proposes the adoption of sections 2695.81 and 2695.82 of CCR Title 10, Chapter 5, Subchapter 7.5, Article 1, pursuant to the rulemaking authority vested in him by Ins. Code sections 758, 790.10, 12921, and 12926. Additionally, the Department proposes the amendment of section 2698.91 of CCR Title 10, Chapter 5, Subchapter 9, Article 7, pursuant to the rulemaking authority vested in him by Ins. Code sections 758, 12921 and 12926.

The Department's proposed adoptions to CCR sections 2695.81 and 2695.82 will implement, interpret, and make specific the provisions of Ins. Code sections 758 and 790.03. The Department's proposed amendments to CCR sections 2698.91 will implement, interpret, and make specific the provisions of Ins. Code section 758 and Government Code sections 6250-6276.48.

INFORMATIVE DIGEST  
(Government Code § 11346.5(a)(3))

SUMMARY OF EXISTING LAW  
(Government Code § 11346.5(a)(3)(A))

California Business and Professions Code section 9880.1(a) defines "automotive repair dealer" as a person who, for compensation, engages in the business of repairing or diagnosing malfunctions of motor vehicles.

CCR, Title 16, Division 33, Chapter 1, Article 6, section 3351.5(b), which became effective in 1997, defines the equipment requirements for auto body repair shops. An auto body repair shop that performs structural repairs must have all repair, measuring, and testing equipment and reference manuals to diagnose and repair structural damage, including but not limited to a three-dimensional measuring system, a four-point anchoring system, equipment capable of making multiple body and structural pulls, a metal inert gas welder, and corrosion protection equipment.

CCR section 2695.8, which became effective in 1992, describes additional standards applicable to automobile insurance. Subdivision (f) clarifies the standards of adjusting written estimates for auto insurance claims. If an auto insurance claim is settled based on a written estimate prepared by an insurer, the amount in the estimate must allow for repairs that are accepted as trade standards for good and workmanlike repairs by an auto body repair shop. If a claimant contends that the repairs will exceed the written estimate then under subdivision (f)(3), the insurer must reasonably adjust any written estimates prepared by the claimant's repair shop and provide a copy of the adjusted estimate to the claimant and the claimant's repair shop.

Ins. Code section 758 became effective on January 1, 2001 under Senate Bill 1988. Section 758(c) requires that any insurer that conducts an auto body repair labor rate survey to determine and set a prevailing rate in a specific geographic area must report the survey results to the Department. The results of the survey must be made available upon request. Additionally the section requires that the survey information must include the names and addresses of the auto body repair shops and the total number of shops surveyed.

CCR section 2698.91 became effective October 25, 2002, and clarified Ins. Code section 758(c). Currently, section 2698.91 provides some broad definitions, outlines what basic information should be included in surveys conducted by insurers, and provides a procedure for submitting the surveys to the Department under the Department's "clearing house" function. "Auto body repair labor rate survey" is defined as any gathering of information from auto body repair shops regarding la-

bor rates charged to determine a prevailing auto body repair rate in a specific geographic area. “Prevailing auto body rate” is defined as the rate determined or set by an insurer as the result of conducting an auto body labor rate survey. Labor rate survey results must be reported to the Department including the name and address of the shops, total number of shops surveyed, the prevailing rate for each geographic area, a description of the geographic area, and a description of the formula and method used to calculate the geographic area. Confidential information is to be removed from the survey results before submitting to the Department’s Market Conduct Division. The Department will make the reports available pursuant to the Public Records Act.

CCR section 2698.90, which also became effective October 25, 2002, clarifies the Direct Repair Program (“DRP”) portion of Ins. Code section 758. DRP includes any program through a formal agreement where insurers refer, suggest, or recommend an auto body repair facility to claimants for auto body repair work. Auto body repair shops who deny participating in DRPs must report this to the Market Conduct Division/Field Claims Bureau of the Department.

According to Ins. Code section 790.10, the Commissioner must promulgate reasonable rules and regulations and amendments, necessary to administer the sections under 790, *et seq.*, including Ins. Code section 790.03.

Ins. Code section 790.03, which first became effective in 1959, and has since been amended numerous times, defines unfair methods of competition and unfair deceptive practices in the business of insurance. Under subdivision (h) it is considered an unfair claims settlement practice for knowingly committing or performing with such frequency as to indicate a general business practice: (1) misrepresenting to claimants pertinent facts or insurance policy provisions relating to coverage; (2) failing to acknowledge and act reasonably promptly upon communications with respect to claims; (3) failing to adopt and implement reasonable standards for the prompt investigation and processing of claims; and (5) not attempting in good faith to effectuate prompt, fair and equitable settlements of claims. In several enforcement actions, the Department alleged that due to unreliable and outdated auto body repair labor rate surveys that were used by insurers to settle claims, they were alleged to be an unfair claims settlement practice and a violation of these provisions of section 790.03(h).

#### EFFECT OF PROPOSED ACTION (Government Code § 11346.5(a)(3)(A))

The Department anticipates that the proposed rule-making will result in auto body labor rate surveys that will be fair and equitable. For instance, the Department anticipates that insurers will comply with the proposed regulations and conduct labor rate surveys that are compliant with the Standardized Labor Rate Surveys. This will result in more consistent and reliable surveys, which will result in more fair and equitable claims settlement. The proposed regulations are expected to lower the complaints being filed by consumers and auto body repair shops based on outdated or unreliable auto body repair labor rate surveys. Additionally, this may save the Department and the State of California money and resources by reducing enforcement actions based on unfair and deceptive practices as the result of unreliable and outdated labor rate surveys.

#### POLICY STATEMENT OVERVIEW (Government Code § 11346.5(a)(3)(C))

The primary overall objective of the proposed regulations is to clarify Ins. Code section 758(c) by outlining a Standardized Labor Rate Survey that the Commissioner recommends insurers use when conducting a labor rate survey to settle auto insurance claims, and to clarify the specific information and methodologies of reporting labor rate survey results to the Department.

After section 2698.91 became effective, it became apparent that additional clarification is necessary for the proper interpretation and implementation of Ins. Code section 758(c). For example, each insurer that submits a labor rate survey to the Department, submits the survey in a different format, using different terminology and with different data. Differences in formats limit the Department’s ability to make these surveys public in a more effective and efficient manner. Currently, the Department must make a copy or scan in all the surveys and respond to each ad hoc public records request for these surveys. The Department seeks the ability to post these surveys on its public website rather than respond to each ad hoc survey request. The proposed amendments to section 2698.91 are intended and necessary to address these above-described issues, as well as providing clarity to insurers and consumers when the results of labor rate surveys must be reported to the Department.

In addition to the above clarity issues with section 2698.1, the Department received hundreds of complaints from consumers and auto body repair shops alleging specific instances where consumers were forced to pay out-of-pocket costs, or shops were deprived of their reasonably charged rates due to outdated and unreliable surveys. For example, some insurers' labor rate surveys relied on artificially large geographic areas or outdated survey data that did not reflect the market rate. Furthermore, some insurers advised claimants and/or repair shops that since a survey was submitted to the Department, that survey is reliable support for limiting the labor rate component of repair claims, or that the Department has approved the methodology of the insurers' labor rate survey. However, the fact that the Department is acting as a "clearing house" for surveys submitted to the Department pursuant to Ins. Code section 758(c), does not render these surveys "approved" by the Department. These issues culminated in several enforcement actions which the Department filed against several insurers. The enforcement actions were based on potential violations of Ins. Code section 790.03.

In order to address these issues, and to provide insurers guidance and clarity to Ins. Code section 790.03, the Department is proposing adopting sections 2695.81 and 2695.82. By recommending that insurers comply with the requirements of a Standardized Labor Rate Survey, insurers will receive a rebuttable presumption that they attempted in good faith to effectuate a fair and equitable claim settlement, or an adjustment of the labor rate component.

Additional objectives are: 1) to provide guidance and consistent standards for insurers to conduct reliable auto body repair labor rate surveys, and 2) the creation of more fair and equitable settlements of claims that rely on auto body repair labor rate surveys.

The proposed amendments are not likely to impact worker safety and will have no effect on the state's environment.

The Department anticipates numerous benefits from the proposed action, including:

- 1) The proposed regulations will benefit the health and welfare of California's consumers and businesses. Owners who suffer insured damage will receive an amount that is reflective of the market labor rate in a specific geographic area. It will also prevent auto body repair shops from facing the dilemma of whether to accept a financial loss or bill the consumer for the shortfall between the insurance payment and the estimated cost of repair.
- 2) Reliable and consistent labor rate surveys will result in more accurate, prompt, fair, and equitable auto insurance claim settlements, which will

promote increased fairness, openness, and transparency in business.

- 3) Conducting fair and equitable Standardized Labor Rate Surveys will benefit auto body shops and policy-holders (households). Currently, when the labor rate paid by the insurer doesn't cover the work performed by the shop, the shop either incurs a financial loss or bills the consumer the unpaid amount. While some shops may pass this cost on to the consumer, others work with the consumer in an attempt to increase the probability of repeat business. The Department projects \$1.15 million in benefits will be passed on to auto body shops and policy holders (households).
- 4) The proposed regulations will provide reasonable standards for conducting Auto Body Repair Labor Rate Surveys, which will result in the prompt and equitable processing of claims that rely on Auto Body Repair Labor Rate Surveys. The proposed Auto Body Repair Labor Rate Surveys regulations will define specific terms and more clearly set out the format, purpose and use of surveys conducted pursuant to Ins. Code section 758(c) or surveys otherwise used to settle and pay claims, resulting in openness and transparency in business and government.

COMPARABLE FEDERAL LAW  
(Government Code § 11346.5(a)(3)(B))

There are no existing federal regulations or statutes that are comparable to the proposed amended regulations.

CONSISTENCY OR COMPATIBILITY WITH  
EXISTING STATE REGULATIONS  
(Government Code § 11346.5(a)(3)(D))

The Department has evaluated the proposed amendments to the regulations for any related regulations in this area and has found that these are the only regulations concerning auto body labor rate surveys. Therefore, the proposed regulations are neither inconsistent nor incompatible with any existing state regulations.

MANDATES ON LOCAL AGENCIES OR  
SCHOOL DISTRICTS  
(Government Code § 11346.5(a)(5))

The proposed regulations do not impose any mandate on local agencies or school districts. There are no costs to local agencies or school districts for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement.

**COST OR SAVINGS TO ANY STATE AGENCY  
OR COST TO ANY LOCAL AGENCY OR  
SCHOOL DISTRICT OR COST OR SAVINGS IN  
FEDERAL FUNDING TO THE STATE**  
(Government Code § 11346.5(a)(6))

The Department has determined that the proposed regulations will result in no cost or savings to any state agency, no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, no other nondiscretionary cost or savings imposed on local agencies, and no cost or savings in federal funding to the State.

**IMPACT ON HOUSING COSTS**  
(Government Code § 11346.5(a)(12))

The Department makes an initial determination that the proposed regulations will have no significant effect on housing costs.

**ADVERSE ECONOMIC IMPACT ON BUSINESS  
AND THE ABILITY OF CALIFORNIA  
BUSINESSES TO COMPETE**  
(Government Code § 11346.5(a)(7))

The Department has made an initial determination that the adoption and the amendment of this regulation may have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The types of businesses that may be affected are insurers.

Should an insurer choose to conduct an auto body repair labor rate survey, there are projected reporting requirements, since the proposed regulations will require that specific information from labor rate survey results be reported to the Department. Insurers must report information that will be made available to the public as well as non-public information. The projected compliance requirement would require insurers to submit the labor rate survey results to the Department's Custodian of Records within thirty (30) days of completing the survey. The projected recordkeeping requirement would require insurers to maintain their survey records, questionnaires, and information regarding the survey for a minimum of five years.

The Department has considered proposed alternatives that would lessen any adverse economic impact on business and invites you to submit proposals. Submissions may include the following considerations:

- (i) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
- (ii) Consolidation or simplification of compliance and reporting requirements for businesses.
- (iii) The use of performance standards rather than prescriptive standards.
- (iv) Exemption or partial exemption from the regulatory requirements for businesses.

**STATEMENT OF THE RESULTS OF THE  
ECONOMIC IMPACT ASSESSMENT**  
(Government Code § 11346.5(a)(10))

The Department is required to assess any impact the proposed regulations may have on the creation or elimination of jobs within the State of California; to assess the creation of new businesses or the elimination of existing businesses within the State of California; and to assess the expansion of businesses currently doing business within the State of California.

The Department projects that the proposed regulations will have a negligible impact on the creation or elimination of jobs within the State of California. The Department projects a minimal job gain equivalent of up to one full-time job within the first twelve months.

The net impact on California is estimated to be a loss of about \$560,000, which represents a miniscule portion of the over two trillion dollar California Gross State Product. As such, the Department projects that there will be no impact on the creation of new businesses or the elimination of existing businesses, or the ability of California businesses to expand.

The proposed amendments will most likely not impact worker safety and will have no effect on the state's environment.

As the Department stated above in its Policy Statement Overview, the proposed amendments to the regulations will have many benefits, including the following:

- 1) The proposed regulations will benefit the health and welfare of California's consumers and businesses. Owners who suffer insured damage will receive an amount that is reflective of the market labor rate in a specific geographic area. It will also prevent auto body repair shops from facing the dilemma of whether to accept a financial loss or bill the consumer for the shortfall between the insurance payment and the estimated cost of repair.
- 2) Reliable and consistent labor rate surveys will result in more accurate, prompt, fair, and equitable auto insurance claim settlements, which will promote increased fairness, openness, and transparency in business.

- 3) Conducting fair and equitable Standardized Labor Rate Surveys will benefit auto body shops and policy-holders (households). Currently, when the labor rate paid by the insurer doesn't cover the work performed by the shop, the shop either incurs a financial loss or bills the consumer the unpaid amount. While some shops may pass this cost on to the consumer, others work with the consumer in an attempt to increase the probability of repeat business. The Department projects \$1.15 million in benefits will be passed on to auto body shops and policy holders (households).
- 4) The proposed regulations will provide reasonable standards for conducting Auto Body Repair Labor Rate Surveys, which will result in the prompt and equitable processing of claims that rely on Auto Body Repair Labor Rate Surveys. The proposed Auto Body Repair Labor Rate Surveys regulations will define specific terms and more clearly set out the format, purpose and use of surveys conducted pursuant to Ins. Code section 758(c) or surveys otherwise used to settle and pay claims, resulting in openness and transparency in business and government.

The full text of the Department's Economic Impact Assessment is included in the Initial Statement of Reasons.

POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES  
(Government Code § 11346.5(a)(9))

There is no potential cost impact that would necessarily incur in reasonable compliance with the proposed action on a representative private person. As for cost impact on businesses, for those insurers who choose not to conduct an auto body repair labor rate survey, the cost is estimated to be zero. The cost impact that would necessarily incur in reasonable compliance with the proposed regulations, for insurers who conduct an auto body repair labor rate survey, the estimated cost of the proposed regulation is \$1.17 million for the first year following the adoption of the regulation. In the second year, insurers may use a Consumer Price Index inflation adjustment instead of conducting a survey, drastically reducing their costs.

FINDING OF NECESSITY  
(Government Code § 11346.3(d))

The Department finds that it is necessary for the health, safety, or welfare of the people of the state that the regulations apply to businesses.

IMPACT ON SMALL BUSINESS  
(1 CCR § 4(a) and (b))

The Department has made an initial determination that the adoption of the proposed regulations will have a direct, positive impact on small auto body shops and individual proprietors of body shops who will derive a benefit from the enforcement of the regulation. The regulations will also directly affect insurers but insurers are not small businesses under Government Code section 11342.610(b)(2). The Department invites public comments on the question of economic impact on small businesses.

ALTERNATIVES STATEMENT  
(Government Code § 11346.5(a)(13))

The Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which this action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

AVAILABILITY STATEMENTS  
(Government Code § 11346.5(a)(16))

The Department has prepared an Initial Statement of Reasons that sets forth the reasons for the proposed action. Upon request, the Initial Statement of Reasons will be made available for inspection and copying. Requests for the Initial Statement of Reasons or questions regarding this proceeding should be directed to the contact person listed above.

The file for this proceeding, which includes a copy of the express terms of the proposed amended regulations, the Initial Statement of Reasons, all the information upon which the proposed action is based, and any supplemental information, including any reports, documentation and other materials related to the proposed action that is contained in the rulemaking file, is available by appointment for inspection and copying by prior appointment at 45 Fremont Street, 21st Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday.

**MODIFIED LANGUAGE**

(Government Code §§ 11346.5(a)(18); 11346.8(c))

If the Department adopts regulations that differ from those that have originally been made available but are sufficiently related to original proposed amendments, the full text of the amended regulations, with the change clearly indicated, will be made available to the public for at least 15 days prior to the date the Department adopts the amended regulations. Interested persons should request a copy of the amended regulations from the contact person listed above.

**AUTOMATIC MAILING**

(Government Code § 11346.4(a)(1))

A copy of this Notice (including the Informative Digest, which contains the general substance of the proposed amendments to the regulations) will be sent to all persons who have previously filed a request with the Department to receive notice of proposed rulemaking.

**FINAL STATEMENT OF REASONS**

(Government Code § 11346.5(a)(19))

Upon request, the Final Statement of Reasons will be made available for inspection and copying once it has been prepared pursuant to Government Code section 11346.9(a). Requests for the Final Statement of Reasons should be directed to the contact person in this Notice.

**WEBSITE POSTINGS**

(Government Code § 11346.5(a)(20))

Documents concerning this proceeding are available on the Department's website. To access them, go to <http://www.insurance.ca.gov>. Click on "Insurers" then "Legal Information" then "Proposed Regulations" then "Search for Proposed Regulations." When the "Proposed Regulations" screen appears, you may choose to find the documents either by conducting a search for "REG-2012-00002" or by browsing for them by name as "Auto Body Repair Labor Rate Surveys" regulations.

**TITLE 10. DEPARTMENT OF INSURANCE**

**REG-2015-00016**

**NOTICE OF PROPOSED ACTION AND  
NOTICE OF PUBLIC HEARING REVISIONS  
TO CALIFORNIA AUTOMOBILE ASSIGNED  
RISK PLAN  
PLAN OF OPERATIONS**

**SUBJECT OF HEARING**

California Insurance Commissioner Dave Jones will hold a public hearing to address the proposed amendments to the California Automobile Assigned Risk Plan (CAARP) Plan of Operations and Simplified Rules and Rates Manual.

**AUTHORITY TO ADOPT RULES AND  
PROCEDURES AND REFERENCE**

The Commissioner will consider the proposed changes pursuant to the authority vested in him by Section 11620 of the California Insurance Code. The Commissioner's decision on the proposed changes will implement, interpret, or make specific the requirements of Insurance Code Section 11624(e). Insurance Code Section 11620(c) applies to this proceeding.

**HEARING DATE AND LOCATION**

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the proposed changes at the following date, time, and place:

**Date**

**and Time: April 19, 2016, 11:00 a.m.**

**Location: Department of Insurance  
Hearing Room**

**45 Fremont Street 22nd Floor  
San Francisco, CA 94105**

**ACCESS TO HEARING ROOM**

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person (listed below) for this hearing in order to make special arrangements, if necessary.

WRITTEN AND/OR ORAL COMMENTS:  
AGENCY CONTACT PERSON

All persons are invited to submit written comments to the Insurance Commissioner on the proposal prior to the public comment deadline. Comments should be addressed to the contact person for this proceeding:

Michael Riordan, Attorney  
California Department of Insurance  
Rate Enforcement Bureau  
45 Fremont Street, 21<sup>st</sup> Floor  
San Francisco, CA 94105  
[riordanm@insurance.ca.gov](mailto:riordanm@insurance.ca.gov)  
Telephone: (415) 538-4226  
Facsimile: (415) 904-5490

The backup agency contact person for this proceeding will be:

Emily Gallagher, Attorney  
California Department of Insurance  
Rate Enforcement Bureau  
45 Fremont Street, 21<sup>st</sup> Floor  
San Francisco, CA 94105  
[gallagher@insurance.ca.gov](mailto:gallagher@insurance.ca.gov)  
Telephone: (415) 538-4108  
Facsimile: (415) 904-5490

All persons are invited to present oral and/or written testimony at the scheduled public hearing.

DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearing, must be **received** by the Insurance Commissioner at the address listed above **no later than 5:00 p.m. on April 19, 2016**. Any written materials received after that time will not be considered. Written comments may also be submitted to the contact person by e-mail or facsimile transmission. Please select only one method to submit written comments.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interest of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regulations, Title 10, Sections 2662.1-2662.6 in connection with their participation in this matter. Interested persons must submit a Petition to Participate, as specified in California Code of Regulations, Title 10, Section 2661.4. The Petition to Participate must be submitted to the Commissioner at the Office of the Public Advisor at the following address:

California Department of Insurance  
Office of the Public Advisor  
45 Fremont Street, 21st Floor  
San Francisco, CA 94105  
Telephone: (415) 538-4190

A copy of the Petition to Participate must also be submitted to the contact person for this hearing (listed above). For further information, please contact the Office of the Public Advisor.

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

**CA-15-05**

Automobile Insurance Plan Service Office (“AIPSO”) proposes to eliminate the printing and shipping of paper applications. In 2001, AIPSO introduced electronic Plan manuals and forms on its website [www.aipso.com](http://www.aipso.com), including each state’s Plan Manual and Manual of Rules and Rates, Symbol and Identification Manuals, Personal Auto Portfolio of Forms and Endorsements, and the Countrywide Commercial Auto Portfolio of Forms and Endorsements. These electronic publications are available in both interactive and PDF format free of charge to registered users of [AIPSO.com](http://AIPSO.com) by logging into [www.aipso.com](http://www.aipso.com) and accessing the Plan sites link. AIPSO also provides a free e-mail update service.

Due to lower printing volumes and continual increases in the cost of paper and postage, the unit costs to produce and distribute paper publications have increased significantly. This makes the cost of printing and shipping of paper Plan manuals and other paper publications excessive.

**CA-15-06**

In the past when Plan assignment volumes were high, insurers with quotas would write and service their own assignments. Plans commonly made household assignments to these insurers. However, in recent years, as a result of low application volumes, the number of insurers entering Limited Assignment Distribution (LAD) arrangements has increased. Their assignment obligations are assumed by the LAD servicing company. For this reason, the Plan may not assign an applicant to the household insurer.

AIPSO proposes to clarify Plan rules to clearly state that the insurer must have a quota and be taking assignments in order for a household assignment to be made.

**CA 15-07**

Current Plan rules do not state the \$35 minimum earned commission is applicable only to California Automobile Assigned Risk Plan (CAARP) personal and commercial new business policies.

AIPSO proposes language clarifying that the \$35 minimum commission per policy is applicable to only

CAARP (private passenger and commercial auto) new business policies.

**CA 15-08**

2013 Cal. Stat. 380 (former A.B. 1804) requires an insurer to maintain a verifiable process or adopt a procedure that allows the applicant or policyholder of a personal auto policy to designate one additional person to receive notices of lapse, termination, expiration, nonrenewal, or cancellation for nonpayment of premium.

AIPSO proposes a new procedure that will allow CAARP private passenger applicants and insureds to designate a third party to receive notices of lapse, termination, expiration, nonrenewal, or cancellation for nonpayment of premium on their behalf at the time of application and at any time during the policy period.

**CA 15-09**

AIPSO proposes updating the private passenger and commercial territory listings to reflect an additional zip code for the city of Sacramento.

**COMPARABLE FEDERAL LAW**

There are no comparable existing federal regulations or statutes.

**LOCAL MANDATE DETERMINATION**

The Insurance Commissioner has initially determined that the proposal will not result in any new program mandates on local agencies or school districts.

**MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS OR COSTS WHICH MUST BE REIMBURSED PURSUANT TO GOVERNMENT CODE SECTIONS 17500 THROUGH 17630**

The Insurance Commissioner has initially determined that the proposal will not result in any cost or significant savings to any local agency or school district for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement, or in other nondiscretionary costs or savings to local agencies.

**COST OR SAVINGS TO ANY STATE AGENCY; FEDERAL FUNDING**

The Commissioner has determined that the proposed regulation will result in no cost or savings to any state agency and no cost or savings in federal funding to the state.

**SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES AND THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE**

The Commissioner has initially determined that the proposal will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This proposal will have no effect on the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses in California, or the expansion of businesses in California.

**COST IMPACT ON PRIVATE PERSONS OR ENTITIES**

The Insurance Commissioner has initially determined that the proposal will not affect private persons or entities.

**IMPACT ON HOUSING COSTS**

The Insurance Commissioner has initially determined that the proposal will not affect housing costs.

**IMPACT ON SMALL BUSINESS**

The Insurance Commissioner has initially determined that the proposal will not affect small business.

**SPECIFIC TECHNOLOGIES OR EQUIPMENT**

The Insurance Commissioner has initially determined that specific technologies or equipment will be needed.

**ALTERNATIVES**

The Insurance Commissioner must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

**PLAIN ENGLISH**

The proposed changes describing CAARP's proposals are in plain English.

TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared an Initial Statement of Reasons addressing the proposed amendments in addition to the Informative Digest included in this notice. The Initial Statement of Reasons and this Notice of Proposed Action are available for inspection or copying, and will be provided at no charge upon request to the contact person listed above. Further details on CAARP's proposal are on file with the Commissioner and available for review as set forth below.

FINAL STATEMENT OF REASONS

A Final Statement of Reasons will be prepared at the conclusion of this proceeding. Upon written or e-mail request to the contact person listed above, the Final Statement of Reasons will be made available for inspection and copying once it has been prepared. A copy of the Final Statement of Reasons will also be posted on the Department's web site.

ACCESS TO RULEMAKING FILE

Any interested person may inspect a copy of or direct questions about CAARP's proposed amendments, the statement of reasons, and any supplemental information contained in the rulemaking file by contacting the contact person listed above. **By prior appointment**, the rulemaking file is available for inspection at 45 Fremont Street, 21st Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday.

AUTOMATIC MAILING

A copy of this Notice, including the Informative Digest, is being sent to all persons on the Insurance Commissioner's mailing list.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

The Initial Statement of Reasons, proposed text, and this Notice of Proposed Action will be published online and may be accessed through the Department's website at [www.insurance.ca.gov](http://www.insurance.ca.gov).

AVAILABILITY OF MODIFIED TEXT OF REGULATIONS

If the Department amends the proposed regulations with changes that are sufficiently related to the original text, the Department will make the full text of the amended regulations, with the changes clearly indicated, available to the public for at least 15 days before the date the Department adopts the amended regulations.

**TITLE 10. DEPARTMENT OF INSURANCE**

**NOTICE OF PROPOSED ACTION AND NOTICE OF PUBLIC HEARING REGARDING COMMERCIAL AUTOMOBILE INSURANCE PROCEDURE RATES FOR THE CALIFORNIA AUTOMOBILE ASSIGNED RISK PLAN**

**REG-2015-00014**

SUBJECT OF HEARING

California's Insurance Commissioner will hold a public hearing to consider the application of the California Automobile Assigned Risk Plan ("CAARP" or "Plan") for approval of increased rates for the five commercial sub-lines for the Commercial Automobile Insurance Procedure ("CAIP").

AUTHORITY AND REFERENCE TO ADOPT RATES

The Commissioner will consider the application pursuant to the authority vested in him by Section 11620 of the California Insurance Code. The Commissioner's decision on the application will implement, interpret, or make specific the requirements of Insurance Code Section 11624(e). Government Code § 11340.9(g) applies to this proceeding.

HEARING DATE AND LOCATION

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the application at the following date, time, and place:

**Date** April 19, 2016  
**Time:** 11:00 a.m.  
**Location:** Department of Insurance  
Hearing Room  
45 Fremont Street, 22<sup>nd</sup> Floor  
San Francisco, CA 94105

### ACCESS TO HEARING ROOM

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person (listed below) for this hearing in order to make special arrangements, if necessary.

### WRITTEN AND/OR ORAL COMMENTS: AGENCY CONTACT PERSON

All persons are invited to submit written comments to the Insurance Commissioner on the application prior to the public comment deadline. Comments should be addressed to the contact person for this proceeding:

Michael Riordan, Attorney  
California Department of Insurance  
Rate Enforcement Bureau  
45 Fremont Street, 21<sup>st</sup> Floor  
San Francisco, CA 94105  
[riordanm@insurance.ca.gov](mailto:riordanm@insurance.ca.gov)  
Telephone: (415) 538-4226  
Facsimile: (415) 904-5490

The backup agency contact person for this proceeding will be:

Emily Gallagher, Attorney  
California Department of Insurance  
Rate Enforcement Bureau  
45 Fremont Street, 21<sup>st</sup> Floor  
San Francisco, CA 94105  
[gallagher@insurance.ca.gov](mailto:gallagher@insurance.ca.gov)  
Telephone: (415) 538-4108

All persons are invited to present oral and/or written testimony at the scheduled public hearing.

### DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearing, must be received by the Insurance Commissioner at the address listed above **no later than 5:00 p.m. on April 19, 2016**. Any written materials received after that time will not be considered. Written comments may also be submitted to the contact person by e-mail or facsimile transmission. Please select only one method to submit written comments.

### ADVOCACY OR WITNESS FEES

Persons or groups representing the interest of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regula-

tions, Title 10, Sections 2662.1–2662.6 in connection with their participation in this matter. Interested persons must submit a Petition to Participate, as specified in California Code of Regulations, Title 10, Section 2661.4. The Petition to Participate must be submitted to the Commissioner at the Office of the Public Advisor at the following address:

California Department of Insurance  
Office of the Public Advisor  
300 Spring Street, 12<sup>th</sup> Floor  
Los Angeles, CA 90013  
Telephone: (213) 346-6635

A copy of the Petition to Participate must also be submitted to the contact person for this hearing (listed above). For further information, please contact the Office of the Public Advisor.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Pursuant to California Insurance Code Section 11624, the Commissioner establishes rates to be charged to those obtaining commercial automobile coverage through CAIP. Section 11624 provides: “Premium charges for the plan shall not be excessive, inadequate, nor unfairly discriminatory, and shall be actuarially sound so as to result in no subsidy of the plan.” Title 10, California Code of Regulations, §2498.5 references the commercial automobile rate manual, which is approved by the Commissioner but not printed in full in the California Code of Regulations.

The Commissioner is holding the hearing referenced above to accept comments on CAARP’s recent rate application. CAARP has proposed rate changes for five CAIP sub-lines, amounting to an overall average **14.5 percent rate increase**. The five sub-lines are

- Trucks, Tractor and Trailers;
- Taxis, Limousines and Van Pools;
- All Buses Combined;
- Zone Rated Risks and
- Employers Non-Ownership Liability.

Further details appear in the rate application on file with the Commissioner and available for review as set forth below.

### COMPARABLE FEDERAL LAW

There are no comparable existing federal regulations or statutes.

### LOCAL MANDATE DETERMINATION

The Insurance Commissioner has initially determined that the application will not result in any new program mandates on local agencies or school districts.

MANDATES ON LOCAL AGENCIES OR  
SCHOOL DISTRICTS OR COSTS WHICH MUST  
BE REIMBURSED PURSUANT TO  
GOVERNMENT CODE SECTIONS 17500  
THROUGH 17630

The Insurance Commissioner has initially determined that the application will not result in any cost or significant savings to any local agency or school district for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement, or in other nondiscretionary costs or savings to local agencies.

COST OR SAVINGS TO ANY STATE AGENCY;  
FEDERAL FUNDING

The Commissioner has determined that the application will result in no cost or savings to any state agency and no cost or savings in federal funding to the state.

SIGNIFICANT STATEWIDE ADVERSE  
ECONOMIC IMPACT ON BUSINESSES AND  
THE ABILITY OF CALIFORNIA BUSINESSES  
TO COMPETE

CAARP is proposing overall rate increases for Trucks, Tractor and Trailers; Taxis, Limousines and Van Pools; All Buses Combined; Zone Rated Risks and Employers Non-Ownership Liability. Although the number of commercial auto applications placed by CAARP is small the proposed rate changes could have a statewide economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposed rate changes could also impact competition or competitiveness. The proposal could also affect the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses, or the expansion of businesses in California. However, California Insurance Code section 11624(e) requires that premium charges for the plan shall be actuarially sound so as to result in no subsidy of the plan by the voluntary market. Therefore, if and to the extent that CAARP is able to demonstrate that certain existing rates are no longer actuarially sound and that rate increases are warranted, the Commissioner is required to approve increased rates. Of course, the Commissioner also recognizes that section 11624(e) requires that rates not be excessive, and the Commissioner will not approve an increase that results in excessive rates.

COST IMPACTS ON PRIVATE PERSONS  
OR ENTITIES

The Insurance Commissioner has determined that there could be potential cost impacts on businesses directly affected by the proposed rate increases. Although the rate application involves commercial automobile insurance rates, to the extent a rate increase impacts business, it could also impact private persons employed by those businesses. The rate increase could also impact private persons wishing to purchase goods or services from businesses if the price of goods or services is increased to cover the increased cost of insurance coverage.

IMPACT ON HOUSING COSTS

The Insurance Commissioner has initially determined that the application will not affect housing costs.

IMPACT ON SMALL BUSINESS

The proposed rate changes could affect small businesses.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

The application would not mandate the use of specific technologies or equipment.

ALTERNATIVES

The Insurance Commissioner must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

PLAIN ENGLISH

The application describing the proposal is in plain English. However, the application itself is based on technical actuarial principles.

TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared an Initial Statement of Reasons addressing the proposed rate application in addition to the Informative Digest included in this notice. The Initial Statement of Reasons and this Notice of Proposed Action are available for inspection or copying, and will be provided at no charge upon request to

the contact person listed above. Further details on CAARP's proposal are on file with the Commissioner and available for review as set forth below.

**FINAL STATEMENT OF REASONS**

A Final Statement of Reasons will be prepared at the conclusion of this proceeding. Upon written or e-mail request to the contact person listed above, the Final Statement of Reasons will be made available for inspection and copying once it has been prepared. A copy of the Final Statement of Reasons will also be posted on the Department's web site.

**ACCESS TO RULEMAKING FILE**

Any interested person may inspect a copy of or direct questions about CAARP's application, the statement of reasons, and any supplemental information contained in the rulemaking file by contacting the contact person listed above. **By prior appointment**, the rulemaking file is available for inspection at 45 Fremont Street, 21st Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday.

**AUTOMATIC MAILING**

A copy of this Notice, including the Informative Digest is being sent to all persons on the Insurance Commissioner's mailing list.

**AVAILABILITY OF DOCUMENTS ON THE INTERNET**

The Initial Statement of Reasons, proposed text, and this Notice of Proposed Action will be published online and may be accessed through the Department's website at [www.insurance.ca.gov](http://www.insurance.ca.gov).

**AVAILABILITY OF MODIFIED TEXT OF REGULATIONS**

If the Department amends the application with changes that are sufficiently related to the original application, the Department will make the full text of the amended rates, with the changes clearly indicated, available to the public for at least 15 days before the date the Department adopts the amended rates.

**TITLE 10. DEPARTMENT OF INSURANCE**

**REG-2015-00017**

**NOTICE OF PROPOSED ACTION AND NOTICE OF PUBLIC HEARING REVISIONS TO THE CALIFORNIA LOW COST AUTOMOBILE PLAN PLAN OF OPERATIONS**

**SUBJECT OF HEARING**

California Insurance Commissioner Dave Jones will hold a public hearing to address the proposed amendments to the California Low Cost Automobile ("LCA") Plan of Operations.

**AUTHORITY TO ADOPT RULES AND PROCEDURES AND REFERENCE**

The Commissioner will consider the proposed changes pursuant to the authority vested in him by Section 11620 of the California Insurance Code. The Commissioner's decision on the proposed changes will implement, interpret, or make specific the requirements of Insurance Code section 11624(e). Insurance Code section 11620(c) applies to this proceeding.

**HEARING DATE AND LOCATION**

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the proposed changes at the following date, time, and place:

**Date:** April 19, 2016  
**Time:** 11:00 a.m.  
**Place:** Department of Insurance  
Hearing Room  
45 Fremont Street 22<sup>nd</sup> Floor  
San Francisco, CA 94105

**ACCESS TO HEARING ROOM**

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person (listed below) for this hearing in order to make special arrangements, if necessary,

WRITTEN AND/OR ORAL COMMENTS:  
AGENCY CONTACT PERSON

All persons are invited to submit written comments to the Insurance Commissioner on the proposal prior to the public comment deadline. Comments should be addressed to the contact person for this proceeding:

Michael Riordan, Attorney  
California Department of Insurance  
Rate Enforcement Bureau  
45 Fremont Street, 21<sup>st</sup> Floor  
San Francisco, CA 94105  
[riordanm@insurance.ca.gov](mailto:riordanm@insurance.ca.gov)  
Telephone: (415) 538-4226  
Facsimile: (415) 904-5490

The backup agency contact person for this proceeding will be:

Emily Gallagher, Attorney  
California Department of Insurance  
Rate Enforcement Bureau  
45 Fremont Street, 21<sup>st</sup> Floor  
San Francisco, CA 94105  
[gallagher@insurance.ca.gov](mailto:gallagher@insurance.ca.gov)  
Telephone: (415) 538-4108  
Facsimile: (415) 904-5490

All persons are invited to present oral and/or written testimony at the scheduled public hearing.

DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearing, must be received by the Insurance Commissioner at the address listed above **no later than 5:00 p.m. on April 19, 2016**. Any written materials received after that time will not be considered. Written comments may also be submitted to the contact person by e-mail or facsimile transmission. Please select only one method to submit written comments.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interest of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regulations, Title 10, Sections 2662.1-2662.6 in connection with their participation in this matter. Interested persons must submit a Petition to Participate, as specified in California Code of Regulations, Title 10, Section 2661.4. The Petition to Participate must be submitted to the Commissioner at the Office of the Public Advisor at the following address:

California Department of Insurance  
Office of the Public Advisor  
45 Fremont Street, 21<sup>st</sup> Floor  
San Francisco, CA 94105  
Telephone: (415) 538-4190

A copy of the Petition to Participate must also be submitted to the contact person for this hearing (listed above). For further information, please contact the Office of the Public Advisor.

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

**LC-15-03**

In the past when Plan assignment volumes were high, insurers with quotas would write and service their own assignments. Plans commonly made household assignments to these insurers. However, in recent years, as a result of low application volumes, the number of insurers entering Limited Assignment Distribution (LAD) arrangements has increased. Their assignment obligations are assumed by the LAD servicing company. For this reason, the Plan may not assign an applicant to the household insurer.

Automobile Insurance Plan Service Office (“AIPSO”) proposes to clarify Plan rules to clearly state that the insurer must have a quota and be taking assignments in order for a household assignment to be made.

**LC-15-04**

AIPSO proposes to eliminate the printing and shipping of paper applications. In 2001, AIPSO introduced electronic Plan manuals and forms on its website [www.aipso.com](http://www.aipso.com), including each state’s Plan Manual and Manual of Rules and Rates, Symbol and Identification Manuals, Personal Auto Portfolio of Forms and Endorsements, and the Countrywide Commercial Auto Portfolio of Forms and Endorsements. These electronic publications are available in both interactive and PDF format free of charge to registered users of AIPSO.com by logging into [www.aipso.com](http://www.aipso.com) and accessing the Plan sites link. AIPSO also provides a free e-mail update service.

Due to lower printing volumes and continual increases in the cost of paper and postage, the unit costs to produce and distribute paper publications have increased significantly. This makes the cost of printing and shipping of paper Plan manuals and other paper publications excessive

**LC-15-05**

AIPSO proposes updating the private passenger and commercial territory listings to reflect an additional zip code for the city of Sacramento.

**LC-15-06**

The minimum commission rate has been increased from \$35 to \$50 for LCA policies. AIPSO proposes clarification acknowledging the new minimum commission is applicable to both new and renewal LCA policies. A reference linking the Low Cost Program commission rates to the CAARP commission rates is eliminated.

**LC-15-07**

2013 Cal. Stat. 380 (former A.B. 1804) requires an insurer to maintain a verifiable process or adopt a procedure that allows the applicant or policyholder of a personal auto policy to designate one additional person to receive notices of lapse, termination, expiration, nonrenewal, or cancellation for nonpayment of premium.

AIPSO proposes a new procedure that will allow LCA applicants and insureds to designate a third party to receive notices of lapse, termination, expiration, nonrenewal, or cancellation for nonpayment of premium on their behalf at the time of application and at any time during the policy period.

**LC-15-08**

When the Low Cost Program was implemented on June 19, 2001, the minimum premium for insured or insurer cancellation of a Low Cost Auto Policy was set identical to that of a California Automobile Assigned Risk Plan personal auto policy. Low Cost Plan of Operations Sections 29.F and 34.A and B.2 state the return premium is calculated based on the pro rata unearned premium for the period of coverage subject to a minimum premium as set forth in the corresponding section of the CAARP Plan of Operation. The minimum premium for a CAARP personal auto policy is \$15 per vehicle or policy, whichever is greater.

The current Low Cost minimum premium does not consider the future increase in minimum earned commission from \$35 to \$50 and transition to a new single installment payment option which offers a 20% deposit and seven monthly installments. To reflect insurer obligation for commission payment as well as insurer costs associated with policy issuance and cancellation, AIPSO proposes a separate minimum premium of \$50 per policy be adopted for the Low Cost Program.

**COMPARABLE FEDERAL LAW**

There are no comparable existing federal regulations or statutes.

**LOCAL MANDATE DETERMINATION**

The Insurance Commissioner has initially determined that the proposal will not result in any new program mandates on local agencies or school districts.

**MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS OR COSTS WHICH MUST BE REIMBURSED PURSUANT TO GOVERNMENT CODE SECTIONS 17500 THROUGH 17630**

The Insurance Commissioner has initially determined that the proposal will not result in any cost or significant savings to any local agency or school district for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement, or in other nondiscretionary costs or savings to local agencies.

**COST OR SAVINGS TO ANY STATE AGENCY; FEDERAL FUNDING**

The Commissioner has determined that the proposed regulation will result in no cost or savings to any state agency and no cost or savings in federal funding to the state.

**SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES AND THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE**

The Commissioner has initially determined that the proposal will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This proposal will have no effect on the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses in California, or the expansion of businesses in California.

**COST IMPACT ON PRIVATE PERSONS OR ENTITIES**

The Insurance Commissioner has initially determined the proposal will have no cost impact on private persons or entities.

**IMPACT ON HOUSING COSTS**

The Insurance Commissioner has initially determined that the proposal will not affect housing costs.

#### IMPACT ON SMALL BUSINESS

The Insurance Commissioner has initially determined that the proposal will not impact small business.

#### SPECIFIC TECHNOLOGIES OR EQUIPMENT

The Insurance Commissioner has initially determined that the proposal will require no specific technologies or equipment.

#### ALTERNATIVES

The Insurance Commissioner must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### PLAIN ENGLISH

The proposed changes describing CAARP's proposals are in plain English.

#### TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared an Initial Statement of Reasons addressing the proposed amendments in addition to the Informative Digest included in this notice. The Initial Statement of Reasons and this Notice of Proposed Action are available for inspection or copying, and will be provided at no charge upon request to the contact person listed above. Further details on CAARP's proposal are on file with the Commissioner and available for review as set forth below.

#### FINAL STATEMENT OF REASONS

A Final Statement of Reasons will be prepared at the conclusion of this proceeding. Upon written or e-mail request to the contact person listed above, the Final Statement of Reasons will be made available for inspection and copying once it has been prepared. A copy of the Final Statement of Reasons will also be posted on the Department's web site.

#### ACCESS TO RULEMAKING FILE

Any interested person may inspect a copy of or direct questions about CAARP's proposed amendments, the statement of reasons, and any supplemental informa-

tion contained in the rulemaking file by contacting the contact person listed above. **By prior appointment**, the rulemaking file is available for inspection at 45 Fremont Street, 21st Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday.

#### AUTOMATIC MAILING

A copy of this Notice, including the Informative Digest, is being sent to all persons on the Insurance Commissioner's mailing list.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

The Initial Statement of Reasons, proposed text, and this Notice of Proposed Action will be published online and may be accessed through the Department's website at [www.insurance.ca.gov](http://www.insurance.ca.gov).

#### AVAILABILITY OF MODIFIED TEXT OF REGULATIONS

If the Department amends the proposed regulations with changes that are sufficiently related to the original text, the Department will make the full text of the amended regulations, with the changes clearly indicated, available to the public for at least 15 days before the date the Department adopts the amended regulations.

### TITLE 10. GOVERNOR'S OFFICE OF BUSINESS AND ECONOMIC DEVELOPMENT

#### NOTICE OF MODIFICATIONS TO TEXT OF PROPOSED RULEMAKING Z-2015-0602-07 WHICH ARE NOT SUFFICIENTLY RELATED TO THE ORIGINAL TEXT OF THAT RULEMAKING ACTION

#### OVERVIEW AND BACKGROUND OF PROPOSED NOT SUFFICIENTLY RELATED CHANGES

On June 2, 2015, the Governor's Office of Business and Economic Development ("GO-Biz") submitted new regulations (Title 10 CCR Sections 8100, 8110, 8120, 8130, and 8140) to the Office of Administrative Law ("OAL") to create a framework for operating the Made in California state labeling program ("CA Made"

or “Program”). That action received OAL notice file number Z-2015-0602-07. The public comment period for the regulations closed on July 27, 2015. Since the initial public comment period, GO-Biz has determined that it is necessary to adopt a new Section 8150 to require an annual fee for licensees in the Program and to make corresponding changes to Sections 8100 and 8130. Because new Section 8150 and the related changes to Sections 8100 and 8130 introduce new subject matter into the regulations, it is considered a new rulemaking and subject to Administrative Procedure Act requirements for new rulemaking actions.

New rulemaking action notices must be published in the California Regulatory Notice Register (“CRNR”) and provide a 45-day public comment period. Therefore, GO-Biz is publishing this revised Notice of Proposed Action (“NOPA”) in the CRNR and posting all revised regulatory documents to the GO-Biz website and emailing those documents to the CA Made stakeholder list. The modified text of Sections 8100 and 8130 and the newly adopted text, Section 8150, will be subject to review and comment during a 45-day period beginning with publication of this NOPA in the CRNR. **The original, unmodified text, i.e., all sections and subdivisions other than Sections 8100(k), 8130(d)(2), and all of Section 8150, are not subject to any further public comment and will be adopted as shown, because this text has already been noticed to the public and emailed to CA Made stakeholders, published in the CRNR, and made available for comments for 45 days pursuant to OAL notice file number Z-2015-0602-07 (see CRNR dated 6/12/15).**

Modifications to the regulatory documents are identified as follows:

- Changes to the regulatory text which are subject to public comment are identified by ~~double strikethrough~~ for deletions and double underline for additions.
- Changes to the Initial Statement of Reasons are identified by ~~strikethrough~~ for deletions and underline for additions.
- A new Form 400 has been filed associated with this revised notice.
- A new Form 399 (Fiscal/Economic Impact) has been submitted.

**The revised regulatory documents, including the revised proposed regulations, have been posted on GO-Biz’s website located at <http://business.ca.gov/Programs/SmallBusiness.aspx>.**

PUBLIC HEARING

GO-Biz has not scheduled a public hearing for this proposed action. However, if GO-Biz receives a written request for a public hearing from any interested person or his or her authorized representative no later than 15 days before the close of the written comment period, the office will conduct a public hearing on this proposed action and will notify all interested parties of the date, time, and location of the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to GO-Biz at the address below. Comments may also be submitted by email to [janelle.green@gov.ca.gov](mailto:janelle.green@gov.ca.gov). The written comment period closes at **5:00 p.m. on April 18, 2016**. GO-Biz will only consider comments received at the GO-Biz office by that time. Submit comments to:

Governor’s Office of Business and Economic Development  
 Attn: Janelle Green  
 1325 J Street  
 18<sup>th</sup> Floor  
 Sacramento, CA 95814

AUTHORITY AND REFERENCE

Section 12098.10 of the CA Government Code authorizes GO-Biz to collect a fee to recover the cost of implementing and marketing the Program. The modifications to the proposed regulations in Sections 8130(d)-8130(h) and 8150 of Title 10, Chapter 13 establish the basis for assessing and administering the fee.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

In 2013, Governor Edmund G. Brown Jr. signed Senate Bill 12 (Corbett, Chapter 541, Statutes of 2013), which created the Program. GO-Biz is responsible for implementing and managing the Program. The purpose of CA Made is to encourage consumer product awareness and to promote the purchase of products manufactured in California. In order for a business to use the CA Made label on its products, the law requires products to be “Made in U.S.A.” as defined in Section 17533.7 of the Business and Professions Code. In addition, 51 percent or more of the value added must be produced in

California. To verify compliance with these requirements, businesses must obtain third-party certification prior to using the CA Made label.

The modifications to the proposed regulations in this rulemaking action establish a process for assessing an annual fee on licensees to offset the costs of operating the Program. The fee amount would be determined based on the number of products included in an approved application, with a not to exceed amount for each approved application. The modified regulations also describe how the fee will be collected and deposited. The disclosures section in this notice identifies the fee amounts, fee revenue estimates, and the methodology underlying their calculation.

Anticipated Benefits of the Proposed Regulation:

The modifications to the proposed regulations provide a mechanism for the Program to generate revenues to partially offset Program costs and promote the Program’s long term fiscal sustainability. These sections establish a fee that is transparent to calculate, comparable to other state labeling program fees, and subject to a rate ceiling to maintain affordability.

Furthermore, the modifications clearly inform applicants that an annual fee will be imposed on all licenses once an application is approved. It also clarifies how fees will be determined for each licensee.

Determination of Inconsistency/incompatibility with Existing State Regulations:

During the process of developing these regulations and amendments, GO-Biz has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations. No other currently existing state agency has issued any regulations related to the proposed regulations; therefore there are no inconsistencies or incompatibilities with existing state regulations.

DISCLOSURES REGARDING  
PROPOSED ACTION

GO-Biz has made the following initial determinations:

**Cost impacts on a representative private person or business:** GO-Biz will charge representative private persons or businesses that obtain a license an annual fee. The fee will be charged to each licensee based on the number of products licensed in their application.

- For a single product, the fee is \$100 per licensee.
- For two products, the fee is \$125 per licensee.
- For 3 or more products, the fee is \$150 per licensee.

The fee was established based on fees charged by comparable labeling programs and with the intent of maintaining affordability for small businesses. The rulemaking file includes documentation from other labeling programs that GO-Biz relied upon to help determine fee amounts.

In addition to the fee, applicants will need to submit a third-party certification form when applying to the Program. Third-party certifiers may choose to charge prospective applicants for this service.

GO-Biz is not aware of any other cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**Cost or savings to any state agency:** The revenue generated by the fee will offset GO-Biz’s cost of operating the Program. By the fifth year of the Program, the fee is estimated to generate \$13,250 in annual revenue from an estimated 125 licensees. **Figure 1** shows the calculations underlying the revenue estimate. Membership is estimated to increase incrementally as the marketing campaign matures and the CA Made label’s value is established. Actual state agency cost savings will depend on the quantity of products that are able to qualify, the supply and cost of third-party certifiers, and the overall success of the marketing campaign.

**Figure 1**  
**Estimated CA Made Program Licensees and Products at Year 5**

Category	Application Type			Total
	1 Product	2 Products	3 or More Products	
<b>Number of Licensees by Type of Application</b>	100	20	5	<b>125</b>
<b>Fee per Licensee</b>	\$100	\$125	\$150	
<b>Total Fee Revenue</b>	<b>\$10,000</b>	<b>\$2,500</b>	<b>\$750</b>	<b>\$13,250</b>

**Mandate on local agencies and school districts:** None.

**Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630:** None.

**Other nondiscretionary cost or savings imposed on local agencies:** None.

**Cost or savings in federal funding to the state:** None.

**Statewide adverse economic impact directly affecting business and individuals:** None.

**Significant effect on housing costs:** None.

Results of the Economic Impact Analysis/Assessment

The Program is completely voluntary and therefore has no adverse economic impact on businesses. Businesses have the option of participating in the Program and being subject to the requirements and responsibilities that these regulations impose on licensees. Since the monetary fee to participate in the Program is negligible, businesses will not face a financial hardship if they receive a license to use the CA Made label. Moreover, the negligible fee allows both small and large businesses access to the Program.

GO-Biz concludes that:

- It is likely that the proposed changes will not affect the creation/elimination of jobs within in California.
- It is likely that the proposed changes will not affect the creation of new business and elimination of existing business.
- It is likely that the proposed changes may promote the expansion of businesses currently doing business within the State.

**Benefits of Proposed Action:** The modifications to Section 8130(d)–8130(h) and introduction of new Section 8150 to the proposed regulations provide a mechanism for the Program to generate revenues to partially offset Program costs and promote the Program’s long term fiscal sustainability. It also establishes fees at levels that are affordable for small businesses, thereby promoting small business access to the Program and increasing the Program’s potential to benefit small businesses in the state.

**Small Business Determination:** Because of the reasons described above, GO-Biz has determined that the proposed regulations may positively affect the marketing efforts of small businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), GO-Biz must determine that no reasonable alternative it considered or that has

otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

GO-Biz invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Governor’s Office of Business and Economic Development  
 Attn: Janelle Green  
 1325 J Street, 18<sup>th</sup> Floor  
 Sacramento, CA 95814  
 Email: [Janelle.Green@gov.ca.gov](mailto:Janelle.Green@gov.ca.gov)

Back-Up Contact Person:

Attn: Megan Hodapp  
 Phone: 916-322-2716  
 Email: [Megan.Hodapp@gov.ca.gov](mailto:Megan.Hodapp@gov.ca.gov)

**Please limit comments to the modifications to the proposed regulations in Section 8130(d)–8130(h) and new Section 8150. Comments directed at portions of the text other than Sections 8130(d)–(h) and 8150 will be outside the scope of this notice and will not be responded to in a substantive way.** Please direct requests for copies of the revised text of the regulations, the revised initial statement of reasons, or other information upon which the rulemaking is based to Janelle Green at the above address. In her absence, please contact the designated back-up contact person.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

GO-Biz will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the modified proposed text of the regulations and the modified Initial Statement of Reasons. Copies may be obtained by contacting Janelle Green at the address or email above.

AVAILABILITY OF CHANGED OR  
MODIFIED TEXT

After considering all timely and relevant comments received, GO-Biz may adopt the modifications to the proposed regulations substantially as described in this notice. If GO-Biz makes additional modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before GO-Biz adopts the regulations as revised. Please send requests of any modified regulations to the attention of Janelle Green at the address indicated above. GO-Biz will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF FINAL STATEMENT  
OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Janelle Green at the address or email above.

AVAILABILITY OF DOCUMENTS ON  
THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations can be accessed on the website at <http://business.ca.gov/Programs/SmallBusiness.aspx>.

**TITLE 11. DEPARTMENT OF JUSTICE**

**NOTICE OF PROPOSED AMENDMENTS TO  
THE DEPARTMENT OF JUSTICE  
REGULATIONS PERTAINING TO THE  
PROCESS FOR THE SECURING OF  
CRIMINAL OFFENDER  
RECORD INFORMATION**

The Department of Justice (DOJ) proposes to amend California Code of Regulations (CCR), Title 11, Chapter 7, Article 1, section 700; repeal and adopt sections 701, 702, 703, 707, and 708; and adopt sections 704, 705, and 706. The proposed regulations below would outline processes and procedures for the accessing, handling, storage, dissemination, and destruction of criminal offender record information (CORI) furnished to authorized agencies.

PUBLIC HEARING

The DOJ has not scheduled a public hearing on this proposed action. However, the DOJ will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her duly authorized representative, no later than 15 days before the close of the written comment period. The request must be in writing and must comply with the requirements of Government Code (GC) section 11346.8(a). If a public hearing is requested, a notice of the time, date, and place of the hearing, if requested, will be provided by separate notice.

WRITTEN COMMENT PERIOD AND  
SUBMITTAL OF COMMENTS

The public comment period for this regulatory action will begin on March 4, 2016. Written comments on this regulatory proposal must be received no later than April 18, 2016 at 5:00 p.m., and addressed to the following:

Steve Reed, Staff Services Analyst  
California Department of Justice  
Bureau of Criminal Information and Analysis  
4949 Broadway  
Sacramento, CA 95820

Or

Michelle Williams, Associate Governmental  
Program Analyst  
California Department of Justice  
Bureau of Criminal Information and Analysis  
4949 Broadway  
Sacramento, CA 95820

Please note that under the California Public Records Act (GC, § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

AUTHORITY AND REFERENCE

Penal Code (PC) section 11077 authorizes the Attorney General to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific sections 11075–11081, 11102.2, 11105, and 13202 of the PC and section 15165 of the GC.

INFORMATIVE DIGEST OF PROPOSED ACTION  
AND POLICY STATEMENT OVERVIEW  
PURSUANT TO GC SECTION 11346.5(a)(3)

**Background and Effect of the Proposed  
Rulemaking:**

PC section 11077 requires the Attorney General to adopt regulations to assure the security of CORI. Many

of the sections and subdivisions within the CCR, Title 11, Chapter 7, Article 1, sections 700 through 710, regarding the mandatory securing of CORI, have been repealed by the Office of Administrative Law or no longer specify the proper procedures and processes for accessing, handling, storage, dissemination, and destruction of CORI.

This rulemaking action makes specific the restrictions on authorized agencies for accessing, storing, handling, disseminating, and destroying CORI responses furnished by the DOJ.

**Objectives and Benefits of the Proposed Regulation:**

The objective of the proposed rulemaking action is to assist authorized agencies within California with the proper procedures for accessing, storage, handling, dissemination, and destruction of CORI, thus protecting the privacy of the citizens of California.

**Documents Incorporated by Reference:**

The following documents would be incorporated in the regulation by reference as specified by section:

1. Custodian of Records Application for Confirmation, Form Number BCIA 8374, November 2014, section 702.
2. Custodian of Records Notification, Form Number BCIA 8375, November 2014, section 702.
3. California Law Enforcement Telecommunications System Subscriber Agreement, Form Number HDC 0001, March 2010, section 703.
4. National Institute of Standards and Technology Special Publication 800-88 Revision 1, "Guidelines for Media Sanitization," December 2014, section 708.

COMPARABLE FEDERAL REGULATIONS

There are no existing federal regulations or statutes comparable to the proposed regulations.

MANDATED BY FEDERAL LAW  
OR REGULATIONS

The proposed regulations are not mandated by federal law or regulations.

OTHER STATUTORY REQUIREMENTS

None.

DETERMINATION OF INCONSISTENCY AND  
INCOMPATIBILITY WITH EXISTING  
STATE REGULATIONS

The DOJ has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the DOJ has concluded that these are the only regulations that concern the security of CORI in California.

DISCLOSURES REGARDING THE  
PROPOSED REGULATION

The DOJ has made the following initial determinations:

**Fiscal Impact / Local Mandate**

The DOJ has determined that the proposed regulatory action would not create costs or savings to any State agency or in federal funding to the State, costs or mandates to any local agency or school district, whether or not reimbursable by the State pursuant to GC, Title 2, Division 4, Part 7 (commencing with section 17500), or other nondiscretionary costs or savings to State or local agencies.

**Significant Statewide Adverse Economic Impact Directly Affecting Business, Including Ability to Compete**

The DOJ has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

**Cost Impacts on Representative Private Persons or Businesses**

The DOJ is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**Results of the Economic Impact Analysis/Assessment Prepared Pursuant to Government Code Sec. 11346.3(b)**

Effect on Jobs/Businesses:

The DOJ has determined that the proposed regulatory action would not affect the creation or elimination of jobs or businesses within the State of California, or the creation of new business or elimination of existing businesses or the expansion of businesses currently doing business within the State of California. This determination is based on the fact that this proposed action will not impose any significant cost or other adverse economic impact on authorized agencies. Furthermore, this proposed action would have no impact on any other businesses or jobs.

Benefits of the Proposed Regulation:

The regulations proposed in this rulemaking action would standardize the procedures and processes for the accessing, handling, storage, dissemination, and destruction of CORI, as well as penalties for non-compliance across the state. The new regulations would also consolidate information from various documents regarding CORI into a central location, and give those processes and procedures the force of law, thus protecting the privacy of the citizens of California.

**Effect on Small Business**

The DOJ has also determined, pursuant to CCR, Title 1, section 4, that the proposed regulatory action would not affect small business, because current procedures for accessing, handling, storing, dissemination, and destruction of CORI allowed through the licensing, certification, and permitting process now existing would not change for those entities defined as a small business in GC section 11342.610(a).

**Housing Costs**

The DOJ has also made the initial determination that the proposed regulatory action will not have a significant effect on housing costs.

ALTERNATIVES

Before taking final action on the amendments, the DOJ must determine that no reasonable alternative it considered, 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, or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected persons and equally effective in implementing the statutory policy or other provision of law.

The DOJ invites interested persons to present statements or arguments, with respect to alternatives, to the proposed regulations during the 45-day written comment period.

AGENCY CONTACT PERSONS

Inquiries concerning the substance of the proposed regulatory action may be directed to the designated agency contact persons: Mr. Steve Reed, Staff Services Analyst, Bureau of Criminal Information and Analysis, at (916) 227-4251. The back-up contact for these inquiries is Ms. Michelle Williams, Associate Govern-

mental Program Analyst, Bureau of Criminal Information and Analysis, at (916) 227-4726.

AVAILABILITY OF DOCUMENTS

The DOJ has prepared an Initial Statement of Reasons (ISOR) for the proposed rulemaking action and a listing of the exact regulations proposed.

Copies of the ISOR and the full text of the proposed regulatory language, or other information upon which the rulemaking is based may be obtained from the DOJ contact persons in this notice, or may be accessed through the Attorney General's website below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

This regulatory proceeding will be conducted in accordance with the California Administrative Procedure Act, GC, Title 2, Division 3, Part 1, Chapter 3.5 (commencing with section 11340).

After the DOJ analyzes all timely and relevant comments received during the 45-day public comment period, the DOJ will either adopt the regulations as described in this notice, or make modifications based on the comments. If the DOJ makes modifications which are sufficiently related to the original text of the proposed regulations, the amended text, with the changes clearly indicated, will be made available for an additional 15-day public comment period, before the DOJ adopts the regulations. The DOJ will accept written comments on the modifications to the regulations during the 15-day public comment period.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the Attorney General's website listed below.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

This notice, the ISOR, and all subsequent regulatory documents for this rulemaking are available on the Attorney General's website at <http://oag.ca.gov/meetings/public-participation>.

**TITLE 13. AIR RESOURCES BOARD**

**NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED CALIFORNIA EVALUATION PROCEDURE FOR NEW AFTERMARKET DIESEL PARTICULATE FILTERS INTENDED AS MODIFIED PARTS FOR 2007 THROUGH 2009 MODEL YEAR ON-ROAD HEAVY-DUTY DIESEL ENGINES**

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider approving for adoption the proposed amendment to California’s regulation regarding after-market parts (California Code of Regulations, title 13, section 2222), and the proposed incorporated document “California Evaluation Procedure for New Aftermarket Diesel Particulate Filters Intended as Modified Parts for 2007 Through 2009 Model Year On-Road Heavy-Duty Diesel Engines.”

DATE: April 22, 2016  
 TIME: 9:00 a.m.  
 PLACE: California Environmental Protection Agency  
 Air Resources Board  
 Byron Sher Auditorium  
 1001 I Street  
 Sacramento, California 95814

This item will be considered at a one-day meeting of the Board, which will commence at 9:00 a.m., April 22, 2016. Please consult the agenda for the hearing, which will be available at least 10 days before April 22, 2016, to determine the order on which this item will be considered.

**WRITTEN COMMENT PERIOD AND SUBMITTAL OF COMMENTS**

Interested members of the public may present comments orally or in writing at the hearing and may provide comments by postal mail or by electronic submittal before the hearing. The public comment period for this regulatory action will begin on March 4, 2016. To be considered by the Board, written comments not physically submitted at the hearing, must be submitted on or after March 4, 2016 and received **no later than 5:00 p.m. on April 18, 2016**, and must be addressed to:

Postal mail: Clerk of the Board,  
 Air Resources Board  
 1001 I Street,  
 Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Under the California Public Records Act (Gov. Code, § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

ARB requests that written and email statements on this item be filed at least 10 days prior to the hearing so ARB staff and Board members have additional time to consider each comment. The Board encourages members of the public to bring to the attention of staff before the hearing any suggestions for modification of the proposed regulatory action.

The Board requests but does not require that persons who submit written comments to the Board reference the title of the proposal in their comments to facilitate review.

**AUTHORITY AND REFERENCE**

This regulatory action is proposed under the authority granted in California Health and Safety Code sections 39600, 39601, 43000, 43000.5, 43011 and 43107, and Vehicle Code sections 27156, 38391, and 38395. This action is proposed to implement, interpret, and make specific California Health and Safety Code sections 39002, 39003, 39500, 43000, 43000.5, 43009.5, 43011, 43107, 43204, 43205, 43205.5 and 43644, and Vehicle Code sections 27156, 38391, and 38395.

**INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW (GOV. CODE, § 11346.5, subd. (a)(3))**

**Sections Affected:** Proposed amendment to California Code of Regulations, title 13, section 2222 and proposed document incorporated by reference: California Evaluation Procedure for New Aftermarket Diesel Particulate Filters Intended as Modified Parts for 2007 Through 2009 Model Year On-Road Heavy-Duty Diesel Engines.

**Documents Incorporated by Reference:**

These documents, test methods, and standard operating protocols are incorporated by reference in the proposed procedure, *California Evaluation Procedure for New Aftermarket Diesel Particulate Filters Intended as*

*Modified Parts for 2007 through 2009 Model Year On-Road Heavy-Duty Diesel Engines* date to be determined upon Executive Officer approval for adoption.

1. ARB SOP No. MLD 102/103, *Procedure for the Determination of C2 to C12 Hydrocarbons in Automotive Exhaust Samples by Gas Chromatography*, (March 15, 2007)
2. ARB SOP No. MLD 104, *Standard Operating Procedure for the Determination of Aldehyde and Ketone Compounds in Automotive Source Samples by High Performance Liquid Chromatography*, (April 1, 2006)
3. ARB SOP No. MLD 148, *Procedure for the Analysis of C3 to C12 Hydrocarbons in Automotive Exhaust by Gas Chromatography/Mass Spectrometry with Pre-Concentration System*, (March 2009)
4. American Society for Testing and Materials (ASTM) International, *Standard Specification for Diesel Fuel Oils* (1982), ASTM D975-81, West Conshohocken, PA; (May 1982)
5. ASTM, *Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products (Hydrometer Method)*, ASTM D287-82, West Conshohocken, PA; (August 27, 1982)
6. ASTM, *Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter*, ASTM D4052-96, West Conshohocken, PA; (May 2002)
7. ASTM, *Standard Test Method for Determination of the Aromatic Content and Polynuclear Aromatic Content of Diesel Fuels and Aviation Turbine Fuels by Supercritical Fluid Chromatography*, ASTM D5186-03, West Conshohocken, PA; (April 15, 2009)
8. ASTM, D5453-93, *Standard Test Method for Determination of Total Sulfur in Light Hydrocarbons, Motor Fuels and Oils by Ultraviolet Fluorescence*, ASTM D5453-93, Philadelphia, PA, (September 15, 1993)
9. ASTM, *Standard Test Method for Distillation of Petroleum Products*, ASTM D86-96, West Conshohocken, PA; (April 10, 1996)
10. ASTM, *Standard Test Method for Evaluation of Diesel Engine Oils in the T-11 Exhaust Gas Recirculation Diesel Engine*. ASTM D7156-13, West Conshohocken, PA; (May 1, 2013)
11. ASTM, *Standard Test Methods for Flash Point by Pensky-Martens Closed Tester*, ASTM D93-80, Philadelphia, PA; (August 29, 1980)
12. ASTM, *Standard Test Method for Ignition Quality of Diesel Fuels by the Cetane Method*, ASTM D613-84, West Conshohocken, PA; (January 3, 1984)
13. ASTM, *Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and the Calculation of Dynamic Viscosity)*, ASTM D445-83, Philadelphia, PA; (October 28, 1983)
14. ASTM, *Standard Test Method for Trace Nitrogen in Liquid Petroleum Hydrocarbons by Syringe/Inlet Oxidative Combustion and Chemiluminescence Detection*, ASTM D4629-96, West Conshohocken, PA; (April 10, 1996)
15. United States Environmental Protection Agency (U.S. EPA, 2006b. *Alternative Heavy-Duty Highway Guidance for Infrequent Regeneration of Diesel Particulate Filters*, CISD-06-22, (November 6, 2006)
16. U.S. EPA, *Emission Regulations for New Otto-Cycle and Diesel Heavy-Duty Engines; Gaseous and Particulate Exhaust Test Procedures*, CFR, Title 40, Part 86, Subpart N, §86.1327-90, (September 5, 1997)
17. U.S. EPA, *Emission Regulations for New Otto-Cycle and Diesel Heavy-Duty Engines; Gaseous and Particulate Exhaust Test Procedures*, CFR, Title 40, Part 86, Subpart N, §86.1334-84, (January 18, 2001)
18. U.S. EPA, *Emission Regulations for New Otto-Cycle and Diesel Heavy-Duty Engines; Gaseous and Particulate Exhaust Test Procedures*, CFR, Title 40, Part 86, Subpart N, §86.1335-90, (September 5, 1997)
19. U.S. EPA, Code of Federal Regulations (CFR), (2014). *Equipment Specifications*. CFR, Title 40, Part 1065 Subpart B, (As it existed on February 12, 2016)
20. U.S. EPA, 2014c. *Exhaust Test Procedures for Heavy-duty Engines*, CFR, Title 40, part 86, Subpart N, (As it existed on February 12, 2016)
21. U.S. EPA, 2014, *Compliance with Emission Standards*, CFR, Title 40, Part 86, Subpart A, §86.004-28(i), as it existed on February 13, 2016
22. U.S. EPA, 2006a. *Heavy-Duty Highway Guidance for Infrequent Regeneration of Diesel Particulate Filters*, Compliance and Innovative Strategies Division (CISD)-06-17, (August 7, 2006)
23. U.S. EPA, *Maintenance*, CFR, Title 40, Part 86, Subpart A, §86.004-25, (as it existed on February 13, 2016)

24. U.S. EPA, 2014b. *Methods for Unregulated and Special Pollutants*, CFR, Title 40, part 1065, Subpart L, (As it existed on February 12, 2016)
25. U.S. EPA. *Motor Vehicle Diesel Fuel, Nonroad, Locomotive, and Marine Diesel Fuel; and ECA Marine Fuel*, CFR, Title 40, Part 80, Subpart I, (As it existed on February 12, 2016).

**Background and Effect of the Proposed Rulemaking:**

California Vehicle Code section 27156 generally prohibits the sale, offer for sale, advertisement, or installation of any devices that alter the design or performance of any required motor vehicle pollution control device or system. ARB has the statutory authority to exempt non-original equipment components from this prohibition if it determines that such components will not reduce the effectiveness of any required pollution control device or would not cause vehicle emissions to exceed applicable standards. Under this authority, ARB has adopted regulations applicable to aftermarket parts and has adopted provisions specifically applicable to aftermarket catalytic converters for passenger cars and light- and medium-duty vehicles, and to aftermarket critical emission control parts for on-highway motorcycles. Emission control devices (e.g., diesel particulate filters (DPF)) to control emissions from on-road heavy-duty diesel engines and vehicles have not been previously addressed. Consequently, ARB's existing aftermarket parts provisions are not directly applicable to non-original equipment manufacturer (OEM) aftermarket emission control devices for on-road heavy-duty diesel engines, like diesel oxidation catalysts (DOC), DPFs, and selective catalytic reduction (SCR).

In this rulemaking action, ARB staff proposes the Board approve for adoption an evaluation procedure that establishes the criteria for assessing whether aftermarket DPFs for 2007 through 2009 model year on-road heavy-duty diesel engines meet the criteria to be exempted from the anti-tampering prohibitions of Vehicle Code section 27156. The proposed procedure will provide manufacturers that elect to manufacture aftermarket DPFs a legal pathway to market and sell such devices and will provide consumers a lower cost option than purchasing new OEM DPFs. Although participation in this program would be voluntary, in that no manufacturers would have to manufacture aftermarket DPFs, several companies have already expressed interest in the proposal.

The proposed evaluation procedure is solely applicable to aftermarket DPFs, and is not designed to address the unique considerations applicable to other emission controls used on heavy-duty diesel engines, such as

diesel oxidation catalysts or selective catalytic reduction systems.

**Objectives and Benefits of the Proposed Regulatory Action:**

The primary purpose of this proposed regulatory action is to establish a procedure that will allow ARB to evaluate whether aftermarket DPFs for 2007 through 2009 model year on-road heavy-duty diesel engines meet the criteria to be exempted from the anti-tampering prohibitions of Vehicle Code section 27156. Because of the unique characteristics of DPFs, the proposed procedure not only considers the basic concepts of modified parts (i.e., no reduction to engine/vehicle effectiveness and does not cause emissions to exceed applicable standards), but also includes: provisions to ensure aftermarket DPFs are effective emission control devices, including but not limited to, safety considerations; a detailed submission, review, and approval process; and protections for the end user, which include warranty, audit, and recall with required recordkeeping.

The proposed regulatory amendment requires that the product be warranted to be free from defects for 2 years from the date of installation. Additionally, installers would be required to provide an installation warranty for 2 years from the date of installation.

The most significant benefit to this procedure is to the end users, which include those regulated by ARB fleet rules. The proposed regulatory amendment would introduce flexibility to the marketplace, allowing end users more choice in obtaining a replacement for their OEM DPF. Due to marketplace competition, aftermarket DPFs are expected to sell for a lower price than OEM DPFs, thus providing a cost savings to the end user. The availability of lower cost DPFs may cause more timely replacement of failed DPFs, ensuring continued emission benefits.

**Comparable Federal Regulations:**

The United States Environmental Protection Agency (U.S. EPA) has adopted regulations applicable to aftermarket parts in the Code of Federal Regulations, title 40, part 85. However, these regulations establish only a voluntary self-certification program. In contrast, ARB's aftermarket parts regulations require aftermarket part manufacturers to receive and obtain an exemption before they can sell parts in California.

Any aftermarket emission control device is covered under U.S. EPA's 1974 "Interim Tampering Enforcement Policy" (Memo 1A). Aftermarket catalytic converters are legal for sale federally under an enforcement policy established by U.S. EPA in 1986, but the policy does not constitute a regulation. This policy addressed issues regarding aftermarket converters for light-duty

vehicles and light-duty trucks, but not aftermarket emission control devices for diesel engines such as diesel particulate filters.

**An Evaluation of Inconsistency and Incompatibility with Existing State Regulations (Gov. Code, § 11346.5, subd. (a)(3)(D)):**

During the process of developing the proposed regulatory action, ARB searched any similar regulations on this topic and concluded these regulations are neither inconsistent nor incompatible with existing state regulations.

DISCLOSURE REGARDING THE PROPOSED REGULATION

**Fiscal Impact/Local Mandate Determination Regarding the Proposed Action (Gov. Code, § 11346.5, subds. (a)(5)&(6)):**

The determinations of the Board's Executive officer concerning the costs or savings incurred by public agencies and private persons and business in reasonable compliance with the proposed regulatory action are presented below.

**Local Mandate (Gov. Code, § 11346.5, subd. (a)(5)):**

The Executive Officer has determined that the proposed regulatory action would not create costs or savings to any local agency or school district, whether or not reimbursable by the State under Government Code, title 2, division 4, part 7 (commencing with section 17500), or other nondiscretionary cost or savings to State or local agencies.

**Cost to any Local Agency or School District Requiring Reimbursement (Gov. Code, § 17500 et seq.):**

The Executive has determined there are no reimbursable costs to any local agency or school district because of this proposal.

**Cost or savings for State Agencies:**

ARB's estimated administrative costs will be \$580,000 for the next 2 years, as specified in the Economic and Fiscal Impacts Statement (Form 399) prepared for this proposed regulatory action. The only savings that might result would be if an agency purchased aftermarket DPFs for any state-owned vehicles.

**Other Non-Discretionary Costs or Savings on Local Agencies:**

The Executive Officer has determined there are no non-discretionary costs or savings to local agencies.

**Costs or Savings in Federal Funding to the State:**

Under Government Code sections 11346.5, subdivision (a) and 11346.5, subdivision (a)(6), the Executive Officer has determined that the proposed regulatory ac-

tion would not create costs or savings in federal funding to the State.

**Housing Costs:**

The Executive Officer has also made the initial determination that the proposed regulatory action will not have a significant effect on housing costs.

**Significant Statewide Adverse Economic Impact Directly Affecting Business, Including Ability to Compete:**

The Executive Officer has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

**Results of the Economic Impact Analysis/Assessment (Gov. Code, § 11346.5, subdivision (a)(10)):**

**NON-MAJOR REGULATION: Statement of the Results of the Economic Impact Assessment (EIA):**

**Effect on Jobs/Businesses:**

The Executive Officer has determined that the proposed regulatory action would affect the creation or elimination of jobs within the State of California. Some aftermarket DPF manufacturers and installers may expand and create jobs because of the introduction of aftermarket DPFs into the marketplace. On balance, the proposal is expected to result in a small net gain in jobs.

The Executive Officer has determined that the proposed regulatory action would not affect the creation of new businesses or the elimination of existing businesses within the State of California.

Existing Businesses currently doing business within the State of California that manufacture, sell, or install verified devices (retrofit DPFs) for older engines may expand their businesses to accommodate aftermarket DPFs. In addition, OEM installers that do not have exclusive agreements with OEMs may expand to accommodate aftermarket DPFs.

A detailed assessment of the economic impacts of the proposed regulatory action can be found in the Initial Statement of Reasons (ISOR).

**Benefits of the Proposed Regulation:**

The objective of the proposed regulatory action is to provide a clear path for device manufacturers interested in selling aftermarket DPFs intended as modified parts in California and to provide end users another option in the marketplace to replace failed DPFs on 2007-2009 on-road heavy-duty diesel engines originally equipped with a DPF after expiration of the warranty period, while still maintaining end user protections in the form of recordkeeping, warranty, recall, and audit requirements. Having alternative sources of DPFs intended as substitutes for OEM parts is expected to result in a more

competitive market place and reduce the costs of DPFs to the end user. A summary of these benefits is provided, please refer to “Objectives and Benefits,” under the Informative Digest of Proposed Action and Policy Statement Overview Pursuant to Government Code 11346.5, subdivision (a)(3) discussion on page five.

**Business Report (Gov. Code, § 11346.5, subd. (a)(11); 11346.3, subd. (d)):**

Under Government Code sections 11346.3, subdivision (c) and 11346.5, subdivision (a)(11), the Executive Officer finds the reporting requirements in the regulatory proposal, which would apply to businesses, are necessary for the health, safety, and welfare of the people of the State of California. The proposed reporting requirements are necessary to ensure manufacturer compliance with the proposed procedure, particularly warranty obligations, and to protect end users in case of a recall.

**Cost Impacts on Representative Private Persons or Businesses (Gov. Code, § 11346.5, subd. (a)(9)):**

In developing this regulatory proposal, ARB staff evaluated the potential economic impacts on representative private persons or businesses. The ARB is not aware of any cost impacts that a representative private person would incur because of the proposed action. Regarding businesses, participation is voluntary and contingent on the fact the company wishes to sell in California. No manufacturer is required to participate. If no companies participate, there is no cost to the regulation. Businesses who participate would incur costs, as detailed in the ISOR. Manufacturers and installers would not participate unless they expect to realize a major economic benefit based on the sale and service of the products.

**Effect on Small Business (Cal. Code Regs., tit. 1, § 4, subds. (a) and (b)):**

The Executive Officer has also determined, under California Code of Regulations, title 1, section 4, that the proposed regulatory action might affect small businesses, including DPF manufacturers, authorized installers, and end users of these modified parts. Only manufacturers and installers who produce, install, and service these devices would incur costs, and they would not participate if they did not expect to realize an economic benefit. The end user has no imposed costs and may benefit from the option to purchase a lower cost DPF.

**Alternatives Statement (Gov. Code, § 11346.5, subd. (a)(13)):**

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the Board, or that has otherwise

been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

**ENVIRONMENTAL ANALYSIS**

ARB, as the lead agency under the California Environmental Quality Act (CEQA), has reviewed the proposed regulatory action and concluded that it is exempt under CEQA Guidelines section 15061, subdivision (b)(3) because it can be seen with certainty there is no possibility that the proposed action may cause significant adverse impact on the environment. A brief explanation of the basis for reaching this conclusion is included in Section V of the ISOR.

**SPECIAL ACCOMMODATION REQUEST**

Consistent with California Government Code section 7296.2, special accommodation or language needs may be provided for any of the following:

- An interpreter to be available at the hearing;
- Documents made available in an alternate format or another language;
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 as soon as possible, but no later than 10 business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Consecuente con la sección 7296.2 del Código de Gobierno de California, una acomodación especial o necesidades lingüísticas pueden ser suministradas para cualquiera de los siguientes:

- Un intérprete que esté disponible en la audiencia.
- Documentos disponibles en un formato alterno u otro idioma.
- Una acomodación razonable relacionados con una incapacidad.

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al (916) 322-5594 o envíe un fax a (916) 322-3928 lo más pronto posible, pero no menos de 10 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Re-transmisión de Mensajes de California.

AGENCY CONTACT PERSONS

Inquiries concerning the substance of the proposed regulatory action may be directed to the designated agency contact persons, Shawn Daley, Manager, Retrofit Assessment Section, (626) 575-6972, or Yong Yu, Air Resources Engineer, (626) 450-6109.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSON

ARB staff prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental assessment of the proposal. The report is entitled: *Proposed Adoption of California Evaluation Procedure for New Aftermarket Diesel Particulate Filters Intended as Modified Parts for 2007 through 2009 Model Year On-Road Heavy-Duty Diesel Engines.*

Copies of the ISOR, and the full text of the proposed regulatory language, may be accessed on ARB's website listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322-2990, on March 1, 2016.

Further, the agency representative to whom non-substantive inquiries concerning the proposed administrative action may be directed is Trini Balcazar, Regulations Coordinator, (916) 445-9564. The Board staff compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

HEARING PROCEDURES

The public hearing will be conducted under the California Administrative Procedure Act, Government Code, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340).

Following the public hearing, the Board may approve for adoption the regulatory language as originally proposed, or with non-substantial or grammatical modifications. The Board may also approve for adoption the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice and that the regulatory language as modified could result from the proposed regulatory action. If that occurs, the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15-days before final action.

The public may request a copy of the modified regulatory text from ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322-2990.

FINAL STATEMENT OF REASONS AVAILABILITY

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on ARB's website listed below.

INTERNET ACCESS

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on ARB's website for this rulemaking at <http://www.arb.ca.gov/regact/2016/aftermarket2016/aftermarket2016.htm>.

TITLE 13. DEPARTMENT OF MOTOR VEHICLES

NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (department) proposes to amend Section 15.07 and adopt Section 15.08 in Article 2.0, Chapter 1, Division 1, Title 13 of the California Code of Regulations, relating to California identification cards.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 p.m., fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 p.m., **April 18, 2016**, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to adopt this regulation under the authority granted by Vehicle Code section 1651 and 14902, in order to implement, interpret, or make specific Vehicle Code sections 1678 and 14902, and 42 U.S.C. Section 11301 et seq.

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

The department licenses motor vehicle drivers, provides identification documents to California residents, registers vehicles and vessels, and regulates portions of the motor vehicle industry, including sellers, dealers, dismantlers, motor carriers, driving instructors, traffic schools, and others. The department issues identification (ID) cards to California residents under authority of Vehicle Code section 13000 et seq. A fee is charged for an ID card when an applicant visits a department field office to apply for an ID card and demonstrates his or her identity. The fee increases periodically and is tied to the Consumer Price Index. Recognizing that some residents of California face significant financial limitations, or are homeless, the legislature enacted Vehicle Code section 14902 in 2004 and amended in 2014 to provide needed ID cards at reduced or no fee to these residents.

Section 14902 creates a two-step process for those seeking a low or no cost ID card. First, an independent entity must verify the income or housing status of the applicant. This documented verification is then brought to the department, and allows the department to issue the ID card for a reduced or no fee. The department is delegated the authority in section 14902 to regulate the qualifications of the verifier, as well as the steps to be taken by the verifier in substantiating the income or homelessness of an applicant. The section describes the qualifying income level for a reduced fee ID card as that which qualifies residents for six types of public assistance for low income households. The section also refers to federal law as providing the definition of homeless person or youth entitled to a no fee ID card.

The department's existing regulations require a verifier to complete a form for low-income applicants, but need updating to include additional definitions for homeless applicants, to clarify the qualifications for verifiers, and to set forth the process qualified verifiers must follow to accurately conclude the necessary standard has been met by the applicant.

Specific changes are as follows:

Section 15.07 and Section 15.08

These sections both require the use of the department's forms by qualified verifiers. The applicant and

the qualified verifier must complete and sign the form certifying the factual information and conclusions regarding income or housing status are genuine and accurate. In addition, the qualified verifier must retain the evidence for one year. The signed form is then brought by the applicant to the department field office, and the ID card application is processed in the normal manner, except that the statutory fee is not collected in full or at all. Both sections also prohibit the verifier from collecting any fee for providing a verification. Both provisions allow a government employee or a non-profit entity registered as such with the IRS to act as verifiers. Both provisions require the verifier to regularly engage in the evaluation of individuals for either their income or housing status related to the identified state or federal programs contained in Vehicle Code section 14902.

Additional changes unique to each section are as follows:

Section 15.07.

This section describes the qualifying requirements for verifiers who are assessing the income level of an applicant. The qualified verifier must work or volunteer for an entity that evaluates income eligibility for one of six specific public benefit programs as part of its regular work. The six programs consider a variety of factors in calculating income eligibility for the programs. County general assistance is one benefit listed in the statute as describing the income level sufficient to qualify for a reduced fee ID card. Counties in California are not obligated to provide benefits at the same income or need level. As long as the income level of one of the public assistance benefits is met by the evidence provided by the applicant, the qualified verifier may attest to this fact and sign the form. The qualified verifier must be familiar with the program under which the calculation of income is being done, and must attest to this familiarity under oath.

Section 15.08

Although ID card issuance standards, including fees, are not governed by any federal laws, Vehicle Code section 14902 refers to the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq) as the basis for the definition of "homeless person" and "homeless child or youth" when determining who may be eligible for no fee ID cards. The regulations simplify the definition of homeless to include anyone who is at risk of losing permanent housing in the next 14 days, or has housing that, while permanent, creates a risk of harm to the person remaining in that situation. Also included are individuals who are in non-permanent institutional or temporary housing provided by a governmental or charitable organization.

This section also describes the qualifying requirements for verifiers. Qualified verifiers for a no fee ap-

plication must be of the type listed in the statute, and be familiar with the homeless population through having worked or volunteered to provide services to homeless persons. The qualified verifier must attest to this under penalty of perjury, and also attest that evidence of housing status was presented by the applicant and considered by the verifier. Any evidence or information may be suitable to establish homelessness, so long as it is of the type typically relied on by homeless services providers to determine eligibility for such services.

**Anticipated Benefits of Regulations:**

These regulations are necessary to provide a clear, specific and effective procedure for qualified applicants to receive the low or no fee ID card with minimal paperwork. Having a valid California ID card enables residents to more easily obtain employment, enroll in education programs, obtain health care, and function successfully in society. These regulations enhance social equity by reducing hurdles California residents may experience when trying to obtain this useful, and sometimes necessary, department-issued document.

**COMPARABLE FEDERAL AND STATE REGULATIONS:**

The department is the only agency tasked with issuing California identification cards; therefore, there are no comparable federal or state regulations.

**CONSISTENCY AND COMPATIBILITY WITH OTHER STATE REGULATIONS**

The department has conducted an evaluation for any regulations related to the issuance of identification cards and the associated cost of those identification cards. In doing so, the department has determined that this regulatory action is both consistent and compatible with other state regulations.

**DOCUMENTS INCORPORATED BY REFERENCE**

The following documents are incorporated by reference:

- Reduced Fee Identification Card Eligibility Verification, form DL 937 (Rev. 12/2015)
- No Fee Identification Card Eligibility Verification, form DL 933 (NEW 12/2015)

These documents will not be published in the California Code of Regulations because it would be impractical and cumbersome to do so; however, the documents are readily available to interested parties on the department's internet website or by contacting the department representative identified below.

**ECONOMIC AND FISCAL IMPACT DETERMINATIONS**

The department has made the following initial determinations concerning the proposed regulatory action:

- Cost or Savings to Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: Individuals meeting the eligibility requirements identified in this regulation will be issued an identification card at a reduced fee or no fee. The department is not aware of any cost impacts that a representative verifier of income or housing status will incur in reasonable compliance with this proposed action.
- Effects on Housing Costs: None.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Local Agency/School District Mandates: The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- Small Business Impact: The department does not anticipate this action having an impact on small businesses because it only affects government entities and nonprofit social service providers who assist low-income or homeless residents.
- Potential significant statewide adverse economic impact: The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

**RESULTS OF THE ECONOMIC IMPACT ASSESSMENT**

The department does not anticipate this action will, 1) create or eliminate jobs within the State of California, 2) create or eliminate existing businesses within the State of California, 3) expand businesses currently doing business in the State of California, or 4) impact worker

safety, the state's environment or the health of California residents.

Benefits may exist when California residents, once unable to receive an identification card due to the cost, will be issued an identification card at a reduced fee or no fee, depending on the applicant's eligibility.

#### **PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS**

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

#### **ALTERNATIVES CONSIDERED**

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

#### **CONTACT PERSON**

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Randi Calkins, Regulations Analyst  
Department of Motor Vehicles  
Legal Affairs Division  
P.O. Box 932382, MS C-244  
Sacramento, CA 94232-3820

Any inquiries or comments concerning the proposed rulemaking action requiring more immediate response may use:

Telephone: (916) 657-8898  
Facsimile: (916) 657-1204  
E-Mail: LADRegulations@dmv.ca.gov

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Kari Johnson, Attorney  
Telephone: (916) 657-6469

#### **AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS**

The department has prepared an Initial Statement of Reasons for the proposed regulatory action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the Express Terms of the proposed regulatory action using underline or italics to indicate additions to, and strikeout to indicate deletions from the California Code of Regulations.

The contact person identified in this notice shall also make available to the public, upon request, the Final Statement of Reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons, the revised handbook and Express Terms) may be accessed at <http://www.dmv.ca.gov/portal/dmv/dmv/dmvhomes/regulatoryactions>.

#### **AVAILABILITY OF MODIFIED TEXT**

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the fully modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Request for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

#### **TITLE 14. FISH AND GAME COMMISSION**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 202, 205, 215, 220, 240, 315 and 316.5 of the Fish and Game Code and to implement, interpret or make specific Sections 200, 202, 205, 215 and 316.5 of said Code, proposes to amend subsection 7.50(b)(91.1), Title 14, California Code of Regulations, relating to Lower Klamath River Basin sport fishing.

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

The Klamath River System, which consists of the Klamath River and Trinity River basins, is managed through a cooperative system of State, federal, and tribal management agencies. Salmonid regulations are designed to meet natural and hatchery escapement needs for salmonid stocks, while providing equitable harvest opportunities for ocean sport, ocean commercial, river sport and tribal fisheries.

The Pacific Fishery Management Council (PFMC) is responsible for adopting recommendations for the management of sport and commercial ocean salmon fisheries in the Exclusive Economic Zone (three to 200 miles offshore) off the coasts of Washington, Oregon, and California. When approved by the Secretary of Commerce, these recommendations are implemented as ocean salmon fishing regulations by the National Marine Fisheries Service (NMFS).

The California Fish and Game Commission (Commission) adopts regulations for the ocean salmon sport (inside three miles) and the Klamath River System sport fisheries which are consistent with federal fishery management goals.

For the purpose of PFMC mixed-stock fishery modeling and salmon stock assessment, salmon greater than 22 inches are defined as adult salmon (ages 3–5) and salmon less than or equal to 22 inches are defined as grilse salmon (age 2).

**Klamath River Fall–Run Chinook**

Klamath River fall–run Chinook salmon (KRFC) harvest allocations and natural spawning escapement goals are established by the PFMC. The KRFC harvest allocation between tribal and non–tribal fisheries is based on court decisions and allocation agreements between the various fishery representatives.

The 2016 KRFC in–river sport fishery allocation recommended by the PFMC is currently unknown. All proposed closures for adult KRFC are designed to ensure sufficient spawning escapement in the Klamath River Basin and equitably distribute harvest while operating within annual allocations.

**Klamath River Spring–Run Chinook**

The Klamath River System also supports Klamath River spring–run Chinook salmon (KRSC). Naturally produced KRSC are both temporally and spatially separated from KRFC in most cases.

Presently, KRSC stocks are not managed or allocated by the PFMC. The in–river sport fishery is managed by general basin seasons, daily bag limit, and possession limit regulations.

**KRFC Allocation Management**

The PFMC 2015 allocation for the Klamath River System sport harvest was 14,133 adult KRFC. Preseason stock projections of 2016 adult KRFC abundance will not be available from the PFMC until March 2016. The 2016 Klamath River Basin allocation will be recommended by the PFMC in April 2016 and presented to the Commission for adoption prior to its April 2016 meeting.

For public notice requirements, the Department of Fish and Wildlife (Department) recommends the Commission consider an allocation range of 0–67,600 adult KRFC in the Klamath River Basin for the in–river sport fishery.

**Current Sport Fishery Management**

The KRFC in–river sport harvest allocation is divided into geographic areas and harvest is monitored under real time subquota management. KRSC in–river sport harvest is managed by general season, daily bag limit, and possession limit regulations.

The daily bag and possession limits apply to both stocks within the same sub–area and time period.

**Blue Creek Area Management**

On April 17, 2015, the Commission adopted regulations to close the main stem Klamath River near the mouth of Blue Creek to reduce catch and release mortality in a thermal refuge area and protect late–fall–run Chinook salmon holding prior to entering Blue Creek. The Commission’s action was a precautionary conservation measure to provide maximum resource protection and ensure long–term sustainability during a critical multi–year drought.

**Proposed Changes**

No changes are proposed for the general (KRSC) opening and closing season dates, and bag, possession and size limits.

The following changes to current regulations are proposed:

**KRFC QUOTA MANAGEMENT:** Seasons, Bag and Possession Limits

For public notice requirements, a range of KRFC bag and possession limits are proposed until the 2016 Klamath River Basin quota is adopted. As in previous years, no retention of adult KRFC salmon is proposed for the following areas, once the subquota has been met.

The proposed open seasons and range of bag and possession limits for KRFC salmon stocks are as follows:

1. Klamath River — August 15 to December 31
2. Trinity River — September 1 to December 31

3. Bag Limit — [0–4] Chinook salmon of which no more than [0–4] fish over 22 inches total length may be retained until the subquota is met, then 0 fish over 22 inches total length.
4. Possession limit — [0–12] Chinook salmon of which [0–12] fish over 22 inches total length may be retained when the take of salmon over 22 inches total length is allowed.

### BLUE CREEK AREA MANAGEMENT

The following option is provided for public discussion, and Commission consideration and action.

#### Modify Existing Blue Creek Mouth Area Closure

This option would modify the regulations for the existing fishing closure on the Klamath River during the June 15 through September 14 closure period by reducing the distance closed below the mouth of Blue Creek from 1/2 mile to 500 feet. The distance of the closure above the mouth of Blue Creek would remain at 500 feet. The regulations for the September 15 through December 31 fishing closure on the main stem Klamath River would not change. Local angling constituents and many fishing guides support this option with a closure distance of 500 feet.

Other changes are proposed for clarity and consistency.

#### Benefits of the Proposed Regulations

The benefits of the proposed regulations are in conformance with federal law, sustainable management of Klamath River Basin salmonid resources, and promotion of businesses that rely on sport fishing in the Klamath River Basin.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. The Legislature has delegated authority to the Commission to promulgate sport fishing regulations (Sections 200, 202, 205, 315, and 316.5, Fish and Game Code). Commission staff has searched the California Code of Regulations and has found no other State regulations related to the sport fishing in the Lower Klamath River Basin.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a teleconference originating in the Fish and Game Commission conference room, 1416 Ninth Street, Suite 1320, Sacramento, California, on Monday, April 18, 2016, at 8:30 a.m., or as soon thereafter as the matter may be heard. Interested persons may also participate at the following locations: Department of Fish and Wildlife, Conference Room, 50 Ericson Court, Arcata, California; Department of Fish and Wildlife, Conference Room, 4665 Lampson Avenue, Los Alamitos, California; and Department of Fish and

Wildlife Conference Room, 7329 Silverado Trail, Napa, California. It is requested, but not required, that written comments be submitted by 12:00 noon on April 13, 2016 at the address given below, or by email to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). All comments must be received no later than April 18, 2016, at one of the teleconference hearing locations listed above. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~–underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Michael Yaun, Acting Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244–2090, phone (916) 653–4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Michael Yaun or Sherrie Fonbuena at the preceding address or phone number. **Wade Sinnen, Senior Environmental Scientist, Department of Fish and Wildlife, [(707) 822–5119 or [Wade.Sinnen@wildlife.ca.gov](mailto:Wade.Sinnen@wildlife.ca.gov)]), has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

#### Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15–day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

**Impact of Regulatory Action/Results of the Economic Impact Analysis**

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulations are projected to have minor impact on the net revenues to local businesses servicing sport fishermen. If the 2016 KRFC quota is reduced, visitor spending may correspondingly be reduced and in the absence of the emergence of alternative visitor activities, the drop in spending could induce business contraction. However, this will not likely affect the ability of California businesses to compete with businesses in other states. The preservation of Klamath River salmon stocks is necessary for the success of lower and upper Klamath River Basin businesses which provide goods and services related to fishing. The proposed changes are necessary for the continued preservation of the resource and therefore the prevention of adverse economic impacts.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The proposed regulations range from no fishing of KRFC adult salmon to a normal Klamath River Basin salmon season. The Commission anticipates some impact on the creation or elimination of jobs in California. The potential employment impacts range from 0 to 45 jobs which are not expected to create, eliminate or expand businesses in California. The Commission anticipates impacts on the creation, elimination or expansion of businesses in California ranging from no impact to reduced revenues to approximately 30 businesses that serve sport fishing activities. However, the possibility of growth of businesses to serve substitute activities exists. Adverse impacts to jobs and/or businesses would be less if fishing of

steelhead and grilse KRFC salmon is permitted than under a complete closure to all fishing. The impacted businesses are generally small businesses employing few individuals and, like all small businesses, are subject to failure for a variety of causes. Additionally, the long-term intent of the proposed action is to increase sustainability in fishable salmon stocks and consequently promoting the long-term viability of these same small businesses.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities for a salmon sport fishery encourages a healthy outdoor activity and the consumption of a nutritious food.

The Commission anticipates benefits to the environment by the sustainable management of California's salmonid resources.

The Commission does not anticipate any benefits to worker safety because the proposed action does not affect working conditions.

- (c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.

- (f) Programs Mandated on Local Agencies or School Districts: None.

- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

- (h) Effect on Housing Costs: None.

**Effect on Small Business**

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

**Consideration of Alternatives**

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, 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 proposed action, or would be more cost

effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

## TITLE 17. AIR RESOURCES BOARD

### NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE REGULATION FOR SMALL CONTAINERS OF AUTOMOTIVE REFRIGERANT

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider approving for adoption the proposed amendments to the Regulation for Small Containers of Automotive Refrigerant.

DATE: April 22, 2016  
TIME: 9:00 a.m.  
PLACE: California Environmental Protection Agency  
Air Resources Board  
Byron Sher Auditorium  
1001 I Street  
Sacramento, California 95814

Please consult the agenda for the hearing, which will be available at least 10 days before April 22, 2016, to determine the order in which this item will be considered.

#### WRITTEN COMMENT PERIOD AND SUBMITTAL OF COMMENTS

Interested members of the public may present comments orally or in writing at the hearing and may provide comments by postal mail or by electronic submittal before the hearing. The public comment period for this regulatory action will begin on March 4, 2016. Written comments not physically submitted at the hearing must be submitted on or after March 4, 2016 and received **no later than 5:00 p.m. on** April 18, 2016. ARB requests that when possible, written and email statements be filed at least 10 days before the hearing to give ARB staff and Board members additional time to consider each comment. The Board also encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action. Comments submitted in advance of the hearing must be addressed to one of the following:

Postal mail: Clerk of the Board, Air Resources Board  
1001 I Street,  
Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Gov. Code, § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

Additionally, the Board requests but does not require that persons who submit written comments to the Board reference the title of the proposal in their comments to facilitate review.

#### AUTHORITY AND REFERENCE

This regulatory action is proposed under the authority granted in Health and Safety Code, sections 38501, 38505, 38510, 38550, 38551, 38560, 38560.5, 38580, 39600, and 39601. This action is proposed to implement, interpret, and make specific sections 38501, 38505, 38510, 38550, 38551, 38560, 38560.5, 39003, 39500, 39600, and 39601 of the Health and Safety Code.

#### INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW PURSUANT TO GOVERNMENT CODE 11346.5(a)(3)

**Sections Affected:** Proposed amendments to California Code of Regulations, title 17, sections 95362, 95364, 95366, 95367, and 95369 and to Section 2.3(B) of the incorporated document “Certification Procedures for Small Containers of Automotive Refrigerant”. Proposed adoption of new sections 95364.1 and 95367.1, title 17, California Code of Regulations.

#### **Background and Effect of the Proposed Rulemaking:**

The Board initially adopted the Regulation for Small Containers of Automotive Refrigerant (regulation) in January of 2009 to reduce greenhouse gas (GHG) emissions associated with do-it-yourself servicing motor vehicle air conditioning (MVAC) systems. The regulation is comprised of a manufacturer-administered deposit, container return, and recycling program whereby retailers collect a refundable \$10 deposit from consumers at the time of sale. Consumers reclaim the \$10 deposit when they return used containers to the retailers.

The original intent of the regulation was that retailers transfer all unclaimed consumer container deposits to manufacturers for use in enhanced education programs to benefit consumers of this product. During the implementation of the regulation, it has come to ARB's attention that retailers have been retaining unclaimed consumer deposits instead of transferring the funds to the manufacturers. The ARB staff is therefore proposing amendments to clarify the existing requirement that retailers must transfer the unclaimed consumer deposits they collect to the manufacturers, and to establish new quarterly recordkeeping and reporting requirements which ensure the retailers' compliance with this provision.

In addition, ARB staff is also proposing to expand the scope of how the unclaimed container deposit money is spent by the manufacturers, and to eliminate the provision for adjusting the deposit, which will be fixed at \$10. Finally, staff is proposing to amend the Certification Procedures by requiring additional language on the label forbidding the venting of the refrigerant and encouraging consumers to either return the product after usage or retain and use it until empty. The regulation would also be amended to provide a one-year sell-through period so that the existing stock of product can be depleted prior to the introduction of the product with new labels.

ARB may also consider other changes to the sections affected, as listed on page 2 of this notice, during the course of this rulemaking process.

#### **Objectives and Benefits of the Proposed Regulatory Action:**

The ARB staff is proposing amendments to clarify the existing requirement that retailers must transfer unclaimed consumer deposits to manufacturer-managed accounts to be spent on programs for the benefit of the consumers, to establish new recordkeeping and quarterly reporting requirements which ensure the retailers' compliance with this provision, to expand the scope of how this money is spent, and to eliminate the provision for adjusting the deposit, which will be fixed at \$10. Staff is also proposing to revise the Certification Procedures to require additional language on the label forbidding the venting of the refrigerant and encouraging consumers to either return the product after usage or retain and use it until empty. This modification will further educate the consumer reducing the emissions of refrigerant and encouraging recycling of the container. Finally, staff is proposing to amend the regulation to provide a one-year sell-through period during which containers labeled with currently approved labels can be sold and depleted.

These amendments will ensure that unclaimed consumer deposits will ultimately be utilized to benefit

consumers regarding the global warming impacts associated with automotive refrigerant, improved MVAC recharging techniques, and other projects or programs for reducing greenhouse gases, instead of being retained by retailers. The amendments will also provide manufacturers greater flexibility regarding the programs they can fund with unclaimed consumer deposits, and will ensure that consumers are more fully informed regarding improperly venting emissions of refrigerant and regarding the proper use and recycling of small containers.

#### **Comparable Federal Regulations**

Although the Federal Clean Air Act (CAA) and U.S. Environmental Protection Agency (U.S. EPA) regulations generally regulate certain aspects regarding the usage of non-ozone depleting refrigerants used in MVAC systems; they do not currently restrict or regulate the sales or usage of small containers of non-ozone-depleting automotive refrigerant. Therefore, the existing California regulation is more stringent than comparable federal regulations. The amendment proposal would not affect this stringency. It should be noted that U.S. EPA is proposing changes to regulations implementing Section 608 of the CAA to include a manufacturer's requirement to install self-sealing valves on all small containers of automotive refrigerant sold in the United States. Section 608 includes requirements applicable to refrigerant use during stationary heating, ventilation, and air conditioning servicing.

Section 609 of the CAA includes requirements specific to refrigerant use during MVAC servicing. Section 609(e) of the CAA [42 U.S.C. § 7671h(e)] and Title 40, Code of Federal Regulations (CFR) section 82.34(b) have restricted, as of November 15, 1992, the sale, distribution, or offer for sale or distribution of ozone-depleting refrigerants that are suitable for use in motor vehicle air-conditioning systems and that are in containers with less than 20 pounds of refrigerant, except to those technicians who have been trained and certified pursuant to an EPA-approved course. On March 12, 2004, the U.S. EPA decided not to extend a proposed restriction on the sale of small containers of pure HFC or PFC refrigerants to certified technicians.

Section 608(c)(2) of the CAA [42 U.S.C. § 7671g(c)(2)] has generally prohibited any person from venting or releasing any substance that is used as a substitute for an ozone-depleting refrigerant into the atmosphere since November 15, 1995. In 2004, the U.S. EPA amended its regulations regarding refrigerant recycling to clarify that the section 608(c)(2) venting ban also extends to pure HFC and perfluorocarbon (PFC) refrigerants. As mentioned previously, on November 9, 2015, U.S. EPA proposed changes to implementing regulations under section 608 of the CAA that would in-

clude a manufacturer's requirement to install self-sealing valves on all small containers of automotive refrigerant sold in the United States.

**An Evaluation of Inconsistency or Incompatibility with Existing State Regulations Pursuant to Government Code 11346.5(a)(3)(D)**

During the process of developing the proposed regulatory action, ARB has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

DISCLOSURE REGARDING THE PROPOSED REGULATION

**Fiscal Impact/Local Mandate Determination Regarding the proposed Action (Pursuant to Government Code sections 11346.5(a)(5) & (6)):**

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulatory action are presented below.

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action would not create costs or savings to any State agency or in federal funding to the State, costs or mandate to any local agency or school district, whether or not reimbursable by the State pursuant to Government Code, title 2, division 4, part 7 (commencing with section 17500), or other nondiscretionary cost or savings to State or local agencies.

**Housing Costs (Pursuant to Government Code Sec. 11346.5(a)(12)):**

The Executive Officer has also made the initial determination that the proposed regulatory action will not have a significant effect on housing costs.

**Significant Statewide Adverse Economic Impact Directly Affecting Business, Including Ability to Compete (Pursuant to Government Code Sec. 11346.3(a); 11346.5(a)(7); 11346.5(a)(8)):**

The Executive Officer has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

Under the current regulation, retailers are required to compile and report sales and recycling data on an annual basis and to transfer unclaimed deposits to manufacturers. The amendment requires the continued annual compilation and reporting but with the addition of quar-

terly record keeping and reporting for the unclaimed container deposit funds. The amendment also adds language to clarify a requirement that the retailers must transfer the unclaimed deposits to manufacturers on a quarterly basis.

Because under the existing regulation, small container automotive refrigerant automotive retailers are required to report sales and recycled units to the ARB on an annual basis, the programming infrastructure and associated cost has previously been undertaken to comply with the existing rule. This amendment will require a duplicate of what is already undertaken; with the provision that quarterly records be kept and that funds representing the unclaimed can deposits be sent to the product manufacturers on a quarterly basis. As such, there is no anticipated additional cost to change from annual compilation, reporting and fund transfer to quarterly.

The regulation requires a small change to the labeling requirements which will cost the three manufactures a one-time design and set up cost. However, as the three container manufacturers are not located in California, statewide total cost is zero and the cost to California business is zero.

**Results of The Economic Impact Analysis/Assessment Prepared Pursuant to Government Code Sec. 11346.5(a)(10):**

**NON-MAJOR REGULATION: Statement of the Results of the Economic Impact Assessment (EIA):**

*Effect on Jobs/Businesses:*

The Executive Officer has determined that the proposed regulatory action would not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the Economic Impact Analysis in the ISOR.

Because of zero cost to a firm (both large and small retailers) the proposed regulatory amendment will not create or eliminate current or future jobs within the state. Assuming the cost of the additional labeling is passed to California consumers, the price of small container automotive refrigerant cans is estimated to increase by \$0.04. Thus the impact on California retailers' sales should be minimal.

There is no expected impact on California businesses. More specifically, for the reasons presented above, this regulation will not create new businesses, or expand or eliminate existing businesses, within the state.

*Benefits of the Proposed Regulatory Amendment:*

The objective of the proposed amendments to the regulation is to clarify the existing requirement that retail-

ers must transfer the unclaimed consumer deposits to manufacturers–managed accounts to be spent on programs for the benefit of the consumers, to establish new quarterly recordkeeping and reporting requirements to ensure the retailers’ compliance with this provision, to expand the scope of how this money is spent, and to eliminate the provision for adjusting the deposit, which will be fixed at \$10. In addition, staff is proposing to revise the Certification Procedures to require additional language on the label forbidding the venting of the refrigerant and encouraging consumers to either return the product after usage or retain and use it until empty. This modification will further educate the consumer about the usage of this product, reducing the emissions of refrigerant and encouraging recycling of the container.

A summary of these benefits is provided; please refer to “Objectives and Benefits”, under the Informative Digest of Proposed Action and Policy Statement Overview Pursuant to Government Code 11346.5(a)(3) discussion above.

**Business Report (Pursuant to Government Code Sec. 11346.5(a)(11); 11346.3(d))**

In accordance with Government Code sections 11346.3(d) and 11346.5(a)(11), the Executive Officer has found that the reporting requirements of the proposed regulatory action that apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

**Cost Impacts on Representative Private Persons or Businesses (Pursuant to Government Code Sec. 11346.5(a)(9)):**

In developing this regulatory proposal, ARB staff evaluated the potential economic impacts on representative private persons or businesses. The ARB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The cost impact from the additional labeling will be minimal for California consumers of this product.

**Effect on Small Business (1 CCR 4(a) and (b)):**

The Executive Officer has also determined, pursuant to California Code of Regulations, title 1, section 4, that the proposed regulatory action would not affect small businesses because there are no anticipated costs to comply with the regulation. However, the price (sales) of individual containers will have a minimal increase due to the additional labeling.

**Alternatives Statement (Pursuant to Government Code Sec. 11346.5(a)(13)):**

Before taking final action on the proposed regulatory action, ARB must determine that no reasonable alterna-

tive considered by ARB, or that has otherwise been identified and brought to the attention of ARB, 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 proposed action, or would be more cost–effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

**Environmental Analysis**

ARB, as the lead agency under the California Environmental Quality Act (CEQA), has reviewed the proposed regulatory action and concluded that this is exempt pursuant to CEQA Guidelines §15061(b)(3) because it can be seen with certainty that there is no possibility that the proposed action may result in significant adverse impact on the environment. A brief explanation of the basis for reaching this conclusion is included in Chapter III of the Staff Report: Initial Statement of Reasons (ISOR).

SPECIAL ACCOMMODATION REQUEST

Consistent with California Government Code Section 72962, special accommodation or language needs may be provided for any of the following:

- An interpreter to be available at the hearing;
- Documents made available in an alternate format or another language;
- A disability–related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerk of the Board at (916) 322–5594 or by facsimile at (916) 322–3928 as soon as possible, but no later than 10 business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Consecuente con la sección 7296.2 del Código de Gobierno de California, una acomodación especial o necesidades lingüísticas pueden ser suministradas para cualquiera de los siguientes:

- Un intérprete que esté disponible en la audiencia;
- Documentos disponibles en un formato alternativo u otro idioma;
- Una acomodación razonable relacionados con una incapacidad.

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al (916) 322–5594 o envíe un fax a (916) 322–3928 lo más pronto posible, pero no menos de 10 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Re-transmisión de Mensajes de California.

**AGENCY CONTACT PERSONS**

Inquiries concerning the substance of the proposed regulatory action may be directed to the agency representative Dr. Dongmin Luo, P.E., Manager of the Air Quality and Climate Science Section, at (916) 324-8496 or Mr. Winston Potts (designated back-up contact), P.E., Air Resources Engineer, Air Quality and Climate Science Section, (916) 323-2537.

**AVAILABILITY OF DOCUMENTS**

ARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: "Proposed Amendments to the Regulation for Small Containers of Automotive Refrigerant."

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on ARB's website listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322-2990, on March 1, 2016.

Further, the agency representative to whom nonsubstantive inquiries concerning the proposed administrative action may be directed is Trini Balcazar, Regulations Coordinator, (916) 445-9564. The Board staff has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the Regulations Coordinator.

**HEARING PROCEDURES**

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Government Code, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340).

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with non-substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice and that the regulatory language as modified could result from the proposed regulatory action; in such event, the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15-days before it is adopted.

The public may request a copy of the modified regulatory text from ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322-2990.

**FINAL STATEMENT OF REASONS AVAILABILITY**

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on ARB's website listed below.

**INTERNET ACCESS**

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on ARB's website for this rulemaking at <http://www.arb.ca.gov/regact/2016/smallcans2016/smallcans2016.html>.

**DISAPPROVAL DECISION**

**DECISION OF DISAPPROVAL OF REGULATORY ACTION**

Printed below is the summary of an Office of Administrative Law disapproval decision. The full text of the disapproval decision is available at [www.oal.ca.gov](http://www.oal.ca.gov) under the "Publications" tab. You may also request a copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339, (916) 323-6225 — FAX (916) 323-6826. Please request by OAL file number.

**BOARD OF EQUALIZATION**

**State of California  
Office of Administrative Law**

**In re:**  
**Board of Equalization**  
**Regulatory Action:**  
**Title 18, California Code of Regulations**  
**Amend sections: 1525.4**  
**DECISION OF DISAPPROVAL OF REGULATORY ACTION**  
**Government Code Section 11349.3**  
**OAL Matter Number: 2016-0104-01**

**OAL Matter Type: Regular (S)**

**SUMMARY OF REGULATORY ACTION**

In this rulemaking action, the Board of Equalization (Board) proposed to amend section 1525.4 in title 18 of the California Code of Regulations (CCR), relating to sales and use tax exemptions for certain manufacturing and research and development equipment.

On January 4, 2016, the Board submitted the above-referenced regulatory action to the Office of Administrative Law (OAL) for review. On February 17, 2016, OAL notified the Board that OAL disapproved the proposed regulations. This Decision of Disapproval of Regulatory Action explains the reasons for OAL's action.

**DECISION**

OAL disapproved the above-referenced rulemaking action for the following reasons:

1. The proposed action does not comply with the authority standard of Government Code section 11349.1, subdivision (a)(2);
2. The Board did not follow required procedures of the Administrative Procedure Act (APA), Department of Finance (Finance) regulations and State Administrative Manual (SAM) including:
  - a. Failure to complete the Fiscal Impact portion of the STD Form 399 and obtain concurrence from Finance in compliance with Government Code sections 11346.5, subdivision (a)(6) and 11347.3, subdivision (b)(5); and SAM sections 6602, 6604 and 6615;
  - b. Failure to comply with the procedures for "Major Regulations" as required by Government Code sections 1346.3, subdivision (c) and 11346.36; and sections 2000, 2002 and 2003 of title 1 of the CCR; and SAM sections 6600 and 6603.

All APA issues must be resolved prior to OAL's approval of any resubmission.

**CONCLUSION**

For the reasons set forth above, OAL has disapproved this regulatory action. If you have any questions, please contact me at (916) 323-8916.

Date: February 24, 2016

Kevin D. Hull  
Senior Attorney

FOR: Debra M. Cornez  
Director

Original: Cynthia Bridges  
Copy: Richard Bennion

**SUMMARY OF REGULATORY ACTIONS**

**REGULATIONS FILED WITH SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2016-0128-02  
BOARD OF REGISTERED NURSING  
Intervention Program Guidelines

This change without regulatory effect filing by the Board of Registered Nursing amends three sections in title 16 of the California Code of Regulations by changing the term "diversion" to "intervention" pursuant to a statutory change.

Title 16  
AMEND: 1446, 1447, 1447.1  
Filed 02/24/2016  
Agency Contact: Ronnie Whitaker (916) 574-8257

File# 2016-0112-01  
CALIFORNIA ARCHITECTS BOARD  
Application for Eligibility Evaluation (AEE)

In this regulatory action, the Board amends sections 109 and 111 of Title 16 of the California Code of Regulations to update Form 19C-1, Application for Eligibility Evaluations. The most notable change to the form is that it now includes an inquiry on whether the applicant served as an active duty member of the U.S. Armed Forces and whether he or she was honorably discharged. This modification to the form was made to comply with Business and Professions Code section 115.4.

Title 16  
AMEND: 109, 111  
Filed 02/23/2016  
Effective 04/01/2016  
Agency Contact: Timothy Rodda (916) 575-7217

File# 2016-0209-01  
CALIFORNIA COLLABORATIVE FOR  
EDUCATIONAL EXCELLENCE  
Conflict-of-Interest Code

This is a Conflict-of-Interest Code that has been approved by the Fair Political Commission and is being submitted for filing with the Secretary of State and printing.

Title 2  
ADOPT: 59800  
Filed 02/22/2016  
Effective 03/23/2016  
Agency Contact: Davina Harden (562) 653-3200

File# 2016-0202-01  
CALIFORNIA HOUSING FINANCE AGENCY  
Conflict-Of-Interest Code

This is a Conflict-of-Interest Code that has been approved by the Fair Political Commission and is being submitted for filing with the Secretary of State and printing only.

Title 25  
AMEND: 10001  
Filed 02/18/2016  
Effective 03/19/2016  
Agency Contact: Misty Miller (916) 326-8481

File# 2016-0111-01  
CALIFORNIA STATE AUDITOR'S OFFICE  
State High-Risk Government Agency Audit Program

This file and print action by the California State Auditor's Office adopts twenty-five sections in title 2 of the California Code of Regulations to establish a high risk government agency audit program pursuant to Government Code section 8546.5. This filing is exempt from OAL review pursuant to Government Code section 8546, subdivision (g).

Title 2  
ADOPT: 61000, 61001, 61002, 61003, 61004, 61005, 61006, 61007, 61008, 61009, 61010, 61011, 61012, 61013, 61014, 61015, 61016, 61017, 61018, 61019, 61020, 61021, 61022, 61023, 61024  
Filed 02/22/2016  
Effective 04/01/2016  
Agency Contact: Donna Neville (916) 445-0255

File# 2016-0208-01  
CALIFORNIA STATE UNIVERSITY  
Enrollment Services

The Trustees of the California State University System submitted this adoption of section 40106 to title 5 of the California Code of Regulations (CCR) pursuant to Education Code section 89030.1 This matter concerns

Enrollment services and submitted to OAL for printing in the CCR and a courtesy filing with the Secretary of State. It is exempt from OAL review pursuant to Education Code section 89030(b).

Title 5  
ADOPT: 40106  
Filed 02/18/2016  
Effective 02/18/2016  
Agency Contact: Stephen Silver (562) 951-4500

File# 2016-0107-02  
COMMISSION ON PEACE OFFICER STANDARDS  
AND TRAINING

Minimum Standards for Training and Minimum Standards for Legislatively Mandated Courses

This rulemaking action by the Commission on Peace Officer Standards and Training (POST) amends sections 1005 and 1081 of title 11 of the California Code of Regulations to clarify rifle and shotgun training requirements for peace officers.

Title 11  
AMEND: 1005, 1081  
Filed 02/17/2016  
Effective 04/01/2016  
Agency Contact: Patti Kaida (916) 227-4847

File# 2016-0112-04  
COMMISSION ON PEACE OFFICER STANDARDS  
AND TRAINING

Basic Courses Test Management and Security Protocols 2014

This rulemaking by the Commission on Peace Officer Standards and Training (POST) amends sections in Title 11 of the California Code of Regulations regarding basic courses test management and security protocols. In 2010, POST established a Basic Course Test Task Force Committee. This rulemaking is the result of that Committee's most recent review of POST testing security procedures. The changes will help to ensure the integrity of entry-level law enforcement training and testing.

Title 11  
AMEND: 1005, 1007, 1008, 1052  
Filed 02/24/2016  
Effective 04/01/2016  
Agency Contact: Patti Kaida (916) 227-4847

File# 2016-0112-05  
COMMISSION ON PEACE OFFICER STANDARDS  
AND TRAINING

Peace Officer Selection Standards

The Commission on Peace Officer Standards and Training amended sections 1951, 1953, 1954, and 1955 of title 11 of the California Code of Regulations, which

pertain to peace officer selection standards. The amendments provide clear and consistent requirements for the sharing of background information between a background investigator and a screening psychologist, outline the requirements for the reporting of continuing professional education courses by peace officer screening psychologists, clarify that only candidates found medically and psychologically suitable can be appointed as peace officers, and update three incorporated by reference documents related to testing and assessments of peace officer candidates.

Title 11  
 AMEND: 1951, 1953, 1954, 1955  
 Filed 02/24/2016  
 Effective 04/01/2016  
 Agency Contact: Patti Kaida (916) 227-4847

File# 2016-0111-04  
 COMMISSION ON TEACHER CREDENTIALING  
 Adding a Subject or Content Area

This regulatory action by the Commission on Teacher Credentialing expands the definition of “California English Learner Authorization” as it relates to the requirements for adding a new teaching or content area to an existing general education teaching credential.

Title 5  
 AMEND: 80499  
 Filed 02/24/2016  
 Effective 04/01/2016  
 Agency Contact: Erin Skubal (916) 323-9596

File# 2016-0111-05  
 COMMISSION ON TEACHER CREDENTIALING  
 Reading and Literacy AA and Specialist Credential

The Commission on Teacher Credentialing (Commission) amended sections 80014, 80014.1, and 80066 and to repeal section 80014.2 of title 5 of the California Code of Regulations. The action updates the names of the existing Reading Certificate and the existing Reading and Language Arts Specialist Credential to the Reading and Literacy Added Authorization and the Reading and Literacy Leadership Specialist Credential, respectively, and updates and clarifies requirements for acquiring these documents. The action also updates the services authorized under these documents to align with a Commission incorporated by reference document, the Reading and Literacy Added Authorization and Reading and Literacy Leadership Specialist Credential Program Standards.

Title 5  
 AMEND: 80014, 80014.1, 80066 REPEAL:  
 80014.2  
 Filed 02/24/2016  
 Effective 04/01/2016  
 Agency Contact: Tammy Duggan (916) 323-5354

File# 2016-0105-02  
 DENTAL HYGIENE COMMITTEE OF  
 CALIFORNIA  
 RESUBMITTAL — Remedial Education

This resubmittal action adopts a regulatory scheme for remedial education for a registered dental hygienist examinee who fails to pass clinical examination after three attempts or as a result of a single incidence of imposing gross trauma on a patient. (Bus. & Prof. Code § 1917.3.)

Title 16  
 ADOPT: 1108  
 Filed 02/18/2016  
 Effective 02/18/2016  
 Agency Contact: Anthony Lum (916) 576-5004

File# 2016-0129-01  
 DEPARTMENT OF CORRECTIONS AND  
 REHABILITATION  
 Long Term Offender Program

This emergency operational needs rulemaking action amends and adopts regulations in Title 15 of the California Code of Regulations concerning the Long Term Offender Program (LTOP). These emergency regulations replace the LTOP pilot program at Title 15 California Code of Regulations section 3999.15, which expires on February 11, 2016, and will enable inmates serving long-term sentences to continue to receive cognitive behavioral treatment to meet their rehabilitative needs. More specifically, the emergency regulations: define the LTOP; establish eligibility and exclusionary criteria, a priority system for placement, and inmate transfer procedures; and specify that inmates are not subject to discipline for failure to participate, are exempt from the standard institution wait list merging process, and will receive priority for work reassignment upon completion of their LTOP assignment.

Title 15  
 ADOPT: 3040.2 AMEND: 3000, 3040.1, 3041,  
 3041.3, 3043.6, 3379 REPEAL: 3999.15  
 Filed 02/18/2016  
 Effective 02/18/2016  
 Agency Contact: Rosie Ruiz (916) 445-2244

File# 2016-0202-02  
DEPARTMENT OF CORRECTIONS AND  
REHABILITATION  
Level IV 180/270 Housing Criteria

The California Department of Corrections and Rehabilitation (Department) submitted this readoption of sections 3375.1 and 3377 of title 15 of the California Code of Regulations regarding inmate placement and Level IV facilities. The matter was certified as an emergency by the Secretary of CDCR pursuant to Penal Code section 5058.3 based upon the operational needs of the Department.

Title 15  
AMEND: 3375.1, 3377  
Filed 02/18/2016  
Effective 02/18/2016  
Agency Contact: Laura Lomonaco (916) 445-2217

File# 2016-0105-01  
DEPARTMENT OF FISH AND WILDLIFE  
Civil Penalties and Conducting Hearings

This timely Certificate of Compliance makes permanent the adoption of title 14, section 748.5 of the California Code of Regulations (OAL file #2015-0703-01E). This section established the hearing procedures for civil penalties. The California legislature and the Governor signed SB 861, which amended Fish and Game Code section 12025 (Chapter 35, Statutes of 2014, Effective June 20, 2014) to deter environmental damage associated with the cultivate of controlled substances. The primary crop is marijuana. The amendment to Fish and Game Code section 12025 provided for civil penalties and directed the Department to hold hearings. The statute also allows for the Department to adopt regulations to implement this process. The legislature also adopted Fish and Game Code section 12025.1 in AB 92 (Chapter 2, Statutes of 2015, Effective March 27, 2015) to prohibit those cultivating controlled substances from constructing or maintaining in certain fish and game districts any device or contrivance that prevents, impedes, or tends to prevent or impede, the passing of fish up and down a stream. This regulation contains procedures the Department will use to assess the civil penalties allowed by the Fish and Game code as well as the hearing procedure when a hearing is requested.

Title 14  
ADOPT: 748.5  
Filed 02/18/2016  
Effective 02/18/2016  
Agency Contact: Craig Martz (916) 653-4674

File# 2016-0216-02  
DEPARTMENT OF FOOD AND AGRICULTURE  
Huanglongbing Interior Quarantine

This emergency re-adopt amends section 3439 of Title 3 of the California Code of Regulations. The amendment expands the quarantine area for Huanglongbing (HLB) disease by including the San Gabriel area of Los Angeles County. The effect of this amendment will provide authority for the State to perform quarantine activities against HLB within this additional area and existing regulated areas.

Title 3  
AMEND: 3439(b)  
Filed 02/17/2016  
Effective 02/17/2016  
Agency Contact: Sara Khalid (916) 403-6625

File# 2016-0104-04  
DEPARTMENT OF PESTICIDE REGULATION  
Field Fumigant Use Requirements

This rulemaking by the Department of Pesticide Regulation amends sections in Title 3 of the California Code of Regulations, pertaining to environmental monitoring and pesticide enforcement. The changes add and revise existing field fumigation methods in the Sacramento Metro, San Joaquin Valley, South Coast, Southeast Desert, and Ventura ozone nonattainment areas when using methyl bromide, and other field fumigants, to make the methods consistent with product labeling.

Title 3  
AMEND: 6000, 6445, 6447, 6447.2, 6447.3, 6448.1, 6449.1, 6450.1, 6452, 6452.2, 6784  
Filed 02/17/2016  
Effective 04/01/2016  
Agency Contact:  
Linda Irokawa-Otani (916) 445-3991

File# 2016-0111-03  
DEPARTMENT OF TOXIC SUBSTANCES  
CONTROL  
Safer Consumer Products — Candidate Chemicals List

In this rulemaking action, the Department of Toxic Substances Control (DTSC) corrects or updates three candidate chemicals lists, which are lists of chemicals that exhibit specific hazard traits and/or environmental or toxicological endpoints and are compiled by one or more of 23 authoritative organizations. The action corrects two citations to chemical lists which were incorrectly cited in the regulations as originally adopted in 2013. The action also updates the regulation to refer to the most recent edition of the Report on Carcinogens of the U.S. Department of Health and Human Services, Public Health Services, National Toxicology Program. As a result of the corrected citation to one of the lists de-

scribed above, three chemicals will be added to DTSC's collective candidate chemical list in section 69505.2 of Title 22 of the California Code of Regulations.

Title 22  
 AMEND: 69502.2  
 Filed 02/23/2016  
 Effective 04/01/2016  
 Agency Contact: Jackie Buttle (916) 255-3730

File# 2016-0108-01  
 FISH AND GAME COMMISSION  
 Marine Protected Areas

This regular rulemaking by the Fish and Game Commission (the "Commission") amends section 632 in title 14 of the California Code of Regulations. The Marine Life Protection Act (Fish and Game Code sections 2850 et seq.) established a programmatic framework for designating Marine Protected Areas ("MPA"s) in the form of a statewide network. The Marine Managed Areas Improvement Act (Public Resources Code section 36600 et seq.) standardized the designation of marine managed areas ("MMA"s), which include MPAs. This rulemaking (1) changes an MMA designation, (2) renames MMAs, (3) corrects aquaculture allowances, (4) refines MMA boundaries to improve compliance and enforceability, and (5) corrects errors and inconsistencies.

Title 14  
 AMEND: 632  
 Filed 02/23/2016  
 Effective 03/01/2016  
 Agency Contact: Sherrie Fonbuena (916) 654-9866

**CCR CHANGES FILED  
 WITH THE SECRETARY OF STATE  
 WITHIN September 23, 2015 TO  
 February 24, 2016**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 2**

02/22/16 ADOPT: 61000, 61001, 61002, 61003, 61004, 61005, 61006, 61007, 61008, 61009, 61010, 61011, 61012, 61013, 61014, 61015, 61016, 61017, 61018,

61019, 61020, 61021, 61022, 61023, 61024  
 02/22/16 ADOPT: 59800  
 02/11/16 AMEND: 57200  
 02/10/16 AMEND: 57200  
 02/04/16 ADOPT: 555.5  
 02/04/16 AMEND: 18351  
 02/04/16 AMEND: 18616  
 01/14/16 AMEND: 18944.1  
 01/14/16 AMEND: 18996  
 01/06/16 AMEND: 48000  
 12/30/15 AMEND: 53900  
 12/23/15 AMEND: 1859.2, 1859.107, 1859.164.2, 1859.195, 1859.198  
 12/23/15 AMEND: 1859.70.4, 1859.93, 1859.93.1, 1859.190  
 12/22/15 AMEND: 51000  
 12/21/15 AMEND: 58200  
 12/21/15 AMEND: 59100  
 12/21/15 AMEND: 1859.76  
 12/15/15 ADOPT: 18360 AMEND: 18362 REPEAL: 18360  
 12/15/15 AMEND: 57500  
 12/15/15 REPEAL: 18413  
 12/14/15 ADOPT: 5.1, 5.2, 90, 248, 548.2, 548.5 REPEAL: 548.77  
 12/09/15 ADOPT: 11023 AMEND: 11005.1 (renumbered to 10500), 11006, 11008, 11009, 11019, 11023 (renumbered to 11024), 11028, 11029, 11030, 11031, 11034, 11035, 11036, 11039, 11040, 11041, 11042, 11043, 11044, 11045, 11046, 11047, 11049, 11050, 11051, 11059, 11060, 11062, 11064, 11065, 11066, 11067, 11068, 11070, 11071, 11075, 11100, 11101, 11103, 11104, 11105, 11111, 11113, 11114, 11121, 11122, 11123, 11128, 11131, 11132, 11133 (renumbered to 10250), 11134 (renumbered to 10251), 11135 (renumbered to 10252), 11136 (renumbered to 10253), 11137 (renumbered to 10254), 11138 (renumbered to 10255), 11139 (renumbered to 10256), 11140 (renumbered to 10257), 11141 (renumbered to 10258) REPEAL: 11024  
 12/08/15 ADOPT: 59790  
 12/03/15 REPEAL: 28010  
 12/02/15 ADOPT: 25, 26  
 12/02/15 ADOPT: 11, 12, 12.1, 155, 156, 157, 158, 159 AMEND: 547.52  
 11/19/15 ADOPT: 59550  
 11/09/15 AMEND: 18225.7 REPEAL: 18550.1  
 11/04/15 AMEND: 37000

**CALIFORNIA REGULATORY NOTICE REGISTER 2016, VOLUME NO. 10-Z**

11/03/15 AMEND: 1859.2, 1859.71.4, 1859.78.1, 1859.79.2, 1859.82, 1859.83, 1859.125, 1859.125.1, 1859.145, 1859.163.1, 1859.163.5, 1859.167.2, 1859.193  
10/28/15 AMEND: 52400  
10/19/15 AMEND: 18422  
10/19/15 AMEND: 18422.5  
10/12/15 AMEND: 599.500  
09/24/15 AMEND: 1181.1, 1181.2, 1181.3, 1181.4, 1181.6, 1181.7, 1181.8, 1181.9, 1181.10, 1181.11, 1181.12, 1181.13, 1182.1, 1182.2, 1182.3, 1182.4, 1182.5, 1182.6, 1182.7, 1182.8, 1182.10, 1182.12, 1182.13, 1183.1, 1183.2, 1183.4, 1183.5, 1183.7, 1183.8, 1183.9, 1183.11, 1183.12, 1183.13, 1183.14, 1183.15, 1183.16, 1183.17, 1183.18, 1184.1, 1185.1, 1185.2, 1185.3, 1185.4, 1185.5, 1185.6, 1185.7, 1185.8, 1185.9, 1186.1, 1186.2, 1186.3, 1186.4, 1186.5, 1186.6, 1186.7, 1187.1, 1187.2, 1187.3, 1187.4, 1187.5, 1187.6, 1187.7, 1187.8, 1187.9, 1187.10, 1187.11, 1187.12, 1187.13, 1187.14, 1187.15, 1188.1, 1188.2, 1190.1, 1190.2, 1190.3, 1190.4, 1190.5

**Title 3**

02/17/16 AMEND: 6000, 6445, 6447, 6447.2, 6447.3, 6448.1, 6449.1, 6450.1, 6452, 6452.2, 6784  
02/17/16 AMEND: 3439(b)  
02/09/16 AMEND: 3435(b)  
02/02/16 ADOPT: 3442  
01/27/16 ADOPT: 3591.26  
01/21/16 AMEND: 3435(b)  
01/20/16 AMEND: 3435(b)  
01/14/16 AMEND: 3435(b)  
01/06/16 AMEND: 3435(b)  
01/05/16 AMEND: 3435(b)  
12/30/15 AMEND: 3435(b)  
12/23/15 ADOPT: 3441  
12/21/15 AMEND: 3435(b)  
12/16/15 AMEND: 3435(b)  
12/15/15 AMEND: 3435(b)  
12/14/15 AMEND: 3435  
12/07/15 AMEND: 3435(b)  
12/02/15 AMEND: 6170.5, 6723, 6724, 6761  
11/24/15 AMEND: 3435(b)  
11/24/15 AMEND: 3435(b)  
11/18/15 AMEND: 6260, 6262, 6264, 6266  
11/13/15 AMEND: 3435(b)  
11/12/15 AMEND: 3435(b)  
11/09/15 AMEND: 1358.4  
11/04/15 AMEND: 6000, 6188, 6742, 6746, 6793

10/29/15 AMEND: 3435(b)  
10/22/15 ADOPT: 1280.11 AMEND: 1280, 1280.1, 1280.7, 1280.8  
09/30/15 AMEND: 3435(b)  
09/30/15 AMEND: 1380.19, 1430.10, 1430.12, 1430.14, 1430.26, 1430.27, 1430.45

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02/04/16 AMEND: 5000, 5033, 5052, 5144, 5205, 5220, 5221, 5230  
02/01/16 ADOPT: 7210, 7213, 7214, 7215, 7216, 7217, 7218, 7219, 7220, 7221, 7222, 7223, 7224, 7225, 7225.1, 7226, 7227, 7228, 7229  
01/26/16 ADOPT: 1866.1 AMEND: 1844  
01/25/16 AMEND: 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.11  
01/04/16 AMEND: 130  
12/29/15 AMEND: 1887  
12/24/15 AMEND: 10302, 10315, 10317, 10320, 10322, 10325, 10326, 10327, 10328, 10337  
12/10/15 AMEND: 1632  
12/03/15 ADOPT: 10091.1, 10091.2, 10091.3, 10091.4, 10091.5, 10091.6, 10091.7, 10091.8, 10091.9, 10091.10, 10091.11, 10091.12, 10091.13, 10091.14, 10091.15  
11/30/15 ADOPT: 7125.1 AMEND: 7113, 7116, 7118, 7119, 7125, 7127  
11/17/15 AMEND: 2000  
11/09/15 ADOPT: 5258, 5271, 5273 AMEND: 5033, 5052, 5100, 5102 (renumbered to 5101), 5103 (renumbered to 5102), 5104 (renumbered to 5103), 5105 (renumbered to 5104), 5106 (renumbered to 5105), 5107 (renumbered to 5106), 5132, 5170, 5190, 5191, 5192, 5200, 5205, 5210, 5230, 5232, 5250, 5255, 5260, 5267 REPEAL: 5101  
11/02/15 ADOPT: 8078.3, 8078.4, 8078.5, 8078.6, 8078.7  
10/27/15 AMEND: 8035  
10/26/15 AMEND: 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.11  
10/05/15 AMEND: 1843.2

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02/24/16 AMEND: 80499  
02/24/16 AMEND: 80014, 80014.1, 80066 REPEAL: 80014.2  
02/18/16 ADOPT: 40106  
01/12/16 ADOPT: 27700, 27701, 27702, 27703, 27704, 27705

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12/14/15 AMEND: 80057.5, 80089, 80089.1, 80089.2  
 12/08/15 AMEND: 3030(b)(10)  
 11/23/15 ADOPT: 71105, 71105.5, 71410, 71471, 71775, 71775.5, 74240, 74250, 75140  
 AMEND: 70000, 71400, 71650, 75150  
 11/23/15 ADOPT: 851.5, 853.6, 853.8 AMEND: 850, 851, 853, 853.5, 853.7, 855, 857, 858, 859, 860, 861, 862, 862.5, 863, 864  
 11/18/15 ADOPT: 80002 AMEND: 80001  
 11/03/15 AMEND: 1505  
 10/06/15 AMEND: 80225  
 10/05/15 AMEND: 19810

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01/06/16 AMEND: 5194(c)  
 12/30/15 ADOPT: 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962  
 11/23/15 AMEND: 10133.32  
 11/05/15 AMEND: 333, 336  
 10/21/15 AMEND: 15600, 15609

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11/05/15 AMEND: 4210  
 10/07/15 ADOPT: 3200.245, 3200.246, 3510.010, 3560, 3560.010, 3560.020, 3700, 3701, 3705, 3706, 3710, 3715, 3720, 3725, 3726, 3730, 3735, 3740, 3745, 3750, 3755, 3755.010  
 10/02/15 AMEND: 10701

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02/04/16 AMEND: 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218  
 02/02/16 ADOPT: 2269 AMEND: 2218, 2250, 2251, 2252, 2253, 2254, 2256, 2257, 2258, 2259, 2260, 2266, 2267, 2268  
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 01/07/16 ADOPT: 5508, 5509, 5510, 5511, 5512, 5513, 5514, 5515, 5516  
 12/23/15 ADOPT: 6650, 6652, 6656, 6657, 6658, 6660, 6662, 6664, 6666, 6668, 6670  
 12/14/15 ADOPT: 6408, 6410, 6450, 6452, 6454, 6470, 6472, 6474, 6476, 6478, 6480, 6482, 6484, 6486, 6490, 6492, 6494, 6496, 6498, 6500, 6502, 6504, 6506, 6508, 6510, 6600, 6602, 6604, 6606, 6608, 6610, 6612, 6614, 6616, 6618, 6620  
 12/04/15 ADOPT: 1422.3, 1950.122.4.2  
 11/02/15 AMEND: 2498.5

11/02/15 AMEND: 2498.4.9  
 11/02/15 AMEND: 2498.6  
 10/26/15 ADOPT: 2240.15, 2240.16, 2240.6, 2240.7 AMEND: 2240, 2240.1, 2240.4, 2240.5  
 10/15/15 ADOPT: 5508, 5509, 5510, 5511, 5512, 5513, 5514, 5515, 5516

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02/24/16 AMEND: 1005, 1007, 1008, 1052  
 02/24/16 AMEND: 1951, 1953, 1954, 1955  
 02/17/16 AMEND: 1005, 1081  
 01/27/16 AMEND: 1953(e)(5)  
 12/09/15 AMEND: 1070(c)  
 12/09/15 AMEND: 1001, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1016, 1018, 1019, 1051, 1054, 1055, 1056, 1057, 1058, 1060, 1070, 1071, 1080, 1081, 1082, 1083, 1084, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960  
 11/23/15 ADOPT: 4250, 4251, 4252, 4253, 4254, 4255, 4256, 4257, 4258, 4259  
 10/27/15 ADOPT: 313, 314, 315, 316, 999.9, 999.9.1, 999.9.2, 999.9.3, 999.9.4, 999.9.5 AMEND: 999.6, 999.7, 999.8  
 10/20/15 AMEND: 1005, 1007, 1008

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12/02/15 AMEND: 800.1, 803, 804, 809 REPEAL: 808

**Title 13**

02/08/16 ADOPT: 2850, 2851, 2852, 2853, 2854, 2855, 2856, 2857, 2858, 2859, 2860, 2861, 2862, 2863, 2864, 2865, 2866, 2867, 2868, 2869 AMEND: 2440, 2442  
 01/26/16 AMEND: 1239  
 01/25/16 AMEND: 1162.1, 1242  
 01/19/16 AMEND: 1253  
 01/19/16 ADOPT: 1160.7, 1161.8 AMEND: 1160.2  
 12/21/15 AMEND: 423.00  
 12/09/15 ADOPT: 1157.21 AMEND: 1157, 1157.4, 1157.6, 1157.8, 1157.10, 1157.12, 1157.13, 1157.14, 1157.16, 1157.18, 1157.20  
 11/16/15 ADOPT: 2293, 2293.1, 2293.2, 2293.3, 2293.4, 2293.5, 2293.6, 2293.7, 2293.8, 2293.9, Appendix 1 AMEND: 2290, 2291, 2293 (renumbered to 2294), 2293.5 (renumbered to 2295)  
 11/09/15 AMEND: 551.21  
 10/21/15 ADOPT: 551.22 AMEND: 550, 551.2  
 10/12/15 AMEND: 1962.1, 1962.2  
 10/08/15 AMEND: 1900, 1956.8, 1961.2, 1962.2, 1965, 1976, 1978

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02/23/16 AMEND: 632  
 02/18/16 ADOPT: 748.5  
 02/10/16 ADOPT: 672, 672.1, 672.2  
 02/10/16 AMEND: 17381.2  
 02/09/16 AMEND: 3550.11  
 02/05/16 AMEND: 1724.9  
 01/25/16 AMEND: 870.15, 870.17, 870.19, 870.21  
 01/21/16 ADOPT: 1760.1, 1779.1  
 01/13/16 AMEND: 149  
 12/30/15 AMEND: 180.6  
 12/29/15 AMEND: 1038  
 12/28/15 ADOPT: 8.01  
 12/15/15 AMEND: 4970.00, 4970.01, 4970.04, 4970.05, 4970.06.1, 4970.07, 4970.08, 4970.09, 4970.10.4, 4970.17, 4970.23, 4970.24.1, 4970.25.1  
 12/10/15 AMEND: 1.92, 703  
 11/30/15 AMEND: 1665.7  
 11/30/15 AMEND: 163, 164  
 11/24/15 AMEND: 29.85  
 11/23/15 AMEND: 1052.1  
 11/23/15 AMEND: 895.1, 916.9, 917.2, 937.2, 957.2, 937.3, 957.3, 929.1, 949.1, 969.1, 1038, 1039.1, 1041, 1092.01, 1092.26, 1092.28, 1109.4  
 11/19/15 AMEND: 890  
 11/13/15 AMEND: 478, 479  
 11/06/15 AMEND: 29.80, 29.85  
 11/06/15 ADOPT: 131  
 11/05/15 AMEND: 29.85  
 11/03/15 AMEND: 895.1, 1038, 1038.2  
 11/03/15 AMEND: 870.15, 870.17, 870.19, 870.21  
 10/19/15 ADOPT: 1760.1, 1779.1  
 10/16/15 AMEND: 17354, 17356  
 10/12/15 AMEND: 819, 819.01, 819.02, 819.03, 819.04, 819.05, 819.06, 819.07  
 10/05/15 ADOPT: 18660.44, 18660.45, 18660.46  
 AMEND: 18660.7  
 09/28/15 AMEND: 310.5  
 09/24/15 AMEND: 1665.7

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11/10/15 ADOPT: Title 14: 17017, 17854.1, 17863.4.1, 17868.3.1, 17896.1, 17896.2, 17896.3, 17896.4, 17896.5, 17896.6, 17896.7, 17896.8, 17896.9, 17896.10, 17896.11, 17896.12, 17896.13, 17896.14, 17896.15, 17896.16, 17896.17, 17896.18, 17896.19, 17896.20, 17896.21, 17896.22, 17896.23, 17896.24, 17896.25, 17896.26, 17896.27, 17896.28,

17896.29, 17896.30, 17896.31, 17896.32, 17896.33, 17896.34, 17896.35, 17896.36, 17896.37, 17896.38, 17896.39, 17896.40, 17896.41, 17896.42, 17896.43, 17896.44, 17896.45, 17896.46, 17896.47, 17896.48, 17896.49, 17896.50, 17896.51, 17896.52, 17896.53, 17896.54, 17896.55, 17896.56, 17896.57, 17896.58, 17896.59, 17896.60, 17896.61, 18221.5.1, 18221.6.1 AMEND: Title 14: 17362.2, 17377.2, 17381.1, 17383.3, 17383.4, 17383.7, 17388.3, 17403.1, 17403.2, 17403.3, 17409.2, 17852, 17855, 17855.2, 17855.3, 17856, 17857.1, 17857.2, 17859.1, 17862, 17862.1, 17863, 17863.4, 17867, 17868.1, 17868.2, 17868.3, 17868.5, 17869, 18083, 18100, 18101, 18102, 18103, 18103.1, 18103.2, 18104, 18104.1, 18104.2, 18104.3, 18104.6, 18104.9, 18105, 18105.1, 18105.2, 18105.3, 18105.5, 18105.6, 18105.8, 18105.9, 18105.11, 18227, 18302; Title 27: 21620, Appendix 1 REPEAL: Title 14: 17855.4

**Title 15**

02/18/16 ADOPT: 3040.2 AMEND: 3000, 3040.1, 3041, 3041.3, 3043.6, 3379 REPEAL: 3999.15  
 02/18/16 AMEND: 3375.1, 3377  
 12/30/15 AMEND: 3000, 3268, 3268.1, 3268.2  
 12/24/15 ADOPT: 1712.3, 1714.3, 1730.3, 1740.3 AMEND: 1700, 1706, 1712.2, 1714.2, 1730.2, 1731, 1740.2, 1747, 1747.1, 1748, 1748.5, 1749, 1749.1, 1750, 1750.1, 1751, 1752, 1753, 1754, 1756, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788, 1790, 1792  
 12/14/15 AMEND: 3124  
 12/14/15 ADOPT: 3999.20  
 12/03/15 ADOPT: 3340, 3341, 3341.1, 3341.2, 3341.3, 3341.4, 3341.5, 3341.6, 3341.7, 3341.8, 3341.9 AMEND: 3000, 3044, 3269, 3269.1, 3335, 3335.5, 3336, 3337, 3338, 3339, 3340 (Renumbered to 3335.5), 3342, 3343, 3344 REPEAL: 3341, 3341.5  
 11/23/15 AMEND: 3173.2  
 11/17/15 ADOPT: 3317.1, 3317.2 AMEND: 3310, 3315, 3317  
 11/05/15 AMEND: 3349 REPEAL: 3349.1.1, 3349.1.2, 3349.1.3, 3349.1.4, 3349.2.1,

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	3349.2.2, 3349.2.3, 3349.2.4, 3349.3, 3349.3.1, 3349.3.2, 3349.3.3, 3349.3.4, 3349.3.5, 3349.3.6, 3349.3.7, 3349.4.1, 3349.4.2, 3349.4.3, 3349.4.4, 3349.4.5, 3349.4.6	1399.160.7, 1399.160.8, 1399.160.9, 1399.160.10, 1399.160.12, 1399.170.15, 1399.170.18, 1399.180, 1399.182
09/28/15	AMEND: 8199	09/29/15 ADOPT: 1746.3
<b>Title 16</b>		<b>Title 17</b>
02/24/16	AMEND: 1446, 1447, 1447.1	02/05/16 ADOPT: 59050, 59051, 59052, 59053, 59054, 59055, 59056, 59057, 59058, 59059, 59060, 59061, 59062, 59063, 59064, 59065, 59066, 59067, 59068, 59069, 59070, 59071, 59072
02/23/16	AMEND: 109, 111	02/03/16 AMEND: 95000 REPEAL: 95001, 95002, 95003, 95004, 95005, 95006, 95007
02/18/16	ADOPT: 1108	01/25/16 REPEAL: 60090, 60091, 60092, 60093, 60094
02/08/16	AMEND: 1417	01/21/16 AMEND: 100003
01/27/16	ADOPT: 1746.3	01/11/16 ADOPT: 94017 AMEND: 94010, 94011, 94016
01/25/16	ADOPT: 1746.2	01/06/16 ADOPT: 100503
01/25/16	AMEND: 420.1, 3021.1	11/16/15 ADOPT: 95480, 95481, 95482, 95483, 95483.1, 95483.2, 95484, 95485, 95486, 95487, 95488, 95489, 95490, 95491, 95492, 95493, 95494, 95495, 95496, 95497 REPEAL: 95480, 95480.1, 95480.2, 95480.3, 95480.4, 95480.5, 95481, 95482, 95483, 95484, 95485, 95486, 95487, 95488, 95489, 95490
01/11/16	AMEND: 995	10/20/15 AMEND: 95802, 95973, 95975, 95976, 95981, 95985, 95990
12/30/15	ADOPT: 1805.01, 1805.05, 1822.50, 1822.51, 1822.52, 1829.1, 1829.2, 1829.3, 1877.1, 1877.2, 1877.3 AMEND: 1805, 1806, 1816, 1816.2, 1816.3, 1816.4, 1816.5, 1816.6, 1816.7, 1829, 1877	<b>Title 18</b>
12/23/15	ADOPT: 1399.50, 1399.52	02/03/16 AMEND: 5218, 5235, 5237, 5267
11/30/15	ADOPT: 1820.7 AMEND: 1820, 1820.5, 1822	01/06/16 AMEND: 1619
11/25/15	AMEND: 1209, 1214, 1216, 1221, 1255, 1258, 1258.1, 1258.2, 1258.4 REPEAL: 1258.3	12/29/15 ADOPT: 18416.5
11/24/15	ADOPT: 2386.5 AMEND: 2382, 2383, 2384, 2385, 2386, 2387, 2388	12/16/15 AMEND: 1532, 1533.1, 1533.2, 1534, 1535, 1805, 1825
11/23/15	AMEND: 109	12/08/15 AMEND: 1584
11/20/15	AMEND: 4151, 4152	11/10/15 AMEND: 284, 1027
11/19/15	AMEND: 1793.5	11/05/15 AMEND: 1705.1, 4903, 5240, 5241, 5242
10/28/15	AMEND: 1399.100, 1399.101, 1399.102, 1399.105, 1399.111, 1399.113, 1399.114, 1399.115, 1399.116, 1399.117, 1399.118, 1399.119, 1399.120, 1399.121, 1399.122, 1399.126, 1399.127, 1399.132, 1399.133, 1399.134, 1399.135, 1399.136, 1399.137, 1399.138, 1399.139, 1399.140, 1399.141, 1399.142, 1399.143, 1399.144, 1399.150.1, 1399.150.2, 1399.150.3, 1399.151, 1399.151.1, 1399.152, 1399.152.1, 1399.152.2, 1399.152.3, 1399.153, 1399.153.2, 1399.153.3, 1399.153.4, 1399.153.8, 1399.153.9, 1399.154, 1399.154.1, 1399.154.2, 1399.154.3, 1399.154.4, 1399.154.5, 1399.155, 1399.156, 1399.156.2, 1399.156.3, 1399.156.5, 1399.157.2, 1399.159, 1399.159.01, 1399.159.1, 1399.159.2, 1399.159.3, 1399.160.1, 1399.160.2, 1399.160.3,	<b>Title 19</b>
		12/07/15 AMEND: 2600
		<b>Title 20</b>
		02/10/16 AMEND: 1601, 1604, 1605.3
		12/21/15 ADOPT: 1208, 1208.1, 1209, 1210, 1211, 1211.5, 1212, 1230, 1231, 1232, 1232.5, 1233, 1233.1, 1233.2, 1233.3, 1233.4, 1234 AMEND: 1003, 1101, 1104, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207 [renumbered to 1211.7], 1208 [renumbered to 1207], 1718 [renumbered to 1207.5], 1225, 1240, 1675, 1701, 1706, 1707, 1709.5, 1709.7, 1712.5 [renumbered to 1710],

- 1710 [renumbered to 1711], 1714, 1714.5, 1720, 1720.4, 1729, 1742, 1744, 1744.5, 1748 [renumbered to 1745], 1749 [renumbered to 1745.5], 1753 [renumbered to 1746], 1754 [renumbered to 1747], 1755 [renumbered to 1748], 1769, 1804, 1863, 2001, 2010, 2012, 2027, 2028, 2030, 2322, 2325, 2328, Appendix A [following section 2340], Appendix B [following section 2012 and Appendix A] REPEAL: 1209, 1209.5, 1210, 1211, 1212, 1213, 1214, 1217, 1230, 1231, 1232, 1233, 1233.5, 1234, 1235, 1236, 1236.5, 1237, 1702, 1705, 1711, 1712, 1716.5, 1717, 1718, 1718.5, 1719, 1742.5, 1743, 1745, 1747, 1751, 1752, 1752.3, 1752.5, 1752.7, 1757, 1765
- 10/20/15 AMEND: 3103
- Title 21**
- 10/01/15 ADOPT: Article Heading AMEND: 1412.1
- 09/23/15 AMEND: 7000
- Title 22**
- 02/23/16 AMEND: 69502.2
- 02/11/16 ADOPT: 51000, 51000.7, 51000.9.5, 51000.15.5, 51000.20, 51000.24.3, 51000.24.4, 51000.24.4.1, 51000.24.5, 51000.24.8, 51000.30, 51000.31, 51000.35, 51000.40, 51000.45, 51000.60, 51000.70, 51000.75, 51051, 51341.1
- 02/08/16 AMEND: 100143, 100146, 100149, 100152, 100153, 100154 (renumbered to 100159), 100155 (renumbered to 100161), 100156 (renumbered to 100160), 100157 (renumbered to 100162), 100159 (renumbered to 100154), 100160 (renumbered to 100155), 100161 (renumbered to 100156), 100162 (renumbered to 100157), 100163 (renumbered to 100164), 100164 (renumbered to 100163), 100165, 100167, 100172
- 02/01/16 AMEND: 64806
- 01/05/16 ADOPT: 81005, 81006, 81007, 81008, 81011, 81012, 81017, 81019, 81019.1, 81020, 81021, 81023, 81025, 81026, 81028, 81029, 81030, 81034, 81035, 81036, 81040, 81043, 81044, 81045, 81046, 81052, 81053, 81054, 81055, 81055.1, 81056, 81058, 81059, 81062, 81063, 81069.2, 81071, 81073, 81074, 81075.1, 81077.2, 81077.3, 81077.4, 81077.5, 81086, 81090, 81091, 81092, 81092.1, 81092.2, 81092.3, 81092.4, 81092.5, 81092.6, 81092.7, 81092.8, 81092.9, 81092.10, 81092.11, 81093, 81094, 81094.5 AMEND: 80000, 80001, 80019, 80065, 80068, 80068.5, 80069, 80069.2, 80070, 80075, 80077.2, 80077.5, 80088, 80092.1, 80092.2, 81000, 81001, 81009, 81010, 81018, 81022, 81024, 81027, 81031, 81042, 81051, 81060, 81061, 81064, 81064.1, 81065, 81065.5, 81065.6, 81066, 81068, 81068.1, 81068.2, 81068.3, 81068.4, 81068.5, 81069, 81070, 81072, 81075, 81076, 81078, 81079, 81080, 81087, 81087.2, 81087.3, 81088
- 01/05/16 AMEND: 51180, 51349
- 12/14/15 ADOPT: 50188
- 12/10/15 ADOPT: 51190.4.1 AMEND: 51231.1, 51231.2, 51323, 51360, 51491
- 10/20/15 REPEAL: 75051
- 10/16/15 AMEND: 97215, 97216, 97217, 97221, 97222, 97223, 97224, 97228, 97229
- 10/15/15 ADOPT: 100044, 100044.1, 100044.2, 100044.3, 100044.4, 100044.5, 100044.6, 100044.7, 100044.8, 100044.9, 100044.10, 100045, 100046, 100047, 100048, 100049, 100050, 100051, 100052, 100053, 100054
- 10/02/15 ADOPT: 51315.1, 51315.2 AMEND: 51161, 51315
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- 02/10/16 AMEND: 102352, 102416.5, 102417, 102421
- 12/30/15 ADOPT: 84092, 84093, 85092, 85093, 87794, 87795 AMEND: 84001, 84002, 84064, 84064.2, 84064.3, 84064.4, 84064.5, 84090, 84090.1, 84090.2, 84091, 84091.1, 84091.2, 84091.3, 84091.4, 85001, 85002, 85064, 85064.2, 85064.3, 85064.4, 85064.5, 85090, 85090.1, 85090.2, 85091, 85091.1, 85091.2, 85091.3, 85091.4, 87101, 87102, 87405, 87406, 87407, 87408, 87409, 87785, 87786, 87787, 87788, 87789, 87791, 87792, 87793
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- 02/11/16 ADOPT: 863, 864, 865, 866
- 01/28/16 ADOPT: 3009
- 01/15/16 AMEND: 1062
- 01/14/16 ADOPT: 3959.7
- 12/23/15 AMEND: 3949.5
- 12/17/15 AMEND: 879
- 12/02/15 ADOPT: 3008

11/09/15 ADOPT: 3939.47  
 11/06/15 ADOPT: 340, 340.2, 340.4, 341, 342,  
 342.2, 342.4, 342.6, 343, 343.2, 343.4,  
 343.6, 343.8, 343.9, 343.10, 343.12,  
 343.14, 344, 344.2, 344.4, 344.6, 344.8,  
 344.10, 344.12, 344.14, 344.16, 344.18,  
 345, 345.2, 345.4, 346, 346.2, 346.4,  
 346.6  
 10/28/15 AMEND: 1062, 1064, 1066  
 10/12/15 ADOPT: 2200.7, 2200.8 AMEND: 2200,  
 2200.7

**Title 25**

02/18/16 AMEND: 10001  
 10/13/15 AMEND: 8000, 8002, 8004, 8006, 8008,  
 8010, 8012

**Title 27**

02/08/16 AMEND: 25705  
 01/19/16 ADOPT: 25205

10/28/15 AMEND: 10010

**Title 28**

12/09/15 AMEND: 1300.76, 1300.76.1,  
 1300.82.1, 1300.84.06, 1300.84.2,  
 1300.84.3  
 11/18/15 AMEND: 1000

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12/24/15 ADOPT: 42-749 AMEND: 41-440,  
 42-711, 42-716, 44-207  
 12/23/15 ADOPT: 42-708, 42-709 AMEND:  
 42-302, 42-701, 42-711, 42-712,  
 42-713, 42-714, 42-716, 42-717,  
 42-720, 42-721, 42-722, 42-802,  
 42-1009, 42-1010, 44-111  
 11/30/15 AMEND: 40-034, 44-211, 44-303,  
 44-307, 44-316, 82-832  
 11/30/15 ADOPT: 30-777 AMEND: 30-701,  
 30-776