

AMENDED IN SENATE APRIL 5, 2001

SENATE BILL

No. 800

Introduced by Senator Johannessen

February 23, 2001

An act to amend Section 44011 of, ~~and to add Section 44017.4 to,~~ the Health and Safety Code, and to amend ~~Sections 4000.1, 4153, and Section 5004 of,~~ and to add Section 258 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 800, as amended, Johannessen. Vehicles.

(1) Existing law requires all motor vehicles powered by internal combustion engines that are registered within an area designated for program coverage, as specified, to obtain, biennially, a certificate of compliance or noncompliance, except for certain vehicles, ~~including, prior to January 1, 2003, a motor vehicle manufactured prior to the 1974 model year and, on and after January 1, 2003, a motor vehicle that is 30 or more model years old.~~

This bill would ~~revise that exception to apply to any motor vehicle manufactured prior to the 1975 model year~~ *include collector motor vehicles, as defined below, within the listing of exceptions.*

(2) ~~Existing law requires the Department of Motor Vehicles, with certain exceptions, upon initial registration, and upon transfer of ownership and registration, of prescribed motor vehicles, and upon registration of a motor vehicle previously registered outside the state, as specified, to require a valid certificate of compliance or a certificate of nonecompliance, as specified. Existing law exempts from this requirement, prior to January 1, 2003, the transfer of ownership or registration of a motor vehicle that was manufactured prior to the 1974~~

~~model-year and, on and after January 1, 2003, the transfer of ownership or registration of a motor vehicle that is 30 or more model-years old.~~

~~This bill would revise that exception to apply to a motor vehicle that was manufactured prior to the 1975 model-year.~~

~~(3) Existing law requires an applicant for the registration of a specially constructed vehicle or remanufactured vehicle to include prescribed information in the registration application.~~

~~This bill would require the department, upon initial registration of any specially constructed vehicle that is a passenger vehicle or pickup truck that has a specified certificate, to record the model-year of that vehicle, as stated in the certificate.~~

~~The bill would require a passenger vehicle or pickup truck that is a specially constructed vehicle to be inspected by stations authorized to perform referee functions, as prescribed. Upon completion of the inspection, the referee would be required to affix the tamper resistant label to the vehicle and issue a certificate that establishes the vehicle model-year and emission control system application.~~

~~(4) Existing law permits owners of vehicles that are operated or moved primarily for the purpose of historical exhibition or similar purpose to be issued special identification plates. This provision applies to a motor vehicle with an engine of 16 or more cylinders that was manufactured prior to 1965, a motor vehicle manufactured in the year 1922 or prior thereto, and a vehicle manufactured after 1922 that is at least 25 years old and of historic interest.~~

~~This bill would revise that provision to apply to a motor vehicle ~~manufactured prior to 1975~~ that *is 25 or more model-years old and* meets the definition of a collector motor vehicle, and a motor vehicle manufactured in the year 1922 or prior thereto. The bill would define a collector motor vehicle to be a vehicle ~~manufactured prior to 1975~~ that *is 25 or more model-years old and* is not used by the owner as a primary source of transportation and is used primarily for purposes of display at events or to obtain necessary repairs and maintenance. ~~The bill would also revise the exception described in (1) above to apply to collector motor vehicles.~~~~

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



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

1 SECTION 1. Section 44011 of the Health and Safety Code is
2 amended to read:

3 44011. (a) All motor vehicles powered by internal
4 combustion engines that are registered within an area designated
5 for program coverage shall be required biennially to obtain a
6 certificate of compliance or noncompliance, except for all of the
7 following:

8 (1) Every motorcycle, and every diesel-powered vehicle, until
9 the department, pursuant to Section 44012, implements test
10 procedures applicable to motorcycles or to diesel-powered
11 vehicles, or both.

12 (2) Any motor vehicle that has been issued a certificate of
13 compliance or noncompliance or a repair cost waiver upon a
14 change of ownership or initial registration in this state during the
15 preceding six months.

16 ~~(3) Any motor vehicle manufactured prior to the 1975~~
17 ~~model year.~~

18 (3) (A) *Prior to January 1, 2003, any motor vehicle*
19 *manufactured prior to the 1974 model-year.*

20 (B) *Beginning on January 1, 2003, any motor vehicle that is 30*
21 *or more model-years old.*

22 (4) (A) Any motor vehicle four or less model-years old.

23 (B) The department, by regulation, may increase the
24 exemption provided by this paragraph to include any motor
25 vehicle up to six or less model-years old.

26 (C) Any motor vehicle excepted by this paragraph shall be
27 subject to testing and to certification requirements as determined
28 by the department, if any of the following apply:

29 (i) The department determines through remote sensing
30 activities or other means that there is a substantial probability that
31 the vehicle has a tampered emission control system or would fail
32 for other cause a smog check test as specified in Section 44012.

33 (ii) The vehicle was previously registered outside this state and
34 is undergoing initial registration in this state.

35 (iii) The vehicle is being registered as a specially constructed
36 vehicle.



1 (iv) The vehicle has been selected for testing pursuant to
2 Section 44014.7 or any other provision of this chapter authorizing
3 out-of-cycle testing.

4 (5) In addition to the vehicles exempted pursuant to paragraph
5 (4), any motor vehicle or class of motor vehicles exempted
6 pursuant to subdivision (b) of Section 44024.5. It is the intent of
7 the Legislature that the department, pursuant to the authority
8 granted by this paragraph, exempt at least 15 percent of the lowest
9 emitting motor vehicles from the biennial smog check inspection.

10 (6) Any motor vehicle that the department determines would
11 present prohibitive inspection or repair problems.

12 (7) Any vehicle registered to the owner of a fleet licensed
13 pursuant to Section 44020 if the vehicle is garaged exclusively
14 outside the area included in program coverage, and is not primarily
15 operated inside the area included in program coverage.

16 (8) A collector motor vehicle as defined in Section 258 of *the*
17 Vehicle Code.

18 (b) Vehicles designated for program coverage in enhanced
19 areas shall be required to obtain inspections from appropriate
20 smog check stations operating in enhanced areas.

21 ~~SEC. 2.—Section 44017.4 is added to the Health and Safety~~
22 ~~Code, to read:~~

23 ~~44017.4. Upon initial registration with the Department of~~
24 ~~Motor Vehicles, a passenger vehicle or pickup truck that is a~~
25 ~~specially constructed vehicle, as defined in Section 580 of the~~
26 ~~Vehicle Code, shall be inspected by stations authorized to perform~~
27 ~~referee functions. This inspection shall be for the purposes of~~
28 ~~determining the vehicle model year and emission control system~~
29 ~~application. In determining the model year, the referee shall~~
30 ~~compare the vehicle to vehicles of the era that the vehicle most~~
31 ~~closely resembles. The referee shall assign the 1960 model year to~~
32 ~~any specially constructed vehicle that does not sufficiently~~
33 ~~resemble a previously manufactured vehicle. The referee shall~~
34 ~~require only those emission control systems that are applicable to~~
35 ~~the established model year and that the vehicle reasonably~~
36 ~~accommodates of those systems, in its present form. Upon~~
37 ~~completion of the inspection, the referee shall affix the tamper~~
38 ~~resistant label to the vehicle and issue a certificate that establishes~~
39 ~~the vehicle model year and emission control system application.~~

40 ~~SEC. 3.—~~



1 SEC. 2. Section 258 is added to the Vehicle Code, to read:

2 258. (a) A collector motor vehicle is a vehicle ~~which was~~
3 ~~manufactured prior to 1975 that is 25 or more model-years old~~ and
4 meets both of the following conditions:

5 (1) The vehicle is not used by the owner as a primary source of
6 transportation.

7 (2) The vehicle is used primarily for purposes of display at
8 events such as collector shows, exhibitions and parades, or to
9 obtain necessary repairs and maintenance.

10 (b) The department shall require one of the following
11 documents to be submitted by the registered owner as evidence
12 that the vehicle meets the requirements of subdivision (a).

13 (1) A written statement or policy from an insurance company
14 clearly indicating that the motor vehicle has been insured with that
15 company as a collector motor vehicle.

16 (2) A declaration, signed by the registered owner under penalty
17 of perjury, that the vehicle is a collector motor vehicle meeting the
18 conditions specified in subdivision (a).

19 ~~SEC. 4. Section 4000.1 of the Vehicle Code is amended to~~
20 ~~read:~~

21 ~~4000.1. (a) Except as otherwise provided in subdivision (b),~~
22 ~~(c), or (d) of this section, or subdivision (b) of Section 43654 of~~
23 ~~the Health and Safety Code, the department shall require upon~~
24 ~~initial registration, and upon transfer of ownership and~~
25 ~~registration, of any motor vehicle subject to Part 5 (commencing~~
26 ~~with Section 43000) of Division 26 of the Health and Safety Code,~~
27 ~~and upon registration of a motor vehicle previously registered~~
28 ~~outside this state which is subject to those provisions of the Health~~
29 ~~and Safety Code, a valid certificate of compliance or a certificate~~
30 ~~of noncompliance, as appropriate, issued in accordance with~~
31 ~~Section 44015 of the Health and Safety Code.~~

32 ~~(b) With respect to new vehicles certified pursuant to Chapter~~
33 ~~2 (commencing with Section 43100) of Part 5 of Division 26 of the~~
34 ~~Health and Safety Code, the department shall accept a statement~~
35 ~~completed pursuant to subdivision (b) of Section 24007 in lieu of~~
36 ~~the certificate of compliance.~~

37 ~~(c) For purposes of determining the validity of a certificate of~~
38 ~~compliance or noncompliance submitted in compliance with the~~
39 ~~requirements of this section, the definitions of new and used motor~~
40 ~~vehicle contained in Chapter 2 (commencing with Section 39010)~~



1 of Part 1 of Division 26 of the Health and Safety Code shall
2 control.

3 (d) Subdivision (a) does not apply to a transfer of ownership
4 and registration under any of the following circumstances:

5 (1) In any district in which biennial certification is required and
6 a valid certificate was issued in connection with the most recent
7 renewal of registration of the vehicle, and the transfer occurred not
8 more than 60 days following the date by which that renewal of
9 registration was required.

10 (2) The transferor is either the parent, grandparent, sibling,
11 child, grandchild, or spouse of the transferee.

12 (3) A vehicle registered to a sole proprietorship is transferred
13 to the proprietor as owner.

14 (4) The transfer is between companies whose principal
15 business is leasing vehicles, if there is no change in the lessee or
16 operator of the vehicle or between the lessor and the person who
17 has been, for at least one year, the lessee's operator of the vehicle.

18 (5) The transfer is between the lessor and lessee of the vehicle,
19 if there is no change in the lessee or operator of the vehicle.

20 (6) The motor vehicle was manufactured prior to the 1975
21 model year.

22 (e) The State Air Resources Board, under Part 5 (commencing
23 with Section 43000) of Division 26 of the Health and Safety Code,
24 may exempt designated classifications of motor vehicles from
25 subdivision (a) as it deems necessary, and shall notify the
26 department of that action.

27 (f) Subdivision (a) does not apply to a motor vehicle when an
28 additional individual is added as a registered owner of the vehicle.

29 SEC. 5.— Section 4153 of the Vehicle Code is amended to read:

30 4153.— (a) If the vehicle to be registered is a specially
31 constructed or remanufactured vehicle, the application shall also
32 state that fact and contain additional information as may
33 reasonably be required by the department to enable it properly to
34 register the vehicle.

35 (b) Upon initial registration of any specially constructed
36 vehicle that is a passenger vehicle or pickup truck that has a
37 certificate issued pursuant to Section 44017.4 of the Health and
38 Safety Code, the department shall record the model year of the
39 vehicle, as stated in the certificate.

40 SEC. 6.—



1 SEC. 3. Section 5004 of the Vehicle Code is amended to read:

2 5004. (a) Any owner of a vehicle described in paragraph (1)
3 or (2) which is operated or moved over the highway primarily for
4 the purpose of historical exhibition or other similar purpose shall,
5 upon application in the manner and at the time prescribed by the
6 department, be issued special identification plates for the vehicle:

7 (1) A motor vehicle ~~manufactured prior to 1975 which meets~~
8 ~~the definition of a~~ *that is 25 or more model-years old and meets*
9 *the definition of a collector motor vehicle as specified in Section*
10 258.

11 (2) A motor vehicle manufactured in the year 1922 or prior
12 thereto.

13 (b) The special identification plates assigned to motor vehicles
14 described in paragraph (2) of subdivision (a) shall run all in a
15 separate numerical series, commencing with “Horseless Carriage
16 No. 1.”

17 (c) The special identification plates assigned to vehicles
18 specified in paragraph (3) of subdivision (a) shall run in a separate
19 numerical series, commencing with “Historical Vehicle No. 1.”

20 (d) Each series of plates described in subdivisions (b) and (c)
21 shall have different and distinguishing colors.

22 (e) A fee of twenty-five dollars (\$25) shall be charged for the
23 initial issuance of the special identification plates specified in
24 subdivisions (b) and (c). The plates shall be permanent and shall
25 not be required to be replaced. If those special identification plates
26 become damaged or unserviceable in any manner, replacement for
27 the plates may be obtained from the department upon proper
28 application and upon payment of the fee provided for in Section
29 9265.

30 (f) All funds received by the department in payment for those
31 identification plates or the replacement thereof shall be deposited
32 in the California Environmental License Plate Fund.

33 (g) These vehicles shall not be exempt from the equipment
34 provisions of Sections 26709, 27150, and 27600.

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