

AMENDED IN SENATE JUNE 14, 2005

AMENDED IN ASSEMBLY APRIL 4, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1229

**Introduced by Assembly Member Nation
(Principal coauthor: Assembly Member Pavley)**

February 22, 2005

An act to amend Section 43200 of, and to add Section 43200.1 to, the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1229, as amended, Nation. Air pollution: new motor vehicles: air pollution label.

Existing law permits the State Air Resources Board to adopt a regulation to prohibit the sale and registration of any new motor vehicle certified by the state board to which there has not been affixed by the manufacturer on a side window to the rear of the driver or, if it cannot be so placed, to the windshield, a decal disclosing specified emissions information, including, for 1976 and subsequent model year motor vehicles, exhaust emissions data, determined as provided. Existing law requires the state board to develop and adopt regulations that achieve the maximum feasible and cost-effective reduction of greenhouse gas emissions from motor vehicles. Existing law also prohibits the sale and registration of a new motor vehicle unless a decal that discloses a smog index for the vehicle is affixed, as specified above.

This bill would require the state board, not later than July 1, 2007, to revise regulations relating to the decal, to rename the existing decal, and would require the renamed label to provide specified

emissions information. The bill would expand the requirement to place exhaust emissions information for 1976 and subsequent model year motor vehicles on the emissions index ~~decal label~~ to include the affixation of additional emissions data, as provided, on any new motor vehicle. The bill would require the ~~decal label~~ to be affixed to the driver's side window or, if it cannot be so placed, to the windshield. The bill would require a specified smog index and a global warming index to be included on the emissions information ~~decal label, as specified,~~ that the state board is authorized, by regulation, to require. ~~The bill would require the state decal to be renamed the air pollution label.~~ The bill would subject to the above provisions, at a minimum, all passenger cars and light-duty trucks with a gross vehicle weight of 8,500 pounds or less, and all vehicles that are subject to those regulations adopted by the state board pertaining to achieving reductions in global ~~warmings~~ *warming* gases.

This bill would also require the state board to seek specified input in designing the ~~air pollution~~ label; to update the indices included in the air pollution label as necessary; *to consider other relevant label formats, as specified,* and to incorporate information from the ~~air pollution~~ label into existing programs designed to educate motor vehicle consumers about emissions of global ~~warmings~~ *warming* gases and other air contaminants. This bill would permit the state board to recommend to the Legislature additional sources of air pollution that emit significant amounts of global warming gases for which the disclosure of information regarding those emissions would be an effective means of educating the public about the sources of global warming and its impacts. *The bill would permit the state board to accept donations or grants of funds from any person for the purposes of the program, and would require amounts received to be deposited into the Air Pollution Control Fund. The bill would require the source of any funds received to be disclosed at specified public hearings and workshops. The bill would also permit donations, grants, or other commitments of money to be dedicated for specific purposes.*

This bill would make legislative findings and declarations relating to global warming gases and motor vehicle emissions.

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. The Legislature finds and declares all of the
2 following:

3 (a) The use of fossil fuels in motor vehicles is one of the
4 primary human sources of global warming gases that trap heat in
5 the Earth's atmosphere, leading to a warming effect on the
6 planet.

7 (b) Increasing concentrations of global warming gases in the
8 atmosphere are likely to accelerate the rate of climate change in
9 California.

10 (c) Scientific research indicates that the impact of global
11 warming on our environment will be profound. Global warming
12 will significantly impact the state's air quality, water resources,
13 forests, agricultural regions, coastal regions, and the health of the
14 state's residents.

15 ~~(d) It is the intent of the Legislature to inform residents of the~~
16 ~~state of the human activities that significantly contribute to global~~
17 ~~warming by requiring disclosure of emissions associated with~~
18 ~~those activities.~~

19 *(d) Air pollution can cause or aggravate a wide range of*
20 *serious health problems, including cancer, birth defects,*
21 *respiratory illnesses such as asthma and emphysema, heart and*
22 *blood ailments, nervous system toxicity, and premature death.*

23 *(e) Even after years of improvements in vehicle emissions*
24 *technologies and effective emissions regulations, many residents*
25 *of California are exposed to unhealthy air.*

26 *(f) Emissions from motor vehicles contribute over half of*
27 *California's smog-forming pollution.*

28 *(g) New motor vehicles offered for sale in the state vary*
29 *substantially in terms of smog-forming and global warming*
30 *emissions.*

31 SEC. 2. Section 43200 of the Health and Safety Code is
32 amended to read:

33 43200. (a) The state board may adopt a regulation to prohibit
34 the sale and registration in this state of any new motor vehicle
35 certified by the state board to which there has not been securely
36 and conspicuously affixed on the driver's side window or, if it
37 cannot be so placed, to the windshield of the motor vehicle in
38 accordance with paragraph (3) of subdivision (b) of Section

1 26708 of the Vehicle Code, by the manufacturer a ~~dec~~ *label* on
2 which the manufacturer shall endorse clearly, distinctly, and
3 legibly true and correct entries disclosing the following
4 information concerning the motor vehicle:

5 (1) The emission standards adopted by the state board
6 pursuant to Section 43101 that are applicable to that motor
7 vehicle.

8 ~~(2) The emissions, based on quality audit tests of assembly
9 line motor vehicles or, if required by the state board, as
10 determined by the factory assembly line test for that motor
11 vehicle, and, at the beginning of each model year, based on
12 certification fleet data.~~

13 ~~(3) The air pollution label required by Section 43200.1.~~

14 ~~(2) The information required by Section 43200.1 and related
15 air pollution emissions information as specified by the state
16 board.~~

17 (b) A regulation may be adopted pursuant to this section only
18 if the state board finds that the regulation is necessary for either
19 of the following:

20 (1) To enforce or ensure compliance with applicable statutes,
21 standards, or procedures relating to vehicle emissions.

22 (2) For the protection ~~and~~ *or* information of consumers.

23 (c) Nothing in this division or in any other statute shall be
24 construed as prohibiting a purchaser from removing the decal
25 required by this section, after the purchaser has taken possession
26 of the vehicle.

27 SEC. 3. Section 43200.1 is added to the Health and Safety
28 Code, to read:

29 43200.1. (a) The Legislature finds and declares ~~all of the
30 following:~~

31 ~~(1) Since that since 1998, the state board has imposed smog
32 index label specifications on new passenger cars and light-duty
33 trucks that are sold and registered in the state to inform
34 consumers about emissions of air contaminants from the use of
35 new vehicles.~~

36 ~~(2) On September 5, 2003, the state board adopted California
37 smog index label specifications for 2004 and subsequent model
38 passenger cars and light-duty trucks. The specifications adopted
39 in that rulemaking include a smog index for each vehicle and a~~

1 ~~fleet average smog index for each average new vehicle for that~~
2 ~~model year.~~

3 (b) (1) (A) The state board, not later than ~~January~~ *July* 1,
4 2007, shall revise the regulations adopted pursuant to Section
5 43200 to rename the ~~deal~~ *existing label* required by those
6 regulations ~~as the air pollution label~~, and to require the ~~air~~
7 ~~pollution~~ *renamed* label to include, for model year 2009 and
8 subsequent model year motor vehicles, information on the
9 emissions of global warming gases from motor vehicles for the
10 same model year.

11 (B) This subdivision applies to, at a minimum, all passenger
12 cars and light-duty trucks with a gross vehicle weight of 8,500
13 pounds or less, and to all motor vehicles subject to regulation
14 pursuant to Section 43018.5.

15 (C) Emissions of global warming gases shall include
16 emissions, *as determined by the state board* from vehicle
17 operation and upstream emissions.

18 (2) The ~~air pollution~~ label shall include all of the following:

19 (A) A smog index that contains quantitative information
20 presented in a continuous, easy-to-read scale, *unless the state*
21 *board determines, after at least one public workshop, that an*
22 *alternative graphical representation will more effectively convey*
23 *the information to consumers*, and that compares the emissions
24 from the vehicle with the average projected emissions from all
25 vehicles of the same model year sold in the state for which ~~an air~~
26 ~~pollution~~ a label is required. For reference purposes, the index
27 shall also identify the emissions from the vehicle model of that
28 same model year that has the lowest *smog-forming* emissions.

29 (B) A global warming index that contains quantitative
30 information presented in a continuous, easy-to-read scale, *unless*
31 *the state board determines, after at least one public workshop,*
32 *that an alternative graphical representation will more effectively*
33 *convey the information to consumers*, and that compares the
34 emissions of global warming gases from the vehicle with the
35 average projected emissions of global warming gases from all
36 vehicles of the same model year sold in the state for which ~~an air~~
37 ~~pollution~~ a label is required. For reference purposes, the index
38 shall also identify the emissions of global warming gases from
39 the vehicle model of that same model year that has the lowest
40 emissions of global warming gases.

1 (C) A brief explanation, prepared by the state board, of the
2 indices required by this section, including the identification of
3 motor vehicle usage as a primary cause of global warming, and
4 how emissions of those gases from motor vehicles may be
5 reduced.

6 (D) The use of at least one color ink, as determined by the
7 state board, in addition to black.

8 (c) In order to ensure that the label is useful and informative to
9 consumers, the state board, *in designing the label*, shall, to the
10 extent feasible within its existing resources, ~~seek~~ *do both of the*
11 *following*:

12 (1) *Seek* input from automotive consumers, graphic design
13 professionals, and persons with expertise in environmental
14 labeling, ~~in designing the air pollution label~~.

15 (2) *Consider other relevant label formats consistent with*
16 *paragraph (2) of subdivision (b)*.

17 (d) The indices included in the ~~air pollution~~ label pursuant to
18 paragraph (2) of subdivision (b) shall be updated as determined
19 necessary by the state board to ensure that the differences in
20 emissions among vehicles are readily apparent to the consumer.

21 (e) The state board, in consultation with other agencies as
22 appropriate, may recommend to the Legislature additional
23 sources of air pollution that emit significant amounts of global
24 warming gases for which the disclosure of information regarding
25 those emissions would be an effective means of educating the
26 public about the sources of global warming and its impacts.

27 (f) The state board shall, as it determines appropriate and to
28 the extent feasible within its existing resources, incorporate
29 information from the ~~air pollution~~ label into existing programs
30 designed to educate motor vehicle consumers about emissions of
31 global warming gases and other air contaminants.

32 (g) *The state board may accept donations or grants of funds*
33 *from any person for the purposes of the program established*
34 *pursuant to this section, and shall deposit amounts received from*
35 *donations or grants into the Air Pollution Control Fund. The*
36 *source of any funds received pursuant to this section shall be*
37 *disclosed at all public hearings and workshops to implement this*
38 *section. Donations, grants, or other commitments of money to the*
39 *fund may be dedicated for specific purposes consistent with the*
40 *goals of this section.*

1 *(h)* For the purposes of this section, the following definitions
2 apply:

3 (1) “Global warming gases” has the meaning as greenhouse
4 gases given in subdivision (h) of Section 42801.1.

5 (2) “Upstream emissions” means emissions of global warming
6 gases that occur during the extraction, refining, transport, and
7 local distribution of motor vehicle fuels as determined by the
8 state board.

O