

AMENDED IN SENATE JUNE 29, 2005

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~~ to 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 label to include the affixation of additional emissions data, as provided, on any new motor vehicle. The bill would require the 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 label, as specified, that the state board is authorized, by regulation, to require. 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 warming gases.

This bill would also require the state board to seek specified input in designing the 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 label into existing programs designed to educate motor vehicle consumers about emissions of global warming gases and other air ~~contaminants~~ *pollutants*. 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) Air pollution can cause or aggravate a wide range of
16 serious health problems, including cancer, birth defects,
17 respiratory illnesses such as asthma and emphysema, heart and
18 blood ailments, nervous system toxicity, and premature death.

19 (e) Even after years of improvements in vehicle emissions
20 technologies and effective emissions regulations, many residents
21 of California are exposed to unhealthy air.

22 (f) Emissions from motor vehicles contribute over half of
23 California's smog-forming pollution.

24 (g) New motor vehicles offered for sale in the state vary
25 substantially in terms of smog-forming and global warming
26 emissions.

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

29 43200. (a) The state board may adopt a regulation to prohibit
30 the sale and registration in this state of any new motor vehicle
31 certified by the state board to which there has not been securely
32 and conspicuously affixed on the driver's side window or, if it
33 cannot be so placed, to the windshield of the motor vehicle in
34 accordance with paragraph (3) of subdivision (b) of Section
35 26708 of the Vehicle Code, by the manufacturer a label on which
36 the manufacturer shall endorse clearly, distinctly, and legibly true
37 and correct entries disclosing the following information
38 concerning the motor vehicle:

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

4 (2) The information required by Section 43200.1 and related
5 air pollution emissions information as specified by the state
6 board.

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

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

12 (2) For the protection or information of consumers.

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

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

19 43200.1. (a) The Legislature finds and declares that since
20 1998, the state board has imposed smog index label
21 specifications on new passenger cars and light-duty trucks that
22 are sold and registered in the state to inform consumers about
23 emissions of air-~~contaminants~~ *pollutants* from the use of new
24 vehicles.

25 (b) (1) (A) The state board, not later than July 1, 2007, shall
26 revise the regulations adopted pursuant to Section 43200 to
27 rename the existing label required by those regulations , and to
28 require the renamed label to include, for model year 2009 and
29 subsequent model year motor vehicles, information on the
30 emissions of global warming gases from motor vehicles for the
31 same model year.

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

36 (C) Emissions of global warming gases shall include
37 emissions, as determined by the state board, from vehicle
38 operation and upstream emissions.

39 (2) The label shall include all of the following:

1 (A) A smog index that contains quantitative information
2 presented in a continuous, easy-to-read scale, unless the state
3 board determines, after at least one public workshop, that an
4 alternative graphical representation will more effectively convey
5 the information to consumers, and that compares the emissions
6 from the vehicle with the average projected emissions from all
7 vehicles of the same model year sold in the state for which a
8 label is required. For reference purposes, the index shall also
9 identify the emissions from the vehicle model of that same model
10 year that has the lowest smog-forming emissions.

11 (B) A global warming index that contains quantitative
12 information presented in a continuous, easy-to-read scale, unless
13 the state board determines, after at least one public workshop,
14 that an alternative graphical representation will more effectively
15 convey the information to consumers, and that compares the
16 emissions of global warming gases from the vehicle with the
17 average projected emissions of global warming gases from all
18 vehicles of the same model year sold in the state for which a
19 label is required. For reference purposes, the index shall also
20 identify the emissions of global warming gases from the vehicle
21 model of that same model year that has the lowest emissions of
22 global warming gases.

23 (C) A brief explanation, prepared by the state board, of the
24 indices required by this section, including the identification of
25 motor vehicle usage as a primary cause of global warming, and
26 how emissions of those gases from motor vehicles may be
27 reduced.

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

30 (c) In order to ensure that the label is useful and informative to
31 consumers, the state board, ~~in designing the label~~, shall, to the
32 extent feasible within its existing resources, do both of the
33 following *in designing the label*:

34 (1) Seek input from automotive consumers, graphic design
35 professionals, and persons with expertise in environmental
36 labeling.

37 (2) Consider other relevant label formats consistent with
38 paragraph (2) of subdivision (b).

39 (d) The indices included in the label pursuant to paragraph (2)
40 of subdivision (b) shall be updated as determined necessary by

1 the state board to ensure that the differences in emissions among
2 vehicles are readily apparent to the consumer.

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

9 (f) The state board shall, as it determines appropriate and to
10 the extent feasible within its existing resources, incorporate
11 information from the label into existing programs designed to
12 educate motor vehicle consumers about emissions of global
13 warming gases and other air ~~contaminants~~ *pollutants*.

14 (g) The state board may accept donations or grants of funds
15 from any person for the purposes of the program established
16 pursuant to this section, and shall deposit amounts received from
17 donations or grants into the Air Pollution Control Fund. The
18 source of any funds received pursuant to this section shall be
19 disclosed at all public hearings and workshops to implement this
20 section. Donations, grants, or other commitments of money to the
21 fund may be dedicated for specific purposes consistent with the
22 goals of this section.

23 (h) For the purposes of this section, the following definitions
24 apply:

25 (1) “Global warming gases” has the *same* meaning as
26 greenhouse gases given in subdivision (h) of Section 42801.1.

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