

AMENDED IN ASSEMBLY JUNE 1, 2007

AMENDED IN ASSEMBLY MARCH 28, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 233

Introduced by Assembly Member Jones

January 30, 2007

An act to add Sections 43011.5 and 43704 to the Health and Safety Code, and to add Section 4755 to the Vehicle Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 233, as amended, Jones. Diesel vehicles and engines: Healthy Heart and Lung Act.

(1) Existing law gives the State Air Resources Board the responsibility for control of emissions from motor vehicles and requires the state board to coordinate efforts of all levels of government as they affect air quality. The state board is required to identify toxic air contaminants and to establish airborne toxic control measures for toxic air contaminants. The state board has adopted an airborne toxic control measure to limit diesel-fueled commercial motor vehicle idling. Violations of this regulation are subject to a minimum civil penalty of \$100.

This bill would increase this minimum civil penalty to \$300. The bill would also require the state board to adopt a plan for coordinated and enhanced enforcement of the airborne toxic control measure to limit diesel-fueled vehicle idling and other diesel emission control regulations for *manufacturers, owners, or operators of* on-road and off-road vehicles and engines.

(2) Existing law requires a commercial motor vehicle that operates with a declared gross or combined gross vehicle weight that exceeds 10,000 pounds to register with the Department of Motor Vehicles, and subjects these vehicles to special weight fees.

This bill would require the department to refuse registration for any diesel commercial vehicle subject to these provisions, if the vehicle was manufactured prior to January 1, 1994. The department would also be required to refuse registration, or renewal or transfer of registration for any of these vehicles, if the owner or an operator of the vehicle has been cited for a violation pertaining to the vehicle of specified air pollution laws until the violation has been cleared, as determined by the State Air Resources Board.

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. This act shall be known, and may be cited as, the
- 2 Healthy Heart and Lung Act.
- 3 SEC. 2. The Legislature finds and declares all of the following:
- 4 ~~(a) Particulate matter from diesel exhaust causes an estimated~~
- 5 ~~3,000 Californians to die prematurely every year, and causes~~
- 6 ~~thousands more to experience other serious problems, including~~
- 7 ~~asthma, chronic bronchitis, chronic obstructive pulmonary disease,~~
- 8 ~~and hospital visits for respiratory and cardiovascular illness.~~
- 9 ~~(b) Studies of traffic-related pollution have shown serious health~~
- 10 ~~effects for individuals living close to freeways. Recent research~~
- 11 ~~has found pronounced deficits in attained lung function for~~
- 12 ~~California children living within 500 meters of a freeway.~~
- 13 ~~(c) A recent study of women’s health found that particulate~~
- 14 ~~matter substantially increases the risk of heart disease in older~~
- 15 ~~women.~~
- 16 *(a) The State Air Resources Board’s Emission Reduction Plan*
- 17 *for Ports and Goods Movement, adopted April 2006, states that*
- 18 *goods movement activity, including trips made by diesel fueled*
- 19 *trucks, contributes to increases in cancer risk, premature deaths,*
- 20 *hospitalizations for respiratory and cardiovascular causes,*
- 21 *bronchitis, asthma attacks, and other respiratory symptoms.*
- 22 ~~(d)~~

1 (b) The State Air Resources Board identified particulate matter
2 emissions from diesel-fueled engines as a toxic air contaminant
3 in 1998. The state board subsequently developed a risk reduction
4 plan that included a goal of reducing the public health risk from
5 diesel particulate matter by 85 percent by 2020, and began to
6 develop regulations designed to further reduce diesel particulate
7 matter emissions from diesel-fueled engines and vehicles.

8 (e)

9 (c) As part of its efforts to reduce diesel emissions, the State
10 Air Resources Board has adopted regulations to control idling of
11 diesel-fueled vehicles, including buses and trucks. Additional
12 enforcement measures are needed to ensure consistent enforcement
13 of these and other regulations.

14 SEC. 3. Section 43011.5 is added to the Health and Safety
15 Code, to read:

16 43011.5. (a) The state board shall review its existing
17 enforcement of diesel emission control regulations for
18 *manufacturers, owners, or operators of* on-road and off-road
19 vehicles and engines and anticipated enforcement needs for future
20 diesel emission control regulations for *manufacturers, owners, or*
21 *operators of* on-road and off-road vehicles and engines planned
22 for implementing the state board's diesel risk reduction plan and
23 goods movement emission reduction plan, and incorporate its
24 findings into the plan adopted pursuant to subdivision (b).

25 (b) No later than January 1, 2009, the state board shall adopt,
26 at a public hearing, a plan for coordinated and enhanced
27 enforcement of Section 2485 of Title 13 of the California Code of
28 Regulations and other diesel emission control regulations for
29 *manufacturers, owners, or operators of* on-road and off-road
30 vehicles and engines. The state board shall consult with the districts
31 and the public in developing the plan.

32 (c) The plan shall include, but is not limited to, all of the
33 following:

34 (1) Additional staff at the state board to ensure that the
35 appropriate resources are available to ensure consistent enforcement
36 of diesel emission control regulations for on-road and off-road
37 vehicles and engines throughout the state.

38 (2) Goals for inspection frequency each year to promote the
39 maximum level of compliance with diesel emission control
40 regulations for on-road and off-road vehicles and engines.

1 (3) Education efforts regarding diesel engine idling
 2 requirements, including the placement of signs and other materials
 3 in multiple languages where appropriate in locations where
 4 significant numbers of idling trucks and engines have been found,
 5 especially locations near schools and residential communities, to
 6 ensure that operators of trucks traveling through the state and other
 7 affected individuals and businesses are aware of the state’s diesel
 8 engine idling requirements.

9 (4) An outreach program, to include the hiring of additional
 10 staff to train local enforcement officers, including, but not limited
 11 to, highway patrol, local police, and local air district staff in the
 12 enforcement of the state’s diesel engine idling requirements. The
 13 outreach program shall include at least two training sessions each
 14 year in Northern California and two in Southern California.

15 SEC. 4. Section 43704 is added to the Health and Safety Code,
 16 to read:

17 43704. Any person who violates Section 2485 of Title 13 of
 18 the California Code of Regulations is subject to a minimum civil
 19 penalty of three hundred dollars (\$300).

20 SEC. 5. Section 4755 is added to the Vehicle Code, to read:

21 4755. (a) The department shall refuse registration for any
 22 diesel commercial motor vehicle subject to Section 4000.6, if the
 23 vehicle was manufactured prior to January 1, 1994. The department
 24 shall continue to accept renewal and transfer of registrations for
 25 these vehicles.

26 (b) The department shall refuse registration, or renewal or
 27 transfer of registration for any commercial motor vehicle subject
 28 to Section 4000.6, if the owner or ~~an~~ operator of the motor vehicle
 29 at the time of the application has been cited for a violation,
 30 pertaining to that vehicle, of Division 26 (commencing with Section
 31 39000) of the Health and Safety Code or regulations of the State
 32 Air Resources Board adopted pursuant to that division, until the
 33 violation has been cleared, as determined by the State Air
 34 Resources Board.