

Assembly Bill No. 233

Passed the Assembly September 12, 2007

Chief Clerk of the Assembly

Passed the Senate September 11, 2007

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2007, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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, 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, every 3 years, to review enforcement of specified diesel emission control regulations and develop a strategic plan for consistent, comprehensive, and fair enforcement of these regulations. The bill would require the state board to submit this plan to the relevant legislative policy and fiscal committees by January 1, 2009, and every 3 years thereafter.

(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, for any diesel commercial vehicle subject to these provisions, refuse registration, or renewal or transfer of registration, 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.

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

SECTION 1. This act shall be known, and may be cited as, the Healthy Heart and Lung Act.

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

(a) The State Air Resources Board's Emission Reduction Plan for Ports and Goods Movement, adopted April 2006, states that goods movement activity, including trips made by diesel-fueled trucks, contributes to increases in cancer risk, premature deaths, hospitalizations for respiratory and cardiovascular causes, bronchitis, asthma attacks, and other respiratory symptoms.

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

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

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

43011.5. (a) Every three years, the state board shall review its existing enforcement of diesel emission control regulations and anticipated enforcement needs for future diesel emission control regulations for manufacturers, owners, or operators of on-road and off-road vehicles and engines to implement the state board's Diesel Risk Reduction Plan and Emission Reduction Plan for Ports and Goods Movement, and develop a strategic plan for consistent, comprehensive, and fair enforcement of these regulations.

(b) The state board shall consult with the districts and the public in developing the plan, and shall review the plan at a public board meeting.

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

(1) An assessment of the need for additional staff and technology resources at the state board to ensure that the appropriate resources

are available to ensure consistent enforcement of diesel emission control regulations for on-road and off-road vehicles and engines throughout the state and in areas where diesel emissions are concentrated.

(2) Goals for inspection frequency for the next three years to promote the maximum level of compliance with diesel emission control regulations for on-road and off-road vehicles and engines.

(3) An education and outreach component to increase public awareness and understanding of the diesel regulations identified in subdivision (a). The education and outreach component shall include the placement of signs and other materials in multiple languages where appropriate in locations where significant numbers of idling trucks and engines have been found, especially locations near schools and residential communities, to ensure that operators of trucks traveling through the state and other affected individuals and businesses are aware of the state's diesel engine idling requirements.

(4) A training program for local enforcement staff, including, but not limited to, outreach to highway patrol, local police, and local air district staff on enforcement of the state's diesel engine idling requirements through workshops, educational material, and training sessions in northern and southern California.

(d) The state board shall submit the plan prepared pursuant to subdivision (a) to the relevant legislative policy and fiscal committees by January 1, 2009, and every three years thereafter.

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

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

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

4755. The department shall refuse registration, or renewal or transfer of registration for any commercial motor vehicle subject to Section 4000.6, if the owner or operator of the motor vehicle at the time of the application has been cited for a violation, pertaining to that vehicle, of Division 26 (commencing with Section 39000) of the Health and Safety Code or regulations of the State Air Resources Board adopted pursuant to that division, until the violation has been cleared, as determined by the State Air Resources Board.

Approved _____, 2007

Governor