

ASSEMBLY BILL

No. 616

Introduced by Assembly Member Jones

February 21, 2007

An act to add Section 44012.5 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 616, as introduced, Jones. Smog check: annual inspection.

(1) Existing law establishes a motor vehicle inspection and maintenance (smog check) program, developed, implemented, and administered by the Department of Consumer Affairs. The smog check program provides for the inspection of a motor vehicle, among in other circumstances, upon its registration, upon transfer of ownership, and for vehicles registered in certain areas of the state, biannually. The department is required to charge a fee to a smog check station for each motor vehicle inspection, as provided. Violations of the smog check constitute a criminal violation of law.

Existing law creates the High Polluter Repair or Removal Account, and makes available, upon appropriation by the Legislature, all money in the account to the State Air Resources Board and the department to establish and implement a program for the repair or replacement of high polluting motor vehicles.

This bill would require the department to incorporate annual inspection of motor vehicles 15 or greater model years old into the motor vehicle inspection and maintenance program by July 1, 2008, and would require funds generated through additional inspection fees to be deposited into the High Polluter Repair or Removal Account. Because violations of

the smog check program are a crime, the bill would impose a state-mandated local program.

The bill would exempt all motor vehicles not subject to annual inspection, and would require the department to develop a methodology to exempt vehicles or classes of vehicles likely to pass annual inspection.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 44012.5 is added to the Health and Safety
2 Code, to read:

3 44012.5. (a) The department shall incorporate annual
4 inspection of motor vehicles 15 or greater model years old into
5 the motor vehicle inspection and maintenance program by July 1,
6 2008.

7 (b) All funds generated through additional inspection fees shall
8 be deposited into the High Polluter Repair or Removal Account
9 created by Section 44091.

10 (c) (1) All motor vehicles not subject to biannual inspection
11 shall also be exempt from annual inspection.

12 (2) The department shall develop a methodology to exempt
13 vehicles or classes of vehicles likely to pass annual inspection.

14 SEC. 2. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution because
16 the only costs that may be incurred by a local agency or school
17 district will be incurred because this act creates a new crime or
18 infraction, eliminates a crime or infraction, or changes the penalty
19 for a crime or infraction, within the meaning of Section 17556 of
20 the Government Code, or changes the definition of a crime within
21 the meaning of Section 6 of Article XIII B of the California
22 Constitution.

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