

AMENDED IN ASSEMBLY JUNE 1, 2007

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 616

Introduced by Assembly Member Jones

February 21, 2007

An act to amend Sections 44062.1 and 44094 of, and to add Section ~~44012.5~~ 44012.7 to, the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 616, as amended, Jones. Smog check: annual inspection: repair assistance program.

(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, biennially. Some motor vehicles, including any motor vehicle manufactured prior to the 1976 model year, are exempt from biennial inspection. 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 requirements 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 biennial inspection, and would require the department to develop a methodology to exempt vehicles or classes of vehicles likely to pass annual inspection.

(2) Existing law provides for a repair assistance program available to an individual whose maximum income level is 200% of the federal poverty level and who is the owner of a motor vehicle that has failed a smog check inspection or received a notice to correct, or an individual who has failed a smog check inspection and is directed to a test-only facility. Existing law provides that the department may increase its contribution toward the repair of a motor vehicle in excess of \$450, if the department determines that the expenditure is cost effective.

This bill would *increase this amount to \$750. The bill would make the repair assistance program only available to low-income individuals, and would change the maximum income level from 200% of the federal poverty level to 300% of the federal poverty level.* ~~The department would be required to offer to these eligible individuals full repair cost assistance, including the full costs of all needed repairs to remedy a failed smog check inspection.~~

The bill would make other conforming changes, and delete obsolete provisions of law.

(3) 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~~ 44012.7 is added to the Health
- 2 and Safety Code, to read:

1 ~~44012.5.~~

2 44012.7. (a) The department shall incorporate annual
3 inspection of motor vehicles 15 or greater model years old into
4 the motor vehicle inspection and maintenance program by July 1,
5 2008.

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

9 (c) (1) All motor vehicles not subject to biennial inspection,
10 including vehicles exempted by Section 44011, shall also be
11 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. Section 44062.1 of the Health and Safety Code is
15 amended to read:

16 44062.1. (a) The department shall offer a repair assistance
17 program through entities authorized to perform referee functions.

18 (b) (1) The repair assistance program shall be available to an
19 individual who has a maximum income level of 300 percent of the
20 federal poverty level, as published quarterly in the Federal Register
21 by the Department of Health and Human Services, and who is
22 either or both of the following:

23 (A) The owner of a motor vehicle that has failed a smog check
24 inspection.

25 (B) The owner of a motor vehicle who was issued a notice to
26 correct for an alleged violation of Section 27153 or 27153.5 of the
27 Vehicle Code involving that vehicle, if the vehicle subject to that
28 notice has failed a smog check inspection subsequent to receiving
29 the notice.

30 (2) The department shall offer ~~full~~ repair cost assistance, funded
31 by the High Polluter Repair or Removal Account in the Vehicle
32 Inspection and Repair Fund created pursuant to subdivision (a) of
33 Section 44091, to ~~all eligible individuals~~ *individuals based on the*
34 *cost-effectiveness and air quality benefit of the needed repair.*
35 ~~Repair assistance shall include the full costs of all needed repairs~~
36 ~~to remedy a failed smog check inspection and~~ *may include* retesting
37 costs and the costs of repairs to remedy the violation of Section
38 27153 or 27153.5 of the Vehicle Code.

39 (3) An applicant for repair assistance shall file an application
40 on a form prescribed by the department, and shall certify under

1 penalty of perjury that the applicant meets the applicable eligibility
2 standards.

3 (4) Verification of income eligibility shall be based on at least
4 one form of documentation, as determined by the department,
5 including, but not limited to, (A) an income tax return, (B) an
6 employment warrant, or (C) a form of public assistance
7 verification.

8 (c) The repair assistance program shall be funded by the High
9 Polluter Repair or Removal Account.

10 (d) Repairs to motor vehicles that fail smog check inspections
11 and are subsidized by the state through the program shall be
12 performed at a repair station licensed and certified pursuant to
13 Sections 44014 and 44014.2. Repairs shall be based upon a
14 preapproved list of repairs for cost-effective emission reductions
15 or repairs to remedy a violation of Section 27153 or 27153.5 of
16 the Vehicle Code.

17 (e) The qualified low-income motor vehicle owner receiving
18 repair assistance pursuant to this section shall contribute a
19 copayment, as determined by the department as specified in Section
20 44017.1, either in cash, or in emissions-related partial repairs as
21 verified by a test-only station pursuant to paragraph (2) of
22 subdivision (c) of Section 44015, or a combination thereof. If the
23 repair cost exceeds the applicable repair cost limit, the department
24 shall inform a motor vehicle owner of all options for compliance
25 at the time of testing and repair.

26 (f) *The department may increase its contribution toward the*
27 *repair of a motor vehicle under this program in excess of the*
28 *amount authorized for the repair of a highpolluter pursuant to*
29 *paragraph (1) of subdivision (b) of Section 44094, if the department*
30 *determines that the expenditure is cost-effective. In determining*
31 *the cost effectiveness of the expenditure, the department shall*
32 *consider a failure of the visible smoke test, pursuant to Section*
33 *44012.1, and the costs associated with repairing a smoking vehicle.*

34 (f)

35 (g) The department shall collect data from the program to
36 provide information on how to improve the program. Data
37 collection shall include all of the following:

38 (1) The number of motor vehicle owners that are eligible for
39 repair assistance.

1 (2) The number of eligible motor vehicle owners that use repair
2 assistance funds.

3 (3) The potential for fraud.

4 (4) The average repair bills.

5 (5) The types of repairs being done.

6 (6) The amount of partial repairs done prior to receipt of repair
7 assistance.

8 (7) The emissions benefits of providing repair assistance.

9 ~~(g)~~

10 (h) For purposes of this section, “low-income motor vehicle
11 owner” means a person whose income does not exceed 300 percent
12 of the federal poverty level.

13 SEC. 3. Section 44094 of the Health and Safety Code is
14 amended to read:

15 44094. (a) Participation in the high polluter repair or removal
16 program specified in this article and Article 10 (commencing with
17 Section 44100) shall be voluntary and shall be available to the
18 owners of high polluters that are registered in an area that is subject
19 to an inspection and maintenance program, have been registered
20 for at least 24 months in the district where the credits are to be
21 applied and, are presently operational, and meet other criteria, as
22 determined by the department.

23 (b) The program shall provide for both of the following:

24 (1) As to the repair of a high polluter, payment to the owner of
25 *up to 80 percent of the total cost of repair, as determined by the*
26 *department, but the payment shall not exceed seven hundred fifty*
27 *dollars (\$750).*

28 (2) As to the removal of a high polluter, the program shall be
29 subject to Article 10 (commencing with Section 44100).

30 (c) Except as provided in Section 44062.3, the department may
31 specify the amount of money that may be paid to an owner of a
32 high-polluting motor vehicle who voluntarily retires the vehicle.
33 The amount paid by the department shall be based on the
34 cost-effectiveness and the air quality benefit of retiring the vehicle,
35 as determined by the department.

36 (d) The department may authorize participation in the program
37 based on a reasonable estimate of the future revenues that will be
38 available to the program.

39 SEC. 4. No reimbursement is required by this act pursuant to
40 Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school
2 district will be incurred because this act creates a new crime or
3 infraction, eliminates a crime or infraction, or changes the penalty
4 for a crime or infraction, within the meaning of Section 17556 of
5 the Government Code, or changes the definition of a crime within
6 the meaning of Section 6 of Article XIII B of the California
7 Constitution.

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