

AMENDED IN SENATE JUNE 26, 2007

AMENDED IN ASSEMBLY APRIL 11, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 829

Introduced by Assembly Member Duvall

February 22, 2007

An act to amend Section 27156 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 829, as amended, Duvall. Vehicles: aftermarket parts: motorcycles: air pollution.

Vehicles in this state, with certain exceptions, are required to be equipped with correctly installed, operational motor vehicle pollution control devices or systems, with specified exceptions.

This bill would allow aftermarket and performance parts to be sold and installed on motorcycles, ~~under specified circumstances concurrent with a motorcycle's transfer to an ultimate purchaser~~, where the parts have valid State Air Resources Board Executive Orders. ~~Board-certified aftermarket~~ *Aftermarket* and performance parts *with valid Board Executive Orders* would be allowed to be installed by a *licensed* motorcycle dealer for display purposes *only*, ~~and but~~ the dealer would be required to carry certain signage.

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

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

1 SECTION 1. Section 27156 of the Vehicle Code is amended
 2 to read:
 3 27156. (a) No person shall operate or leave standing upon a
 4 highway a motor vehicle that is a gross polluter, as defined in
 5 Section 39032.5 of the Health and Safety Code.
 6 (b) No person shall operate or leave standing upon a highway
 7 a motor vehicle that is required to be equipped with a motor vehicle
 8 pollution control device under Part 5 (commencing with Section
 9 43000) of Division 26 of the Health and Safety Code or any other
 10 certified motor vehicle pollution control device required by any
 11 other state law or any rule or regulation adopted pursuant to that
 12 law, or required to be equipped with a motor vehicle pollution
 13 control device pursuant to the National Emission Standards Act
 14 (42 U.S.C. Secs. 7521 to 7550, inclusive) and the standards and
 15 regulations adopted pursuant to that federal act, unless the motor
 16 vehicle is equipped with the required motor vehicle pollution
 17 control device that is correctly installed and in operating condition.
 18 No person shall disconnect, modify, or alter any such required
 19 device.
 20 (c) No person shall install, sell, offer for sale, or advertise any
 21 device, apparatus, or mechanism intended for use with, or as a part
 22 of, a required motor vehicle pollution control device or system
 23 that alters or modifies the original design or performance of the
 24 motor vehicle pollution control device or system.
 25 (d) If the court finds that a person has willfully violated this
 26 section, the court shall impose the maximum fine that may be
 27 imposed in the case, and no part of the fine may be suspended.
 28 (e) “Willfully,” as used in this section, has the same meaning
 29 as the meaning of that word prescribed in Section 7 of the Penal
 30 Code.
 31 (f) No person shall operate a vehicle after notice by a traffic
 32 officer that the vehicle is not equipped with the required certified
 33 motor vehicle pollution control device correctly installed in
 34 operating condition, except as may be necessary to return the
 35 vehicle to the residence or place of business of the owner or driver
 36 or to a garage, until the vehicle has been properly equipped with
 37 such a device.

1 (g) The notice to appear issued or complaint filed for a violation
2 of this section shall require that the person to whom the notice to
3 appear is issued, or against whom the complaint is filed, produce
4 proof of correction pursuant to Section 40150 or proof of
5 exemption pursuant to Section 4000.1 or 4000.2.

6 (h) This section shall not apply to an alteration, modification,
7 or modifying device, apparatus, or mechanism found by resolution
8 of the State Air Resources Board to do either of the following:

9 (1) Not to reduce the effectiveness of a required motor vehicle
10 pollution control device.

11 (2) To result in emissions from the modified or altered vehicle
12 that are at levels that comply with existing state or federal standards
13 for that model-year of the vehicle being modified or converted.

14 (i) Aftermarket and performance parts with valid State Air
15 Resources Board Executive Orders may be sold and installed ~~prior~~
16 ~~to, or concurrent with,~~ a motorcycle's transfer to an ultimate
17 purchaser.

18 (j) Aftermarket and performance parts with valid State Air
19 Resources Board Executive Orders may be installed for display
20 purposes *only* on a motorcycle at a licensed motorcycle dealer, but
21 the dealer shall carry signage ~~identifying the legal for street use~~
22 ~~parts and that clearly identifies which parts are aftermarket and~~
23 ~~performance parts or modifications that a prospective purchaser~~
24 of a motorcycle may *opt to* order, purchase, and have installed at
25 ~~the point and time of purchase, and whether the aftermarket and~~
26 ~~performance parts displayed are legal for use on the roadway.~~

27 (k) This section applies to motor vehicles of the United States
28 or its agencies, to the extent authorized by federal law.