

AMENDED IN ASSEMBLY APRIL 30, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1488

Introduced by Assembly Member Mendoza

February 23, 2007

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1488, as amended, Mendoza. Air pollution: smog check program: lightweight diesel vehicles.

Existing law establishes a motor vehicle inspection and maintenance program (smog check), administered by the Department of Consumer Affairs and the State Air Resources Board, that provides for the inspection of all motor vehicles, except those specifically exempted from the program, upon registration, biennially upon renewal of registration, upon transfer of ownership, and in certain other circumstances. Existing law also establishes an enhanced motor vehicle inspection and maintenance program (smog check II) in each urbanized area of the state, any part of which is classified by the United States Environmental Protection Agency as a serious, severe, or extreme nonattainment area for specified air contaminants. Existing law also requires the smog tests to include, at minimum, loaded mode dynamometer testing in enhanced areas, and 2-speed testing in all other program areas, and a visual or functional check of emission control devices specified by the department. Existing law exempts diesel-powered vehicles from these requirements, unless the department determines that the inclusion of those vehicles is technologically and economically feasible, and, if the department makes that determination,

requires a visual inspection of emission control devices and the diesel-powered vehicle’s exhaust emissions, and authorizes the testing of emissions of specified pollutants and the measurement of emissions of smoke or particulates, or both.

This bill would require the ~~state board~~ *Bureau of Automotive Repair*, on or before January 1, 2009, in consultation with the ~~Bureau of Automotive Repair state board~~, to develop and adopt, by regulation, a 2-year pilot program to integrate lightweight diesel vehicles into the smog check program. Under the bill, ~~a set percentage of eligible diesel vehicles would be tested less than 14,000 pounds would be eligible for the pilot program~~, although vehicle owners would not be subject to disciplinary action based on the test results. ~~A smog check station would be required to transmit test results to the bureau for collection and analyzing. An owner would pay a fee, not to exceed \$25, for each test of a vehicle under the program, and revenues from those fees would be deposited in the Vehicle Inspection and Repair Fund. The bill would establish the Diesel Vehicle Inspection and Repair Fund and would transfer \$5,000,000 from the Vehicle Inspection and Repair Fund to the Diesel Vehicle Inspection and Repair Fund to be available, upon appropriation, for the purposes of the program. The bill would require the bureau, in consultation with the state board, to prepare and submit to the Governor and the Legislature an annual a report on the pilot program, and, at the end of the program, a final report.~~

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. The Legislature finds and declares all of the
- 2 following:
- 3 (a) It is the intent of the Legislature to implement a pilot program
- 4 that would require a segment of diesel vehicles under 14,000
- 5 pounds to undergo smog checks.
- 6 (b) During the pilot program, the main focus would be data
- 7 collection by the state.
- 8 (c) The pilot program will give the state empirical data to assess
- 9 if pollution from diesel vehicles is a contributing factor to poor air
- 10 quality, if a full-scale smog program is needed for diesel vehicles,
- 11 and, if so, the realistic expectations for the control of emissions
- 12 from diesel vehicles.

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

3 44012.5. (a) On or before January 1, 2009, ~~the state board, in~~
4 ~~consultation with the Bureau of Automotive Repair~~ *Bureau of*
5 *Automotive Repair, in consultation with the state board,* shall
6 develop and adopt, by regulation, a two-year pilot program to
7 integrate lightweight diesel vehicles into the smog check program.

8 The pilot program shall contain ~~all~~ *both* of the following elements:

9 (1) Diesel vehicles less than 14,000 pounds shall be eligible for
10 inclusion in the pilot program.

11 ~~(2) A percentage of eligible vehicles, as set by the bureau, shall~~
12 ~~be tested under this program, but not less than 10 percent of the~~
13 ~~total number of eligible vehicles.~~

14 ~~(3) Vehicles subject to the program shall be checked regularly~~
15 ~~as a prerequisite for vehicle registration.~~

16 ~~(4)~~

17 (2) Vehicle owners shall not be subject to disciplinary action
18 based on the test results during the pilot program. Vehicle owners
19 shall be provided with the results of the test and information on
20 possible ways to reduce emissions.

21 ~~(5) The tests shall be performed at Gold Shield and test-only~~
22 ~~locations.~~

23 ~~(6) A smog check station shall transmit test results to the Bureau~~
24 ~~of Automotive Repair for collection and analysis.~~

25 ~~(7) Testing equipment shall be provided by vendors that are~~
26 ~~currently certified by the state to provide smog testing equipment.~~

27 (8) The owner shall pay a fee, not to exceed twenty-five dollars
28 (\$25), for each test of a vehicle under the program. Revenues from
29 those fees shall be deposited in the Vehicle Inspection and Repair
30 Fund and may be used to offset costs associated with the pilot
31 program.

32 ~~(b) The Bureau of Automotive Repair may extend an offer of~~
33 ~~proposal to current state-certified vendors of smog testing~~
34 ~~equipment, under which the state shall offer to pay fifty dollars~~
35 ~~(\$50) per test conducted to the vendor, if the vendor agrees to~~
36 ~~provide diesel smog testing equipment on consignment free of~~
37 ~~charge. Payments made to vendors shall not exceed the amount of~~
38 ~~funds available in the Diesel Vehicle Inspection and Repair Fund~~
39 ~~established in subdivision (c).~~

1 ~~(e) The Diesel Vehicle Inspection and Repair Fund is hereby~~
2 ~~established in the State Treasury. Five million dollars (\$5,000,000)~~
3 ~~is hereby transferred from the Vehicle Inspection and Repair Fund~~
4 ~~to the Diesel Vehicle Inspection and Repair Fund, and shall be~~
5 ~~available, upon appropriation by the Legislature, for the purposes~~
6 ~~of this section.~~
7 ~~(d) The Bureau of Automotive Repair shall prepare and submit~~
8 ~~(b) The Bureau of Automotive Repair, in consultation with the~~
9 ~~state board, shall prepare and submit to the Governor and the~~
10 ~~Legislature an annual a report on the pilot program, including the~~
11 ~~number of vehicles tested each year, a comparison of the emissions~~
12 ~~of diesel vehicles with nondiesel vehicles, and the overall effects~~
13 ~~of these lightweight diesel vehicles on air quality in the state, and~~
14 ~~a recommendation for the permanent deployment of a lightweight~~
15 ~~diesel vehicle smog program on or before July 1, 2010.~~
16 ~~(e) When the program concludes, the Bureau of Automotive~~
17 ~~Repair shall prepare and submit to the Governor and Legislature~~
18 ~~a final report including an analysis of the data collected over the~~
19 ~~life of the pilot program as well as bureau recommendations for~~
20 ~~ways to reduce the emissions from diesel vehicles.~~