

AMENDED IN SENATE AUGUST 20, 2007

AMENDED IN ASSEMBLY JUNE 1, 2007

AMENDED IN ASSEMBLY APRIL 30, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1488**

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**Introduced by Assembly Member Mendoza**

February 23, 2007

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An act to ~~add Section 44012.5 to amend Section 44010.5 of, and to amend, repeal, and add Sections 44011 and 44012 of,~~ 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~~ *diesel-powered* vehicles.

**Existing**

(1) *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. *Violations of smog check requirements are a crime.*

~~This bill would require the Bureau of Automotive Repair, on or before January 1, 2009, in consultation with the 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, diesel vehicles 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. The bill would require the bureau, in consultation with the state board, to prepare and submit to the Governor and the Legislature a report on the pilot program on or before January 1, 2011, and, on or before July 1, 2012, a recommendation for the permanent deployment of a lightweight diesel vehicle smog program.~~

*This bill would, starting January 1, 2010, include diesel-powered vehicles manufactured after the 1997 model-year and diesel-powered vehicles with a gross vehicle weight rating of less than 8,500 pounds in the biennial smog check program.*

*The bill would require diesel-powered vehicle smog check testing to include, at a minimum, on-board diagnostic testing.*

*Because violations of these requirements would be a crime, this bill would impose a state-mandated local program.*

*(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: ~~no~~-yes.

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

1     **SECTION 1.** *Section 44010.5 of the Health and Safety Code*  
2 *is amended to read:*

3     44010.5. (a) The department shall implement a program with  
4 the capacity to commence, by January 1, 1995, the testing at  
5 test-only facilities, in accordance with this chapter, of 15 percent  
6 of that portion of the total state vehicle fleet consisting of vehicles  
7 subject to inspection each year in the biennial program and that  
8 are registered in the enhanced program area, as established pursuant  
9 to paragraph (1) of subdivision (a) of Section 44003.

10    (b) (1) The department shall increase the capacity of the  
11 program so that the capacity exists to commence, by January 1,  
12 1996, the testing at test-only facilities of that portion of the state  
13 vehicle fleet that is subject to inspection and is registered in the  
14 enhanced program area, which is sufficient to meet the emission  
15 reduction performance standards established by the Environmental  
16 Protection Agency in regulations adopted pursuant to the Clean  
17 Air Act Amendments of 1990, taking into account the results of  
18 the pilot demonstration program established pursuant to Section  
19 44081.6.

20    (2) Upon increasing the capacity of the program pursuant to  
21 paragraph (1), the department shall afford smog check stations  
22 that are licensed and certified pursuant to Sections 44014 and  
23 44014.2 the initial opportunity to perform the required inspections.  
24 The department shall adopt, by regulation, the requirements to  
25 provide that initial opportunity.

26    (3) If the department determines that there is an insufficient  
27 number of licensed test-only smog check stations operating in an  
28 enhanced area to meet the increased demand for test-only  
29 inspections, the department may increase the capacity of the  
30 program by utilizing existing contracts.

31    (c) The program shall utilize ~~loaded mode dynamometer test~~  
32 ~~equipment, as determined through the pilot demonstration program~~  
33 *the testing procedures described in Section 44012.*

34    (d) Vehicles *that are not diesel-powered* in the enhanced  
35 program area which are not subjected to the program established  
36 by this section may be tested at smog check stations licensed  
37 pursuant to Section 44014 that use loaded mode dynamometers.  
38 *Diesel-powered vehicles in the enhanced program area which are*

1 *not subjected to the program established by this section may be*  
2 *tested at smog check stations licensed pursuant to Section 44014*  
3 *using appropriate testing procedures as determined by the*  
4 *department.*

5 (e) (1) The department may implement the program established  
6 pursuant to subdivision (a) through a network of privately operated  
7 test-only facilities established pursuant to contracts to be awarded  
8 pursuant to this section.

9 (2) The initial contracts awarded pursuant to this section shall  
10 terminate not later than seven years from the date that the contracts  
11 were executed.

12 (f) No person shall be a contractor of the department for  
13 test-only facilities in all air basins, exclusively, where the enhanced  
14 program is in effect unless the department determines, after a public  
15 hearing, that there is not more than one qualified contractor. The  
16 South Coast Air Basin shall have at least two contractors, and the  
17 combined enhanced program area that includes Bakersfield, Fresno,  
18 and Sacramento shall have at least two contractors. The department  
19 may operate test-only facilities on an interim basis while  
20 contractors are being sought.

21 (g) (1) In awarding contracts under this section, the department  
22 shall request bids through the issuance of a request for proposal.

23 (2) The department shall first determine which bidders are  
24 qualified, and then award the contract to the qualified bidder, giving  
25 priority to the test cost and convenience to motorists.

26 (3) The department shall provide a contractual preference, as  
27 determined by the department, not to exceed 10 percent of the total  
28 proposal evaluation score, based on the following factors:

29 (A) Up to 5 percent to bidders providing firm commitments to  
30 employ businesses that are licensed or otherwise substantially  
31 participating in the smog check program after January 1, 1994.

32 (B) Up to 5 percent to bidders based on the extent to which  
33 bidders maximize the potential economic benefit of the smog check  
34 program on this state over the term of the contract. That potential  
35 economic benefit shall include the percentage of work performed  
36 by California-based firms, the potential of the total project work  
37 force who will be California residents, and the percentage of  
38 subcontracts that will be awarded to California-based firms.

39 (4) Any contract executed by the department for the operation  
40 of a test-only facility shall expressly require compliance with this

1 chapter and any regulations adopted by the department pursuant  
2 to this chapter.

3 (h) The department shall ensure that there is a sufficient number  
4 of test-only facilities, and that they are properly located, to ensure  
5 reasonable accessibility and convenience to all persons within an  
6 enhanced program area, and that the waiting time for consumers  
7 is minimized. The department may operate test-only facilities on  
8 an interim basis to ensure convenience to consumers. The  
9 department shall specify in the request for proposal the minimum  
10 number of test-only facilities that are required for the program.  
11 Any contracts initially awarded pursuant to this section shall ensure  
12 that the contractors are capable of fulfilling the requirements of  
13 subdivision (a).

14 (i) Any data generated at a test-only facility shall be the property  
15 of the state, and shall be fully accessible to the department at any  
16 time. The department may set contract specifications for the storage  
17 of that data in a central data storage system or facility designated  
18 by the department.

19 (j) The department shall ensure an effective transition to the  
20 new program by implementing an effective public education  
21 program and may specify in the request for proposal a dollar  
22 amount that bidders are required to include in their bids for public  
23 education activities, to be implemented pursuant to Section  
24 44070.5.

25 (k) The department shall ensure the effective management of  
26 the test-only facilities and shall specify in the request for proposal  
27 that a manager be present during all hours of station operation.

28 (l) The department shall ensure and facilitate the effective  
29 transition of employees of businesses that are licensed or otherwise  
30 substantially participating in the smog check program and may  
31 specify in the request for proposal that test-only facility  
32 management be Automotive Service Excellence (ASE) certified,  
33 or be certified by a comparable program as determined by the  
34 department.

35 (m) As part of the contracts to be awarded pursuant to  
36 subdivision (e), the department may require contractors to perform  
37 functions previously undertaken by referee stations throughout the  
38 state, as determined by the department, at some or all of the  
39 affected stations in enhanced areas, and at additional stations

1 outside enhanced areas only to the extent necessary to provide  
 2 appropriate access to referee functions.

3 (n) Notwithstanding any other provision of law, to avoid delays  
 4 to the program implementation timeline required by this chapter  
 5 or the Clean Air Act, the Department of General Services, at the  
 6 request of the department, may exempt contracts awarded pursuant  
 7 to this section from existing laws, rules, resolutions, or procedures  
 8 that are otherwise applicable, including, but not limited to,  
 9 restrictions on awarding contracts for more than three years. The  
 10 department shall identify any exemptions requested and granted  
 11 pursuant to this subdivision and report thereon to the Legislature.

12 ~~(o) This section shall not be implemented unless the~~  
 13 ~~memorandum of agreement described in Section 44081.6 is signed~~  
 14 ~~by both the California Environmental Protection Agency and the~~  
 15 ~~Environmental Protection Agency.~~

16 ~~(p)~~

17 (o) The department shall implement the program established in  
 18 this section only in urbanized areas classified by the Environmental  
 19 Protection Agency as a serious, severe, or extreme nonattainment  
 20 area for ozone or a moderate or serious nonattainment area for  
 21 carbon monoxide with a design value greater than 12.7 ppm, and  
 22 shall not implement the program in any other area.

23 ~~(q)~~

24 (p) If existing smog check stations, in order to participate in the  
 25 enhanced program, have been required to make additional  
 26 investments of more than ten thousand dollars (\$10,000), the  
 27 department shall submit recommendations to the Governor and  
 28 the Legislature for any appropriate mitigation measures.

29 *SEC. 2. Section 44011 of the Health and Safety Code is*  
 30 *amended to read:*

31 44011. (a) All motor vehicles powered by internal combustion  
 32 engines that are registered within an area designated for program  
 33 coverage shall be required biennially to obtain a certificate of  
 34 compliance or noncompliance, except for all of the following:

35 (1) Every motorcycle, and every diesel-powered vehicle, until  
 36 the department, pursuant to Section 44012, implements test  
 37 procedures applicable to motorcycles or to diesel-powered vehicles,  
 38 or both.

39 (2) Any motor vehicle that has been issued a certificate of  
 40 compliance or noncompliance or a repair cost waiver upon a change

1 of ownership or initial registration in this state during the preceding  
2 six months.

3 (3) Any motor vehicle manufactured prior to the 1976  
4 model-year.

5 (4) (A) Except as provided in subparagraph (B), any motor  
6 vehicle four or less model-years old.

7 (B) Beginning January 1, 2005, any motor vehicle six or less  
8 model-years old, unless the state board finds that providing an  
9 exception for these vehicles will prohibit the state from meeting  
10 the requirements of Section 176(c) of the federal Clean Air Act  
11 (42 U.S.C. Sec. 7401 et seq.) or the state's commitments with  
12 respect to the state implementation plan required by the federal  
13 Clean Air Act.

14 (C) Any motor vehicle excepted by this paragraph shall be  
15 subject to testing and to certification requirements as determined  
16 by the department, if any of the following apply:

17 (i) The department determines through remote sensing activities  
18 or other means that there is a substantial probability that the vehicle  
19 has a tampered emission control system or would fail for other  
20 cause a smog check test as specified in Section 44012.

21 (ii) The vehicle was previously registered outside this state and  
22 is undergoing initial registration in this state.

23 (iii) The vehicle is being registered as a specially constructed  
24 vehicle.

25 (iv) The vehicle has been selected for testing pursuant to Section  
26 44014.7 or any other provision of this chapter authorizing  
27 out-of-cycle testing.

28 (5) In addition to the vehicles exempted pursuant to paragraph  
29 (4), any motor vehicle or class of motor vehicles exempted pursuant  
30 to subdivision (b) of Section 44024.5. It is the intent of the  
31 Legislature that the department, pursuant to the authority granted  
32 by this paragraph, exempt at least 15 percent of the lowest emitting  
33 motor vehicles from the biennial smog check inspection.

34 (6) Any motor vehicle that the department determines would  
35 present prohibitive inspection or repair problems.

36 (7) Any vehicle registered to the owner of a fleet licensed  
37 pursuant to Section 44020 if the vehicle is garaged exclusively  
38 outside the area included in program coverage, and is not primarily  
39 operated inside the area included in program coverage.

1 (b) Vehicles designated for program coverage in enhanced areas  
 2 shall be required to obtain inspections from appropriate smog  
 3 check stations operating in enhanced areas.

4 (c) For purposes of subdivision (a), any collector motor vehicle,  
 5 as defined in Section 259 of the Vehicle Code, is exempt from  
 6 those portions of the test required by subdivision (f) of Section  
 7 44012 if the collector motor vehicle meets all of the following  
 8 criteria:

9 (1) Submission of proof that the motor vehicle is insured as a  
 10 collector motor vehicle, as shall be required by regulation of the  
 11 bureau.

12 (2) The motor vehicle is at least 35 model-years old.

13 (3) The motor vehicle complies with the exhaust emissions  
 14 standards for that motor vehicle’s class and model-year as  
 15 prescribed by the department, and the motor vehicle passes a  
 16 functional inspection of the fuel cap and a visual inspection for  
 17 liquid fuel leaks.

18 (d) *This section shall remain in effect only until January 1, 2010,*  
 19 *and as of that date is repealed.*

20 *SEC. 3. Section 44011 is added to the Health and Safety Code,*  
 21 *to read:*

22 *44011. (a) All motor vehicles powered by internal combustion*  
 23 *engines that are registered within an area designated for program*  
 24 *coverage shall be required biennially to obtain a certificate of*  
 25 *compliance or noncompliance, except for the following:*

26 *(1) All motorcycles until the department, pursuant to Section*  
 27 *44012, implements test procedures applicable to motorcycles.*

28 *(2) All motor vehicles that have been issued a certificate of*  
 29 *compliance or noncompliance or a repair cost waiver upon a*  
 30 *change of ownership or initial registration in this state during the*  
 31 *preceding six months.*

32 *(3) All motor vehicles manufactured prior to the 1976*  
 33 *model-year.*

34 *(4) (A) Except as provided in subparagraph (B), all motor*  
 35 *vehicles four or less model-years old.*

36 *(B) Beginning January 1, 2005, all motor vehicles six or less*  
 37 *model-years old, unless the state board finds that providing an*  
 38 *exception for these vehicles will prohibit the state from meeting*  
 39 *the requirements of Section 176(c) of the federal Clean Air Act*  
 40 *(42 U.S.C. Sec. 7401 et seq.) or the state’s commitments with*

1 *respect to the state implementation plan required by the federal*  
2 *Clean Air Act.*

3 *(C) All motor vehicles excepted by this paragraph shall be*  
4 *subject to testing and to certification requirements as determined*  
5 *by the department, if any of the following apply:*

6 *(i) The department determines through remote sensing activities*  
7 *or other means that there is a substantial probability that the*  
8 *vehicle has a tampered emission control system or would fail for*  
9 *other cause a smog check test as specified in Section 44012.*

10 *(ii) The vehicle was previously registered outside this state and*  
11 *is undergoing initial registration in this state.*

12 *(iii) The vehicle is being registered as a specially constructed*  
13 *vehicle.*

14 *(iv) The vehicle has been selected for testing pursuant to Section*  
15 *44014.7 or any other provision of this chapter authorizing*  
16 *out-of-cycle testing.*

17 *(5) In addition to the vehicles exempted pursuant to paragraph*  
18 *(4), any motor vehicle or class of motor vehicles exempted pursuant*  
19 *to subdivision (b) of Section 44024.5. It is the intent of the*  
20 *Legislature that the department, pursuant to the authority granted*  
21 *by this paragraph, exempt at least 15 percent of the lowest emitting*  
22 *motor vehicles from the biennial smog check inspection.*

23 *(6) All motor vehicles that the department determines would*  
24 *present prohibitive inspection or repair problems.*

25 *(7) Any vehicle registered to the owner of a fleet licensed*  
26 *pursuant to Section 44020 if the vehicle is garaged exclusively*  
27 *outside the area included in program coverage, and is not*  
28 *primarily operated inside the area included in program coverage.*

29 *(8) All diesel-powered vehicles manufactured prior to the 1998*  
30 *model-year and all diesel-powered vehicles that have a gross*  
31 *vehicle weight rating of 8,500 pounds or greater, until the*  
32 *department, pursuant to Section 44012, implements test procedures*  
33 *applicable to these vehicles.*

34 *(b) Vehicles designated for program coverage in enhanced*  
35 *areas shall be required to obtain inspections from appropriate*  
36 *smog check stations operating in enhanced areas.*

37 *(c) For purposes of subdivision (a), a collector motor vehicle,*  
38 *as defined in Section 259 of the Vehicle Code, is exempt from those*  
39 *portions of the test required by subdivision (f) of Section 44012 if*  
40 *the collector motor vehicle meets all of the following criteria:*

1 (1) *Submission of proof that the motor vehicle is insured as a*  
 2 *collector motor vehicle, as shall be required by regulation of the*  
 3 *bureau.*

4 (2) *The motor vehicle is at least 35 model-years old.*

5 (3) *The motor vehicle complies with the exhaust emissions*  
 6 *standards for that motor vehicle’s class and model-year as*  
 7 *prescribed by the department, and the motor vehicle passes a*  
 8 *functional inspection of the fuel cap and a visual inspection for*  
 9 *liquid fuel leaks.*

10 (d) *This section shall become operative on January 1, 2010.*

11 SEC. 4. *Section 44012 of the Health and Safety Code is*  
 12 *amended to read:*

13 44012. The test at the smog check stations shall be performed  
 14 in accordance with procedures prescribed by the department,  
 15 pursuant to Section 44013, *and shall require, at a minimum, for*  
 16 *all vehicles that are not diesel-powered, loaded mode dynamometer*  
 17 *testing in enhanced areas, and two-speed testing in all other*  
 18 *program areas, and. The department shall ensure all of the*  
 19 *following:*

20 (a) Emission control systems required by state and federal law  
 21 are reducing excess emissions in accordance with the standards  
 22 adopted pursuant to subdivisions (a) and (c) of Section 44013.

23 (b) Motor vehicles are preconditioned to ensure representative  
 24 and stabilized operation of the vehicle’s emission control system.

25 (c) For other than diesel-powered vehicles, the vehicle’s exhaust  
 26 emissions of hydrocarbons, carbon monoxide, carbon dioxide, and  
 27 oxides of nitrogen in an idle mode or loaded mode are tested in  
 28 accordance with procedures prescribed by the department. In  
 29 determining how loaded mode and evaporative emissions testing  
 30 shall be conducted, the department shall ensure that the emission  
 31 reduction targets for the enhanced program are met.

32 (d) For other than diesel-powered vehicles, the vehicle’s fuel  
 33 evaporative system and crankcase ventilation system are tested to  
 34 reduce any nonexhaust sources of volatile organic compound  
 35 emissions, in accordance with procedures prescribed by the  
 36 department.

37 (e) For diesel-powered vehicles, if the department determines  
 38 that the inclusion of those vehicles is technologically and  
 39 economically feasible, a visual inspection is made of emission  
 40 control devices and the vehicle’s exhaust emissions ~~in an idle mode~~

1 ~~or loaded mode~~ are tested in accordance with procedures prescribed  
2 by the department, *and at a minimum, on-board diagnostic testing*  
3 *is performed*. The test may include testing of emissions of any or  
4 all of the pollutants specified in subdivision (c) and, upon the  
5 adoption of applicable standards, measurement of emissions of  
6 smoke or particulates, or both.

7 (f) A visual or functional check is made of emission control  
8 devices specified by the department, including the catalytic  
9 converter in those instances in which the department determines  
10 it to be necessary to meet the findings of Section 44001. The visual  
11 or functional check shall be performed in accordance with  
12 procedures prescribed by the department.

13 (g) A determination as to whether the motor vehicle complies  
14 with the emission standards for that vehicle's class and model-year  
15 as prescribed by the department.

16 (h) The test procedures may authorize smog check stations to  
17 refuse the testing of a vehicle that would be unsafe to test, or that  
18 cannot physically be inspected, as specified by the department by  
19 regulation. The refusal to test a vehicle for those reasons shall not  
20 excuse or exempt the vehicle from compliance with all applicable  
21 requirements of this chapter.

22 (i) *This section shall remain in effect only until January 1, 2010,*  
23 *and as of that date is repealed.*

24 SEC. 5. *Section 44012 is added to the Health and Safety Code,*  
25 *to read:*

26 *44012. The test at the smog check stations shall be performed*  
27 *in accordance with procedures prescribed by the department,*  
28 *pursuant to Section 44013, and shall require, at a minimum, for*  
29 *all vehicles that are not diesel-powered, loaded mode dynamometer*  
30 *testing in enhanced areas, and two-speed testing in all other*  
31 *program areas. The department shall ensure all of the following:*

32 (a) *Emission control systems required by state and federal law*  
33 *are reducing excess emissions in accordance with the standards*  
34 *adopted pursuant to subdivisions (a) and (c) of Section 44013.*

35 (b) *Motor vehicles are preconditioned to ensure representative*  
36 *and stabilized operation of the vehicle's emission control system.*

37 (c) *For other than diesel-powered vehicles, the vehicle's exhaust*  
38 *emissions of hydrocarbons, carbon monoxide, carbon dioxide, and*  
39 *oxides of nitrogen in an idle mode or loaded mode are tested in*  
40 *accordance with procedures prescribed by the department. In*

1 *determining how loaded mode and evaporative emissions testing*  
2 *shall be conducted, the department shall ensure that the emission*  
3 *reduction targets for the enhanced program are met.*

4 *(d) For other than diesel-powered vehicles, the vehicle's fuel*  
5 *evaporative system and crankcase ventilation system are tested to*  
6 *reduce any nonexhaust sources of volatile organic compound*  
7 *emissions, in accordance with procedures prescribed by the*  
8 *department.*

9 *(e) For diesel-powered vehicles not exempted pursuant to*  
10 *Section 44011 or for diesel-powered vehicles that the department*  
11 *determines that the inclusion of those vehicles is technologically*  
12 *and economically feasible, a visual inspection is made of emission*  
13 *control devices and the vehicle's exhaust emissions are tested in*  
14 *accordance with procedures prescribed by the department, and*  
15 *at a minimum, on-board diagnostic testing is performed. The test*  
16 *may include testing of emissions of any or all of the pollutants*  
17 *specified in subdivision (c) and, upon the adoption of applicable*  
18 *standards, measurement of emissions of smoke or particulates, or*  
19 *both.*

20 *(f) A visual or functional check is made of emission control*  
21 *devices specified by the department, including the catalytic*  
22 *converter in those instances in which the department determines*  
23 *it to be necessary to meet the findings of Section 44001. The visual*  
24 *or functional check shall be performed in accordance with*  
25 *procedures prescribed by the department.*

26 *(g) A determination as to whether the motor vehicle complies*  
27 *with the emission standards for that vehicle's class and model-year*  
28 *as prescribed by the department.*

29 *(h) The test procedures may authorize smog check stations to*  
30 *refuse the testing of a vehicle that would be unsafe to test, or that*  
31 *cannot physically be inspected, as specified by the department by*  
32 *regulation. The refusal to test a vehicle for those reasons shall not*  
33 *excuse or exempt the vehicle from compliance with all applicable*  
34 *requirements of this chapter.*

35 *(i) This section shall become operative on January 1, 2010.*

36 *SEC. 6. No reimbursement is required by this act pursuant to*  
37 *Section 6 of Article XIII B of the California Constitution because*  
38 *the only costs that may be incurred by a local agency or school*  
39 *district will be incurred because this act creates a new crime or*  
40 *infraction, eliminates a crime or infraction, or changes the penalty*

1 *for a crime or infraction, within the meaning of Section 17556 of*  
2 *the Government Code, or changes the definition of a crime within*  
3 *the meaning of Section 6 of Article XIII B of the California*  
4 *Constitution.*

5 ~~SECTION 1. The Legislature finds and declares all of the~~  
6 ~~following:~~

7 ~~(a) It is the intent of the Legislature to implement a pilot program~~  
8 ~~that would require a segment of diesel vehicles under 14,000~~  
9 ~~pounds to undergo smog checks.~~

10 ~~(b) During the pilot program, the main focus would be data~~  
11 ~~collection by the state.~~

12 ~~(c) The pilot program will give the state empirical data to assess~~  
13 ~~if pollution from diesel vehicles is a contributing factor to poor air~~  
14 ~~quality, if a full-scale smog program is needed for diesel vehicles,~~  
15 ~~and, if so, the realistic expectations for the control of emissions~~  
16 ~~from diesel vehicles.~~

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

19 ~~44012.5. (a) On or before January 1, 2009, the Bureau of~~  
20 ~~Automotive Repair, in consultation with the state board, shall~~  
21 ~~develop and adopt, by regulation, a two-year pilot program to~~  
22 ~~integrate lightweight diesel vehicles into the smog check program.~~  
23 ~~The pilot program shall contain both of the following elements:~~

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

26 ~~(2) Vehicle owners shall not be subject to disciplinary action~~  
27 ~~based on the test results during the pilot program. Vehicle owners~~  
28 ~~shall be provided with the results of the test and information on~~  
29 ~~possible ways to reduce emissions.~~

30 ~~(b) On or before July 1, 2011, the Bureau of Automotive Repair,~~  
31 ~~in consultation with the state board, shall prepare and submit to~~  
32 ~~the Governor and the Legislature a report on the pilot program,~~  
33 ~~including the number of vehicles tested each year, a comparison~~  
34 ~~of the emissions of diesel vehicles with nondiesel vehicles, the~~  
35 ~~overall effects of these lightweight diesel vehicles on air quality~~  
36 ~~in the state, and a recommendation for the permanent deployment~~  
37 ~~of a lightweight diesel vehicle smog program on or before July 1,~~  
38 ~~2012.~~

O