

AMENDED IN SENATE JUNE 26, 2008

AMENDED IN ASSEMBLY MAY 23, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 2241

Introduced by Assembly Member Saldana

February 20, 2008

An act to, *amend Section 4156 of, and to add Section 9257.5 to the Vehicle Code, relating to vehicles.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2241, as amended, Saldana. Vehicle operation: temporary permits.

Existing law authorizes the Department of Motor Vehicles in its discretion to issue a temporary permit to operate a vehicle when a payment of fees has been accepted in an amount to be determined by, and paid to, the department, by the owner or other person in lawful possession of the vehicle.

Existing law requires the department to require a person to obtain a valid certification of compliance upon initial registration, transfer of ownership and registration, or biennial renewal of registration of a motor vehicle that is subject to vehicular air pollution control requirements.

This bill would, *with regard to biennial renewal of registration of a motor vehicle*, require that a fee of ~~\$35~~ \$50 be paid for each temporary permit issued pursuant to these provisions when a certificate of compliance as referred to in these provisions is required, *except that the fee would not be charged for a vehicle that has been accepted into the Bureau of Automotive Repair Consumer Assistance Program. The bill would limit the issuance of a temporary permit under these circumstances to a vehicle that has failed its most recent smog check*

inspection. The bill would also limit, under these circumstances, the issuance of a temporary permit to ~~no~~ not more than ~~2~~ permits one permit to a vehicle owner in a 2-year period, and the temporary permit would be valid for ~~30~~ either 60 days from the date of issuance of the expiration of the registration of the vehicle or 60 days from the date that the vehicle is removed from nonoperation, as specified.

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. Section 4156 of the Vehicle Code is amended to
 2 read:
 3 4156. (a) Other provisions of this code notwithstanding, and
 4 except as provided in subdivision (b), the department in its
 5 discretion may issue a temporary permit to operate a vehicle when
 6 a payment of fees has been accepted in an amount to be determined
 7 by, and paid to the department, by the owner or other person in
 8 lawful possession of ~~such~~ the vehicle. The permit shall be subject
 9 to ~~such~~ the terms and conditions, and shall be valid for ~~such~~ the
 10 period of time as, that the department shall deem appropriate under
 11 the circumstances.
 12 (b) (1) The department shall not issue a temporary permit
 13 pursuant to subdivision (a) to operate a vehicle for which a
 14 certificate of compliance is required pursuant to Section 4000.3,
 15 and for which that certificate of compliance has not been issued,
 16 unless the department is presented with sufficient evidence, as
 17 determined by the department, that the vehicle has failed its most
 18 recent smog check inspection.
 19 (2) Not more than one temporary permit may be issued pursuant
 20 to this subdivision to a vehicle owner in a two-year period.
 21 (3) A temporary permit issued pursuant to paragraph (1) is
 22 valid for either 60 days after the expiration of the registration of
 23 the vehicle or 60 days after the date that vehicle is removed from
 24 nonoperation, whichever is applicable at the time that the
 25 temporary permit is issued.
 26 (4) A temporary permit issued pursuant to paragraph (1) is
 27 subject to Section 9257.5.
 28 ~~SECTION 1.~~
 29 SEC. 2. Section 9257.5 is added to the Vehicle Code, to read:

1 9257.5. (a) ~~Except as provided in subdivision (c), a fee of~~
2 ~~thirty-five dollars (\$35) fifty dollars (\$50) shall be paid for each~~
3 ~~temporary permit issued pursuant to Section 4156 when a~~
4 ~~certificate of compliance as described in Section 4000.1, 4000.2,~~
5 ~~or 4000.3 is required. compliance is required pursuant to Section~~
6 ~~4000.3.~~

7 ~~(b) No more than two permits may be issued pursuant to~~
8 ~~subdivision (a) to a vehicle owner in a two-year period.~~

9 ~~(c) A permit issued pursuant to subdivision (a) is valid for 30~~
10 ~~days from the date of the issuance.~~

11 ~~(b) After deducting its administrative costs, the department shall~~
12 ~~deposit fees collected pursuant to subdivision (a) in the High~~
13 ~~Polluter Repair or Removal Account in the Vehicle Inspection and~~
14 ~~Repair Fund.~~

15 ~~(c) The department shall not charge a fee pursuant to~~
16 ~~subdivision (a) if the department is presented with sufficient~~
17 ~~evidence, as determined by the department, that the vehicle has~~
18 ~~been accepted into the Bureau of Automotive Repair Consumer~~
19 ~~Assistance Program.~~