

Senate Bill No. 1573

Passed the Senate May 27, 2008

Secretary of the Senate

Passed the Assembly July 14, 2008

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2008, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to repeal and amend Section 44013 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 1573, Florez. Smog check program: emission standards.

Existing law establishes a motor vehicle inspection and maintenance program (smog check), administered by the Department of Consumer Affairs that provides for the inspection of motor vehicles upon registration, biennially upon renewal of registration, upon transfer of ownership, and in certain other circumstances. The department, in consultation with the State Air Resources Board, is required to prescribe emission standards to be applied in inspecting motor vehicles under the program.

This bill would instead require the state board, in consultation with the department, to prescribe these emission standards. The department would be responsible for implementing and enforcing these standards. The bill would repeal other obsolete and duplicative provisions of law.

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

SECTION 1. Section 44013 of the Health and Safety Code, as amended by Section 15 of Chapter 27 of the Statutes of 1994, is amended to read:

44013. (a) (1) The state board, in cooperation with the department, shall prescribe maximum emission standards to be applied in inspecting motor vehicles under this chapter.

(2) In prescribing the standards, the state board shall undertake studies and experiments that are necessary and feasible, evaluate available data, and confer with automotive engineers.

(3) The standards shall be set at a level reasonably achievable for each class and model of motor vehicle when operating in a reasonably sound mechanical condition, allowing for the effects of installed motor vehicle pollution control devices and the motor vehicle's age and total mileage.

(4) The standards shall be designed so that motor vehicles failing the test specified in Section 44012 will be operated, as soon as possible, with a substantial reduction in emissions, and shall be revised from time to time as experience justifies.

(5) The department shall implement and enforce regulations adopted by the state board pursuant to this subdivision.

(b) The department, in cooperation with the state board, shall research and prescribe test procedures to be applied in inspecting motor vehicles under this chapter, which procedures shall be simple, cost-effective, and consistent with Section 44012. The department may revise the test procedures from time to time as experience justifies. To the extent that any test procedure revision requires new equipment, or a change in equipment, at licensed smog check stations, the department shall provide a reasonable period of time for the acquisition and installation of that new or changed equipment.

(c) Notwithstanding any other provision of this chapter, the maximum emission standards and test procedures prescribed in subdivisions (a) and (b) for a motor vehicle class and model-year shall not be more stringent than the emission standards and test procedures under which that motor vehicle's class and model-year was certified. Emission standards and test procedures prescribed by the state board and the department shall ensure that not more than 5 percent of the vehicles or engines, that would otherwise meet the requirements of this part, will fail the inspection and maintenance test for that class of vehicle or engine.

SEC. 2. Section 44013 of the Health and Safety Code, as amended by Section 22 of Chapter 1192 of the Statutes of 1994, is repealed.

SEC. 3. Section 44013 of the Health and Safety Code, as added by Section 22.5 of Chapter 1192 of the Statutes of 1994, is repealed.

Approved _____, 2008

Governor