

Assembly Bill No. 318

CHAPTER 235

An act to amend Section 4750.1 of the Vehicle Code, relating to vehicles.

[Approved by Governor October 11, 2009. Filed with
Secretary of State October 11, 2009.]

LEGISLATIVE COUNSEL'S DIGEST

AB 318, Emmerson. Bureau of Automotive Repair: inspection fees.

Existing law requires the Department of Motor Vehicles to develop and administer a vehicle registration amnesty program, to be in effect from January 1, 2010, until December 31, 2010, for vehicles that were previously registered or classified incorrectly and that, pursuant to the program, become correctly registered. Existing law requires the department to grant amnesty to a vehicle owner if specified conditions are met by December 31, 2010.

This bill would authorize the Bureau of Automotive Repair to charge a vehicle owner who participates in this amnesty program a fee of \$160 for each referee station inspection conducted pursuant to these provisions and would require the fee to be collected by the referee station performing the inspection.

The bill would provide that a contract to perform referee services may authorize direct compensation to the referee contractor from the inspection fees collected pursuant to these provisions and would require the referee contractor to deposit the inspection fees collected from the vehicle owner into a separate trust account, as specified. The bill would require the department, where it conducts the inspections, to deposit the fees into the Vehicle Inspection and Repair Fund.

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

SECTION 1. Section 4750.1 of the Vehicle Code is amended to read:

4750.1. (a) If the department receives an application for registration of a specially constructed passenger vehicle or pickup truck after it has registered 500 specially constructed vehicles during that calendar year pursuant to Section 44017.4 of the Health and Safety Code, and the vehicle has not been previously registered, the vehicle shall be assigned the same model-year as the calendar year in which the application is submitted, for purposes of determining emissions inspection requirements for the vehicle.

(b) (1) If the department receives an application for registration of a specially constructed passenger vehicle or pickup truck that has been previously registered after it has registered 500 specially constructed vehicles during that calendar year pursuant to Section 44017.4 of the Health and

Safety Code, and the application requests a model-year determination different from the model-year assigned in the previous registration, the application for registration shall be denied and the vehicle owner is subject to the emission control and inspection requirements applicable to the model-year assigned in the previous registration.

(2) For a vehicle participating in the amnesty program in effect from January 1, 2010, until December 31, 2010, pursuant to Section 9565, the model-year of the previous registration shall be the calendar year of the year in which the vehicle owner applied for amnesty. However, a denial of an application for registration issued pursuant to this paragraph does not preclude the vehicle owner from applying for a different model-year determination and application for registration under Section 44017.4 of the Health and Safety Code in a subsequent calendar year.

(c) (1) The Bureau of Automotive Repair may charge the vehicle owner who applies to participate in the amnesty program a fee for each referee station inspection conducted pursuant to Section 9565. The fee shall be one hundred sixty dollars (\$160) and shall be collected by the referee station performing the inspection.

(2) A contract to perform referee services may authorize direct compensation to the referee contractor from the inspection fees collected pursuant to paragraph (1). The referee contractor shall deposit the inspection fees collected from the vehicle owner into a separate trust account that the referee contractor shall account for and manage in accordance with generally accepted accounting standards and principles. Where the department conducts the inspections pursuant to Section 9565, the inspection fees collected by the department shall be deposited into the Vehicle Inspection and Repair Fund.