

AMENDED IN SENATE FEBRUARY 9, 2010

AMENDED IN ASSEMBLY JUNE 1, 2009

AMENDED IN ASSEMBLY APRIL 15, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 787**

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**Introduced by Assembly Member Hill**

February 26, 2009

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~~An act to add Section 3011.5 to the Elections Code, relating to elections.~~ *An act to amend Sections 44062.1 and 44062.3 of the Health and Safety Code, relating to air pollution.*

LEGISLATIVE COUNSEL'S DIGEST

AB 787, as amended, Hill. ~~Elections: vote by mail ballots.~~ *Smog check: vehicle repair assistance and retirement program.*

*(1) Existing law establishes a motor vehicle inspection and maintenance (smog check) program, developed, implemented, and administered by the Department of Consumer Affairs. The duty of enforcing and administering the program is vested in the Chief of the Bureau of Automotive Repair within the department. The owner of a motor vehicle that has failed its most recent smog check inspection has the right to retire the vehicle from operation at a dismantler under contract with the Bureau of Automotive Repair, and the department is required to pay this person up to \$1,500, or more if cost effective.*

*This bill would increase this amount from \$1,500 to \$2,000.*

*(2) Existing law provides for a repair assistance program available to an individual whose maximum income level is 185% of the federal poverty level, or 225% of the federal poverty level if a certain determination is made, and who is the owner of a motor vehicle that*

*has failed a smog check inspection or received a notice to correct, or an individual who has failed a smog check inspection and is directed to a test-only facility.*

*This bill would make the repair assistance program available only to low-income individuals whose income does not exceed 300% of the federal poverty level, as specified. The bill would make other conforming changes, and delete obsolete provisions of law.*

~~(1) Existing law authorizes an eligible voter to vote by a vote by mail ballot and to become a permanent vote by mail voter upon satisfying specified application requirements.~~

~~The bill would require, if the elections official determines that more than one first-class stamp or the equivalent postage is required to return a vote by mail ballot, that the elections official provide a notification to the voter of how many first-class stamps or the equivalent postage is required.~~

~~By increasing the duties of local elections officials, the 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: *yes-no*.

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

- 1     SECTION 1. Section 44062.1 of the Health and Safety Code
- 2     is amended to read:
- 3     44062.1. (a) The department shall offer a repair assistance
- 4     program through entities authorized to perform referee functions.
- 5     ~~(b) (1) The repair assistance program shall be available to the~~
- 6     ~~following eligible individuals:~~
- 7     ~~(A) An~~
- 8     (b) (1) *The repair assistance program shall be available to an*
- 9     *individual who has is a maximum income level of 200 percent of*
- 10    *the federal poverty level, as published quarterly in the Federal*
- 11    *Register by the Department of Health low-income motor vehicle*

1 owner, and ~~Human Services~~, and who is either or both of the  
2 following:

3 (i)

4 (A) The owner of a motor vehicle that has failed a smog check  
5 inspection.

6 (ii)

7 (B) The owner of a motor vehicle who was issued a notice to  
8 correct for an alleged violation of Section 27153 or 27153.5 of the  
9 Vehicle Code involving that vehicle, if the vehicle subject to that  
10 notice has failed a smog check inspection subsequent to receiving  
11 the notice.

12 ~~On and after January 1, 2009, the maximum income level~~  
13 ~~prescribed for this subparagraph shall be set at 185 percent of the~~  
14 ~~federal poverty level, as published quarterly in the Federal Register~~  
15 ~~by the United States Department of Health and Human Services.~~

16 ~~(B) An individual who is the owner of a motor vehicle that has~~  
17 ~~failed a smog check inspection and is directed to a test-only facility~~  
18 ~~pursuant to Section 44010.5 or 44014.7. If the department~~  
19 ~~determines that applications for repair assistance exceed the amount~~  
20 ~~of funds available, to the maximum extent possible, applications~~  
21 ~~from low-income motor vehicle owners shall be given priority~~  
22 ~~over other applications.~~

23 (2) The department shall offer repair cost assistance, ~~funded by~~  
24 ~~the High Polluter Repair or Removal Account in the Vehicle~~  
25 ~~Inspection and Repair Fund created pursuant to subdivision (a) of~~  
26 ~~Section 44091~~, to individuals based on the cost-effectiveness and  
27 air quality benefit of the needed repair. Repair assistance may  
28 include retesting costs and the costs of repairs to remedy the  
29 violation of Section 27153 or 27153.5 of the Vehicle Code.

30 (3) An applicant for repair assistance shall file an application  
31 on a form prescribed by the department, and shall certify under  
32 penalty of perjury that the applicant meets the applicable eligibility  
33 standards.

34 (4) Verification of income eligibility shall be based on at least  
35 one form of documentation, as determined by the department,  
36 including, but not limited to, (A) an income tax return, (B) an  
37 employment warrant, or (C) a form of public assistance  
38 verification.

39 (c) The repair assistance program shall be funded by the High  
40 Polluter Repair or Removal Account.

1 (d) Repairs to motor vehicles that fail smog check inspections  
2 and are subsidized by the state through the program shall be  
3 performed at a repair station licensed and certified pursuant to  
4 Sections 44014 and 44014.2. ~~Repair~~ *Repairs* shall be based upon  
5 a preapproved list of repairs for cost-effective emission reductions  
6 or repairs to remedy a violation of Section 27153 or 27153.5 of  
7 the Vehicle Code.

8 (e) The qualified low-income motor vehicle owner receiving  
9 repair assistance pursuant to this section shall contribute a  
10 copayment, as determined by the department ~~as specified in Section~~  
11 ~~44017.1~~, either in cash, or in emissions-related partial repairs as  
12 verified by a test-only station pursuant to paragraph (2) of  
13 subdivision (c) of Section 44015, or a combination thereof. ~~For~~  
14 ~~an owner of a motor vehicle described in subparagraph (B) of~~  
15 ~~paragraph (1) of subdivision (b), the department shall impose a~~  
16 ~~copayment at least equivalent to the amount imposed on a~~  
17 ~~low-income individual receiving assistance under this section.~~ If  
18 the repair cost exceeds the applicable repair cost limit, the  
19 department shall inform a motor vehicle owner of all options for  
20 compliance at the time of testing and repair.

21 (f) The department may increase its contribution toward the  
22 repair of a motor vehicle under this program in excess of the  
23 amount authorized for the repair of a ~~high-polluter~~ *high polluter*  
24 pursuant to paragraph (1) of subdivision (b) of Section 44094, if  
25 the department determines that the expenditure is ~~cost-effective.~~  
26 ~~cost effective.~~ In determining the ~~cost-effectiveness~~  
27 ~~cost-effectiveness~~ of the expenditure, the department shall consider  
28 a failure of the visible smoke test, pursuant to Section 44012.1,  
29 and the costs associated with repairing a smoking vehicle.

30 ~~(g) Notwithstanding subparagraph (A) of paragraph (1) of~~  
31 ~~subdivision (b), the department may increase the maximum income~~  
32 ~~level of a low-income motor vehicle owner under this program~~  
33 ~~from the amount specified in this section, not to exceed 225 percent~~  
34 ~~of the federal poverty level, if the department determines that the~~  
35 ~~increase is capable of being supported within existing budget~~  
36 ~~allocations.~~

37 ~~(h)~~

38 (g) The department shall collect data from the program to  
39 provide information ~~on how to~~ *to develop recommendations to*

1 improve the program. Data collection shall include all of the  
2 following:

3 (1) The number of motor vehicle owners that are eligible for  
4 repair assistance.

5 (2) The number of eligible motor vehicle owners that use repair  
6 assistance funds.

7 (3) The potential for fraud.

8 (4) The average repair bills.

9 (5) The types of repairs being done.

10 (6) The amount of partial repairs done prior to receipt of repair  
11 assistance.

12 (7) The emissions benefits of providing repair assistance.

13 (i)

14 (h) For purposes of this section, “low-income motor vehicle  
15 owner” means a person whose income does not exceed ~~200~~ 300  
16 percent of the federal poverty ~~level~~. level, as published quarterly  
17 in the Federal Register by the United States Department of Health  
18 and Human Services.

19 SEC. 2. Section 44062.3 of the Health and Safety Code is  
20 amended to read:

21 44062.3. The owner of a motor vehicle that has failed ~~its~~ the  
22 most recent smog check inspection for that vehicle may retire the  
23 vehicle from operation at a dismantler under contract with the  
24 Bureau of Automotive Repair, at any time after learning of the  
25 smog check failure. The department shall pay a person who retires  
26 his or her vehicle under this section up to ~~one~~ two thousand five  
27 hundred dollars ~~(\$1,500)~~ (\$2,000). The department may pay an  
28 owner of a motor vehicle who elects to retire the vehicle more than  
29 ~~one~~ two thousand five hundred dollars ~~(\$1,500)~~ (\$2,000), if the  
30 department determines that this payment is cost effective.

31 SEC. 3. The savings created by the amendments made to  
32 Section 44062.1 of the Health and Safety Code by Section 1 of this  
33 act shall be used exclusively to fund retirement payments pursuant  
34 to Section 44062.3 of the Health and Safety Code.

35 SECTION 1. Section 3011.5 is added to the Elections Code,  
36 to read:

37 3011.5. ~~(a) If the elections official determines that more than~~  
38 ~~one first-class stamp or the equivalent postage is required to return~~  
39 ~~a vote by mail ballot, the elections official shall provide a~~

1 notification to the voter of how many first-class stamps or the  
2 equivalent postage is required.

3 (b) ~~The elections official shall use the most cost-effective means~~  
4 ~~available to notify the voter pursuant to subdivision (a) of the need~~  
5 ~~for additional postage.~~

6 ~~SEC. 2.— If the Commission on State Mandates determines that~~  
7 ~~this act contains costs mandated by the state, reimbursement to~~  
8 ~~local agencies and school districts for those costs shall be made~~  
9 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
10 ~~4 of Title 2 of the Government Code.~~