

AMENDED IN SENATE JUNE 15, 2010
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

Introduced by Assembly Member Hill

February 26, 2009

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. 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. *The bill would require the department to permit vehicle retirement for any motor vehicle that fails any type of legally required smog check inspection.*

(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.

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 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 an
6 individual who is a low-income motor vehicle owner, and who is
7 either or both of the following:
8 (A) The owner of a motor vehicle that has failed a smog check
9 inspection.
10 (B) The owner of a motor vehicle who was issued a notice to
11 correct for an alleged violation of Section 27153 or 27153.5 of the
12 Vehicle Code involving that vehicle, if the vehicle subject to that
13 notice has failed a smog check inspection subsequent to receiving
14 the notice.
15 (2) The department shall offer repair cost assistance to
16 individuals based on the cost-effectiveness and air quality benefit
17 of the needed repair. Repair assistance may include retesting costs
18 and the costs of repairs to remedy the violation of Section 27153
19 or 27153.5 of the Vehicle Code.
20 (3) An applicant for repair assistance shall file an application
21 on a form prescribed by the department, and shall certify under
22 penalty of perjury that the applicant meets the applicable eligibility
23 standards.

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

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

8 (d) Repairs to motor vehicles that fail smog check inspections
9 and are subsidized by the state through the program shall be
10 performed at a repair station licensed and certified pursuant to
11 Sections 44014 and 44014.2. Repairs shall be based upon a
12 preapproved list of repairs for cost-effective emission reductions
13 or repairs to remedy a violation of Section 27153 or 27153.5 of
14 the Vehicle Code.

15 (e) The qualified low-income motor vehicle owner receiving
16 repair assistance pursuant to this section shall contribute a
17 copayment, as determined by the department, either in cash, or in
18 emissions-related partial repairs as verified by a test-only station
19 pursuant to paragraph (2) of subdivision (c) of Section 44015, or
20 a combination thereof. If the repair cost exceeds the applicable
21 repair cost limit, the department shall inform a motor vehicle owner
22 of all options for compliance at the time of testing and repair.

23 (f) The department may increase its contribution toward the
24 repair of a motor vehicle under this program in excess of the
25 amount authorized for the repair of a high polluter pursuant to
26 paragraph (1) of subdivision (b) of Section 44094, if the department
27 determines that the expenditure is cost effective. In determining
28 the cost-effectiveness of the expenditure, the department shall
29 consider a failure of the visible smoke test, pursuant to Section
30 44012.1, and the costs associated with repairing a smoking vehicle.

31 (g) The department shall collect data from the program to
32 provide information to develop recommendations to improve the
33 program. Data collection shall include all of the following:

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

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

38 (3) The potential for fraud.

39 (4) The average repair bills.

40 (5) The types of repairs being done.

1 (6) The amount of partial repairs done prior to receipt of repair
2 assistance.

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

4 (h) For purposes of this section, “low-income motor vehicle
5 owner” means a person whose income does not exceed 300 percent
6 of the federal poverty level, as published quarterly in the Federal
7 Register by the United States Department of Health and Human
8 Services.

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

11 44062.3. (a) The owner of a motor vehicle that has failed the
12 most recent smog check inspection for that vehicle may retire the
13 vehicle from operation at a dismantler under contract with the
14 Bureau of Automotive Repair, at any time after learning of the
15 smog check failure. The department shall pay a person who retires
16 his or her vehicle under this section up to two thousand dollars
17 (\$2,000). The department may pay an owner of a motor vehicle
18 who elects to retire the vehicle more than two thousand dollars
19 (\$2,000), if the department determines that this payment is cost
20 effective.

21 (b) *The department shall permit vehicle retirement pursuant to*
22 *subdivision (a) for any motor vehicle that fails any type of legally*
23 *required smog check inspection.*

24 SEC. 3. The savings created by the amendments made to
25 Section 44062.1 of the Health and Safety Code by Section 1 of
26 this act shall be used exclusively to fund retirement payments
27 pursuant to Section 44062.3 of the Health and Safety Code.