

AMENDED IN SENATE JULY 15, 2010

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 has been continuously registered in the state for at least 2 years prior to vehicle retirement, and 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

1 penalty of perjury that the applicant meets the applicable eligibility
2 standards.

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

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

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

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

25 (f) The department may increase its contribution toward the
26 repair of a motor vehicle under this program in excess of the
27 amount authorized for the repair of a high polluter pursuant to
28 paragraph (1) of subdivision (b) of Section 44094, if the department
29 determines that the expenditure is cost effective. In determining
30 the cost-effectiveness of the expenditure, the department shall
31 consider a failure of the visible smoke test, pursuant to Section
32 44012.1, and the costs associated with repairing a smoking vehicle.

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

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

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

40 (3) The potential for fraud.

- 1 (4) The average repair bills.
- 2 (5) The types of repairs being done.
- 3 (6) The amount of partial repairs done prior to receipt of repair
- 4 assistance.
- 5 (7) The emissions benefits of providing repair assistance.
- 6 (h) For purposes of this section, “low-income motor vehicle
- 7 owner” means a person whose income does not exceed 300 percent
- 8 of the federal poverty level, as published quarterly in the Federal
- 9 Register by the United States Department of Health and Human
- 10 Services.

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

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

24 (b) The department shall permit vehicle retirement pursuant to
 25 subdivision (a) for any motor vehicle *that has been continuously*
 26 *registered in the state for at least two years prior to vehicle*
 27 *retirement, and* that fails any type of legally required smog check
 28 inspection.

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

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