

**ASSEMBLY BILL**

**No. 1237**

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**Introduced by Assembly Member Garrick**

February 27, 2009

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An act to amend Section 44012 of the Health and Safety Code, relating to vehicle emissions.

LEGISLATIVE COUNSEL'S DIGEST

AB 1237, as introduced, Garrick. Air resources: vehicle emissions: smog checks.

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 all motor vehicles, except as specified, upon registration, biennially, upon transfer of ownership, and in certain other circumstances.

Existing law requires that tests at smog check stations require, for all vehicles that are not diesel-powered, loaded dynamometer testing in enhanced program areas, as defined, and 2-speed testing in all other program areas, as defined.

This bill would make technical, nonsubstantive changes to these provisions.

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

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

1 SECTION 1. Section 44012 of the Health and Safety Code, as  
2 added by Section 5 of Chapter 739 of the Statutes of 2007, is  
3 amended to read:

1 44012. (a) The test at the smog check stations shall be  
2 performed in accordance with procedures prescribed by the  
3 department, pursuant to Section 44013, and shall require, at a  
4 minimum, for all vehicles that are not diesel-powered, loaded mode  
5 dynamometer testing in enhanced areas, and two-speed testing in  
6 all other program areas. The department shall ensure all of the  
7 following:

8 (a)

9 (1) Emission control systems required by state and federal law  
10 are reducing excess emissions in accordance with the standards  
11 adopted pursuant to subdivisions (a) and (c) of Section 44013.

12 (b)

13 (2) Motor vehicles are preconditioned to ensure representative  
14 and stabilized operation of the vehicle's emission control system.

15 (c)

16 (3) For other than diesel-powered vehicles, the vehicle's exhaust  
17 emissions of hydrocarbons, carbon monoxide, carbon dioxide, and  
18 oxides of nitrogen in an idle mode or loaded mode are tested in  
19 accordance with procedures prescribed by the department. In  
20 determining how loaded mode and evaporative emissions testing  
21 shall be conducted, the department shall ensure that the emission  
22 reduction targets for the enhanced program are met.

23 (d)

24 (4) For other than diesel-powered vehicles, the vehicle's fuel  
25 evaporative system and crankcase ventilation system are tested to  
26 reduce any nonexhaust sources of volatile organic compound  
27 emissions, in accordance with procedures prescribed by the  
28 department.

29 (e)

30 (5) For diesel-powered vehicles, a visual inspection is made of  
31 emission control devices and the vehicle's exhaust emissions are  
32 tested in accordance with procedures prescribed by the department,  
33 that may include, but are not limited to, on-board diagnostic testing.  
34 The test may include testing of emissions of any or all of the  
35 pollutants specified in subdivision (c) and, upon the adoption of  
36 applicable standards, measurement of emissions of smoke or  
37 particulates, or both.

38 (f)

39 (6) A visual or functional check is made of emission control  
40 devices specified by the department, including the catalytic

1 converter in those instances in which the department determines  
2 it to be necessary to meet the findings of Section 44001. The visual  
3 or functional check shall be performed in accordance with  
4 procedures prescribed by the department.

5 ~~(g)~~

6 (7) A determination *is made* as to whether the motor vehicle  
7 complies with the emission standards for that vehicle's class and  
8 model-year as prescribed by the department.

9 ~~(h)~~

10 (b) The test procedures may authorize smog check stations to  
11 refuse the testing of a vehicle that would be unsafe to test, or that  
12 cannot physically be inspected, as specified by the department by  
13 regulation. The refusal to test a vehicle for those reasons shall not  
14 excuse or exempt the vehicle from compliance with all applicable  
15 requirements of this chapter.

16 ~~(i)~~

17 (c) This section shall become operative on January 1, 2010.