

AMENDED IN ASSEMBLY APRIL 8, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2461

Introduced by Assembly Member Emmerson

February 19, 2010

An act to amend Section 9565 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2461, as amended, Emmerson. Vehicles: vehicle registration amnesty program.

Existing law requires the Department of Motor Vehicles to administer a vehicle registration amnesty program from January 1, 2010, to December 31, 2010, for vehicles that have been registered previously or classified incorrectly and that are correctly registered in accordance with the amnesty program's requirements. *Existing law considers a vehicle to be "correctly registered" if, among other things, the vehicle has been issued a certificate of compliance by a licensed smog check station.*

~~This bill would make technical, nonsubstantive changes to those provisions~~ *extend the amnesty program to December 31, 2011. The bill would consider a vehicle to be "correctly registered" if, among other things, the vehicle, instead, has met the inspection and maintenance tailpipe emissions requirements, as tested by the Bureau of Automotive Repair, for the model year assigned in the amnesty program.*

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 9565 of the Vehicle Code is amended to
2 read:

3 9565. (a) (1) The department shall develop and administer a
4 vehicle registration amnesty program, which shall be in effect from
5 January 1, 2010, until December 31, ~~2010~~ 2011, for vehicles that
6 have been registered previously or classified incorrectly and that
7 are correctly registered in accordance with this section.

8 (2) Except as provided in subdivision (b), a criminal action for
9 false statements relating to the value, make, model, or a failure to
10 register the vehicle shall not be brought against a current vehicle
11 owner who has been granted amnesty under this section.

12 (b) This section does not apply to violations of this code for
13 which, as of January 1, 2010, either of the following applies:

14 (1) The current vehicle owner is on notice of a criminal
15 investigation by a complaint having been filed against him or her,
16 or by written notice having been mailed to him or her, that he or
17 she is under criminal investigation.

18 (2) A criminal court proceeding involving the vehicle has been
19 initiated already against the current vehicle owner.

20 (c) The department shall grant amnesty to a vehicle owner if all
21 of the following conditions have been met by December 31, ~~2010~~
22 2011:

23 (1) The vehicle owner has filed a completed amnesty application
24 with the department attesting, under penalty of perjury, to the
25 owner's eligibility to participate in the vehicle registration amnesty
26 program.

27 (2) Specially constructed vehicles participating in the amnesty
28 program shall be assigned the model year of the calendar year in
29 which the vehicle owner applied for amnesty under this section.

30 (3) The vehicle owner has correctly registered the vehicle or
31 has been issued a certificate of ownership without registration,
32 pursuant to Section 4452.

33 (d) Vehicle license fee revenue derived from the vehicle
34 registration amnesty program shall be allocated in the same manner
35 as required by Section 11001.5 of the Revenue and Taxation Code.

36 (e) Specially constructed vehicles that apply for amnesty under
37 this section shall not be exempted from the requirement to obtain
38 a certificate of compliance as provided in subparagraph (B) of

1 paragraph (4) of subdivision (a) of Section 44011 of the Health
2 and Safety Code.

3 (f) This section shall remain in effect only until January 1, ~~2011~~
4 *2012*, and as of that date is repealed, unless a later enacted statute,
5 that is enacted before January 1, ~~2011~~ *2012*, deletes or extends
6 that date.

7 (g) For the purposes of this section, “correctly registered” means
8 that all of the following have been completed:

9 (1) The vehicle owner has disclosed to the department the make,
10 model, and true cost of the vehicle including parts and labor.

11 (2) The vehicle owner has paid to the department all fees and
12 penalties owed for the underreporting of the vehicle’s value and
13 the nonpayment of taxes or fees previously determined or proposed
14 to be determined.

15 ~~(3) The vehicle has been issued a certificate of compliance in~~
16 ~~accordance with Section 44015 of the Health and Safety Code, as~~
17 ~~appropriate.~~

18 *(3) The vehicle has met the inspection and maintenance tailpipe*
19 *emission requirements, as tested by the Bureau of Automotive*
20 *Repair, for the model year assigned in the amnesty application.*