

AMENDED IN SENATE MAY 24, 2010

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 requires the department, pursuant to the program, to grant amnesty to a vehicle owner, if among other things, the vehicle owner filed an amnesty application with the department attesting, under the penalty of perjury, to the owner's eligibility to participate in the program. Existing law provides that specially constructed vehicles applying for amnesty does not qualify for a specified exemption from the requirement to obtain a certificate of compliance issued by a licensed smog check station.* Existing law considers a vehicles 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 extend the amnesty program to December 31, ~~2011~~ 2012. *Because the bill would expand the scope of the crime of perjury, this bill would impose a state-mandated local program.* The bill would consider a *specially constructed vehicle built on or after January 1, 1976*, to be “correctly registered” if, among other things, the vehicle; ~~instead,~~ has met the inspection and maintenance tailpipe emissions requirements, as ~~tested~~ *determined* by the Bureau of Automotive Repair, for the model year assigned in the amnesty program. *The bill would exempt specially constructed vehicles built prior to January 1, 1976, from the requirement to obtain a certificate of compliance issued by a licensed smog check station.*

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 no reimbursement is required by this act for a specified reason.

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

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, ~~2011~~ 2012, 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.

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

3 (c) The department shall grant amnesty to a vehicle owner if all
4 of the following conditions have been met by December 31, ~~2011~~
5 *2012*:

6 (1) The vehicle owner has filed a completed amnesty application
7 with the department attesting, under penalty of perjury, to the
8 owner's eligibility to participate in the vehicle registration amnesty
9 program.

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

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

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

19 (e) Specially constructed vehicles *built on or after January 1,*
20 *1976, that apply for amnesty under this section shall not be*
21 *exempted from the requirement to obtain a certificate of compliance*
22 *as provided in subparagraph (B) of paragraph (4) of subdivision*
23 *(a) of Section 44011 of the Health and Safety Code. this section*
24 *shall meet the emissions requirements provided for in paragraph*
25 *(4) of subdivision (g). Specially constructed vehicles built prior to*
26 *January 1, 1976, are exempt from the requirement to obtain a*
27 *certificate of compliance as provided in paragraph (3) of*
28 *subdivision (a) of Section 44011 of the Health and Safety Code.*

29 (f) This section shall remain in effect only until January 1, ~~2012~~
30 *2013*, and as of that date is repealed, unless a later enacted statute,
31 that is enacted before January 1, ~~2012~~ *2013*, deletes or extends
32 that date.

33 (g) For the purposes of this section, "correctly registered" means
34 that all of the following have been completed:

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

37 (2) The vehicle owner has paid to the department all fees and
38 penalties owed for the underreporting of the vehicle's value and
39 the nonpayment of taxes or fees previously determined or proposed
40 to be determined.

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

4 *(3) Except as provided in paragraph (4), the vehicle has been*
5 *issued a certificate of compliance in accordance with Section*
6 *44015 of the Health and Safety Code.*

7 *(4) (A) For specially constructed vehicles built on or after*
8 *January 1, 1976, the vehicle has met the inspection and*
9 *maintenance tailpipe emission requirements, as determined by the*
10 *Bureau of Automotive Repair, for the model year assigned in the*
11 *amnesty application and shall not be subjected to a visual*
12 *inspection.*

13 *(B) For specially constructed vehicles built prior to January 1,*
14 *1976, the vehicle is exempt from the requirement of paragraph*
15 *(3).*

16 *SEC. 2. No reimbursement is required by this act pursuant to*
17 *Section 6 of Article XIII B of the California Constitution because*
18 *the only costs that may be incurred by a local agency or school*
19 *district will be incurred because this act creates a new crime or*
20 *infraction, eliminates a crime or infraction, or changes the penalty*
21 *for a crime or infraction, within the meaning of Section 17556 of*
22 *the Government Code, or changes the definition of a crime within*
23 *the meaning of Section 6 of Article XIII B of the California*
24 *Constitution.*