

AMENDED IN SENATE JULY 15, 2010

AMENDED IN SENATE JUNE 28, 2010

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.

(1) 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 a specially constructed vehicle 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 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 require the department to establish the above amnesty program from July 1, 2011, to June 30, 2012. *For the purposes of that program, the bill would require a specially constructed vehicle to be considered “correctly registered” if it has been issued a certificate of compliance on the basis that the specially constructed vehicle has met the inspection and maintenance tailpipe emissions requirements, as determined by the Bureau of Automotive Repair, for the model year assigned in the amnesty application.* Because the bill would expand the scope of the crime of perjury, this bill would impose a state-mandated local program.

(2) 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: yes.
 State-mandated local program: 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 July 1, 2011, until June 30, 2012, for vehicles that have been
- 6 registered previously or classified incorrectly and that are correctly
- 7 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 July 1, 2011, 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 June 30, 2012:

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

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

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

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

18 (e) Specially constructed vehicles that apply for amnesty under
19 this section shall not be exempted from the requirement to obtain
20 a certificate of compliance as provided in subparagraph (B) of
21 paragraph (4) of subdivision (a) of Section 44011 of the Health
22 and Safety Code.

23 (f) For the purposes of this section, "correctly registered" means
24 that all of the following have been completed:

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

27 (2) The vehicle owner has paid to the department all fees and
28 penalties owed for the underreporting of the vehicle's value and
29 the nonpayment of taxes or fees previously determined or proposed
30 to be determined.

31 (3) (A) The vehicle has been issued a certificate of compliance
32 in accordance with Section 44011 of the Health and Safety Code,
33 as appropriate.

34 (B) *For purposes of this section, a certificate of compliance*
35 *shall be issued to a specially constructed vehicle that has applied*
36 *for amnesty if the vehicle has met the inspection and maintenance*
37 *tailpipe emissions requirements, as determined by the Bureau of*
38 *Automotive Repair, for the model year assigned in the amnesty*
39 *application. A specially constructed vehicle that has applied for*

1 *amnesty shall not be subject to the requirements of a visual*
2 *inspection.*

3 (g) This section shall become inoperative on July 1, 2012, and,
4 as of January 1, 2013, is repealed, unless a later enacted statute,
5 that becomes operative on or before January 1, 2013, deletes or
6 extends the dates on which it becomes inoperative and is repealed.

7 SEC. 2. No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution because
9 the only costs that may be incurred by a local agency or school
10 district will be incurred because this act creates a new crime or
11 infraction, eliminates a crime or infraction, or changes the penalty
12 for a crime or infraction, within the meaning of Section 17556 of
13 the Government Code, or changes the definition of a crime within
14 the meaning of Section 6 of Article XIII B of the California
15 Constitution.