

AMENDED IN SENATE AUGUST 5, 2010

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~~ *Sections 4750.1 and 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, *and would make related changes*. 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 4750.1 of the Vehicle Code is amended
2 to read:
3 4750.1. (a) If the department receives an application for
4 registration of a specially constructed passenger vehicle or pickup
5 truck after it has registered 500 specially constructed vehicles
6 during that calendar year pursuant to Section 44017.4 of the Health
7 and Safety Code, and the vehicle has not been previously
8 registered, the vehicle shall be assigned the same model-year as
9 the calendar year in which the application is submitted, for
10 purposes of determining emissions inspection requirements for
11 the vehicle.
12 (b) (1) If the department receives an application for registration
13 of a specially constructed passenger vehicle or pickup truck that
14 has been previously registered after it has registered 500 specially
15 constructed vehicles during that calendar year pursuant to Section
16 44017.4 of the Health and Safety Code, and the application requests

1 a model-year determination different from the model-year assigned
2 in the previous registration, the application for registration shall
3 be denied and the vehicle owner is subject to the emission control
4 and inspection requirements applicable to the model-year assigned
5 in the previous registration.

6 (2) For a vehicle participating in the amnesty program in effect
7 from ~~January 1, 2010, until December 31, 2010~~ *July 1, 2011 to*
8 *June 30, 2012*, pursuant to Section 9565, the model-year of the
9 previous registration shall be the calendar year of the year in which
10 the vehicle owner applied for amnesty. However, a denial of an
11 application for registration issued pursuant to this paragraph does
12 not preclude the vehicle owner from applying for a different
13 model-year determination and application for registration under
14 Section 44017.4 of the Health and Safety Code in a subsequent
15 calendar year.

16 (c) (1) The Bureau of Automotive Repair may charge the
17 vehicle owner who applies to participate in the amnesty program
18 a fee for each referee station inspection conducted pursuant to
19 Section 9565. The fee shall be one hundred sixty dollars (\$160)
20 and shall be collected by the referee station performing the
21 inspection.

22 (2) A contract to perform referee services may authorize direct
23 compensation to the referee contractor from the inspection fees
24 collected pursuant to paragraph (1). The referee contractor shall
25 deposit the inspection fees collected from the vehicle owner into
26 a separate trust account that the referee contractor shall account
27 for and manage in accordance with generally accepted accounting
28 standards and principles. Where the department conducts the
29 inspections pursuant to Section 9565, the inspection fees collected
30 by the department shall be deposited into the Vehicle Inspection
31 and Repair Fund.

32 **SECTION 1.**

33 *SEC. 2.* Section 9565 of the Vehicle Code is amended to read:

34 9565. (a) (1) The department shall develop and administer a
35 vehicle registration amnesty program, which shall be in effect from
36 July 1, 2011, until June 30, 2012, for vehicles that have been
37 registered previously or classified incorrectly and that are correctly
38 registered in accordance with this section.

39 (2) Except as provided in subdivision (b), a criminal action for
40 false statements relating to the value, make, model, or a failure to

1 register the vehicle shall not be brought against a current vehicle
2 owner who has been granted amnesty under this section.

3 (b) This section does not apply to violations of this code for
4 which, as of July 1, 2011, either of the following applies:

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

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

11 (c) The department shall grant amnesty to a vehicle owner if all
12 of the following conditions have been met by June 30, 2012:

13 (1) The vehicle owner has filed a completed amnesty application
14 with the department attesting, under penalty of perjury, to the
15 owner's eligibility to participate in the vehicle registration amnesty
16 program.

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

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

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

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

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

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

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

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

4 (B) For purposes of this section, a certificate of compliance
5 shall be issued to a specially constructed vehicle that has applied
6 for amnesty if the vehicle has met the inspection and maintenance
7 tailpipe emissions requirements, as determined by the Bureau of
8 Automotive Repair, for the model year assigned ~~in the amnesty~~
9 ~~application~~ *under paragraph (2) of subdivision (c)*. A specially
10 constructed vehicle that has applied for amnesty shall not be subject
11 to the requirements of a visual inspection.

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

16 ~~SEC. 2.~~

17 *SEC. 3.* No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 the only costs that may be incurred by a local agency or school
20 district will be incurred because this act creates a new crime or
21 infraction, eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section 17556 of
23 the Government Code, or changes the definition of a crime within
24 the meaning of Section 6 of Article XIII B of the California
25 Constitution.