

Assembly Bill No. 2461

Passed the Assembly August 20, 2010

Chief Clerk of the Assembly

Passed the Senate August 18, 2010

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2010, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 4750.1 and 9565 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2461, 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) This bill would incorporate additional changes in Section 4750.1 of the Vehicle Code proposed by SB 165 to be operative

only if SB 165 and this bill are both chaptered and become effective on or before January 1, 2011, and this bill is chaptered last.

(3) 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.

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

SECTION 1. Section 4750.1 of the Vehicle Code is amended to read:

4750.1. (a) If the department receives an application for registration of a specially constructed passenger vehicle or pickup truck after it has registered 500 specially constructed vehicles during that calendar year pursuant to Section 44017.4 of the Health and Safety Code, and the vehicle has not been previously registered, the vehicle shall be assigned the same model-year as the calendar year in which the application is submitted, for purposes of determining emissions inspection requirements for the vehicle.

(b) (1) If the department receives an application for registration of a specially constructed passenger vehicle or pickup truck that has been previously registered after it has registered 500 specially constructed vehicles during that calendar year pursuant to Section 44017.4 of the Health and Safety Code, and the application requests a model-year determination different from the model-year assigned in the previous registration, the application for registration shall be denied and the vehicle owner is subject to the emission control and inspection requirements applicable to the model-year assigned in the previous registration.

(2) For a vehicle participating in the amnesty program in effect from July 1, 2011, to June 30, 2012, pursuant to Section 9565, the model-year of the previous registration shall be the calendar year of the year in which the vehicle owner applied for amnesty. However, a denial of an application for registration issued pursuant to this paragraph does not preclude the vehicle owner from applying for a different model-year determination and application

for registration under Section 44017.4 of the Health and Safety Code in a subsequent calendar year.

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

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

SEC. 1.5. Section 4750.1 of the Vehicle Code is amended to read:

4750.1. (a) (1) The department shall annually register no more than the first 500 vehicles that have model years determined in accordance with the requirements of Section 44017.4 of the Health and Safety Code that apply to the department for registration pursuant to this section.

(2) The 500-vehicle annual limitation does not apply to the renewal of registration of a specially constructed vehicle that was previously registered by the department.

(b) The registered owner of a specially constructed vehicle that is currently registered may apply to register the vehicle using a different model year determined in accordance with the requirements of Section 44017.4 of the Health and Safety Code.

(c) If the department receives an application for registration of a specially constructed passenger vehicle or pickup truck after it has registered 500 specially constructed vehicles during that calendar year in accordance with the requirements of Section 44017.4 of the Health and Safety Code, and the vehicle has not been previously registered, the vehicle shall be assigned the same model-year as the calendar year in which the application is

submitted, for purposes of determining emissions inspection requirements for the vehicle.

(d) (1) If the department receives an application for registration of a specially constructed passenger vehicle or pickup truck that has been previously registered after it has registered 500 specially constructed vehicles during that calendar year in accordance with the requirements of Section 44017.4 of the Health and Safety Code, and the application requests a model-year determination different from the model-year assigned in the previous registration, the application for registration shall be denied and the vehicle owner is subject to the emission control and inspection requirements applicable to the model-year assigned in the previous registration.

(2) For a vehicle participating in the amnesty program in effect from July 1, 2011, to June 30, 2012, pursuant to Section 9565, the model-year of the previous registration shall be the calendar year of the year in which the vehicle owner applied for amnesty. However, a denial of an application for registration issued pursuant to this paragraph does not preclude the vehicle owner from applying for a different model-year determination and application for registration under Section 44017.4 of the Health and Safety Code in a subsequent calendar year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 3. Section 1.5 of this bill incorporates amendments to Section 4750.1 of the Vehicle Code proposed by both this bill and SB 165. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2011, (2) each bill amends Section 4750.1 of the Vehicle Code, and (3) this bill is enacted after SB 165, in which case Section 1 of this bill shall not become operative.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Approved _____, 2010

Governor