

AMENDED IN ASSEMBLY AUGUST 20, 2010

AMENDED IN ASSEMBLY JUNE 22, 2010

AMENDED IN ASSEMBLY JUNE 23, 2009

AMENDED IN SENATE MAY 26, 2009

AMENDED IN SENATE APRIL 14, 2009

**SENATE BILL**

**No. 165**

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**Introduced by Senator Lowenthal**

February 14, 2009

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An act to amend Section 44017.4 of the Health and Safety Code, and to amend Section 4750.1 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 165, as amended, Lowenthal. Vehicles: specially constructed vehicles.

Existing law defines a specially constructed vehicle as a vehicle that is built for private use, not for resale, and is not constructed by a licensed manufacturer or remanufacturer. Existing law requires all specially constructed vehicles to be subject to the emission control system testing and certification requirements established by the Department of Consumer Affairs. Existing law requires a passenger vehicle or pickup truck that is a specially constructed vehicle to be inspected by stations authorized to perform referee functions, and requires the Department of Motor Vehicles, with regard to no more than the first 500 specially constructed vehicles that are presented to the department each year for registration, to provide a registration under which the owner may elect to have an inspection based on the engine model year used in the vehicle or the vehicle model year.

This bill would recast these provisions, and in addition would provide that the registered owner of a specially constructed vehicle that is currently registered may apply to register the vehicle using a different model year in accordance with these provisions.

*This bill would incorporate additional changes in Section 4750.1 of the Vehicle Code proposed by AB 2461 to be operative only if AB 2461 and this bill are both chaptered and become effective on or before January 1, 2011, and this bill is chaptered last.*

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

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

1 SECTION 1. Section 44017.4 of the Health and Safety Code  
2 is amended to read:

3 44017.4. (a) Upon registration with the Department of Motor  
4 Vehicles, a passenger vehicle or pickup truck that is a specially  
5 constructed vehicle, as defined in Section 580 of the Vehicle Code,  
6 shall be inspected by stations authorized to perform referee  
7 functions. This inspection shall be for the purposes of determining  
8 the engine model year used in the vehicle or the vehicle model  
9 year, and the emission control system application. The owner shall  
10 have the option to choose whether the inspection is based on the  
11 engine model year used in the vehicle or the vehicle model year.

12 (1) In determining the engine model year, the referee shall  
13 compare the engine to engines of the era that the engine most  
14 closely resembles. The referee shall assign the 1960 model year  
15 to the engine in any specially constructed vehicle that does not  
16 sufficiently resemble a previously manufactured engine. The  
17 referee shall require only those emission control systems that are  
18 applicable to the established engine model year and that the engine  
19 reasonably accommodates in its present form.

20 (2) In determining the vehicle model year, the referee shall  
21 compare the vehicle to vehicles of the era that the vehicle most  
22 closely resembles. The referee shall assign the 1960 model year  
23 to any specially constructed vehicle that does not sufficiently  
24 resemble a previously manufactured vehicle. The referee shall  
25 require only those emission control systems that are applicable to  
26 the established model year and that the vehicle reasonably  
27 accommodates in its present form.

1 (b) Upon the completion of the inspection, the referee shall  
2 affix a tamper-resistant label to the vehicle and issue a certificate  
3 that establishes the engine model year or the vehicle model year,  
4 and the emission control system application.

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

12 (2) A contract to perform referee services may authorize direct  
13 compensation to the referee contractor from the inspection fees  
14 collected pursuant to paragraph (1). The referee contractor shall  
15 deposit the inspection fees collected from the vehicle owner into  
16 a separate trust account that the referee contractor shall account  
17 for and manage in accordance with generally accepted accounting  
18 standards and principles. If the Department of Motor Vehicles  
19 conducts the inspections pursuant to Section 9565 of the Vehicle  
20 Code, the inspection fees collected by the department shall be  
21 deposited into the Vehicle Inspection and Repair Fund.

22 SEC. 2. Section 4750.1 of the Vehicle Code is amended to  
23 read:

24 4750.1. (a) (1) The department shall annually ~~provide a~~  
25 ~~registration or change of registration to register~~ no more than the  
26 first 500 vehicles that have model years determined in accordance  
27 with the requirements of Section 44017.4 of the Health and Safety  
28 Code that apply to the department for registration ~~or change of~~  
29 ~~registration~~ pursuant to this section.

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

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

37 (c) If the department receives an application for registration of  
38 a specially constructed passenger vehicle or pickup truck after it  
39 has registered 500 specially constructed vehicles during that  
40 calendar year in accordance with the requirements of Section

1 44017.4 of the Health and Safety Code, and the vehicle has not  
2 been previously registered, the vehicle shall be assigned the same  
3 model year as the calendar year in which the application is  
4 submitted, for purposes of determining emissions inspection  
5 requirements for the vehicle.

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

16 (2) For a vehicle participating in the amnesty program in effect  
17 from January 1, 2010, until December 31, 2010, pursuant to Section  
18 9565, the model year of the previous registration shall be the  
19 calendar year of the year in which the vehicle owner applied for  
20 amnesty. However, a denial of an application for registration issued  
21 pursuant to this paragraph does not preclude the vehicle owner  
22 from applying for a different model year determination and  
23 application for registration under Section 44017.4 of the Health  
24 and Safety Code in a subsequent calendar year.

25 *SEC. 2.5. Section 4750.1 of the Vehicle Code is amended to*  
26 *read:*

27 4750.1. (a) (1) *The department shall annually register no*  
28 *more than the first 500 vehicles that have model years determined*  
29 *in accordance with the requirements of Section 44017.4 of the*  
30 *Health and Safety Code that apply to the department for*  
31 *registration pursuant to this section.*

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

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

39 (a)

1 (c) If the department receives an application for registration of  
2 a specially constructed passenger vehicle or pickup truck after it  
3 has registered 500 specially constructed vehicles during that  
4 calendar year ~~pursuant to~~ *in accordance with the requirements of*  
5 Section 44017.4 of the Health and Safety Code, and the vehicle  
6 has not been previously registered, the vehicle shall be assigned  
7 the same model-year as the calendar year in which the application  
8 is submitted, for purposes of determining emissions inspection  
9 requirements for the vehicle.

10 ~~(b)~~

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

22 (2) For a vehicle participating in the amnesty program in effect  
23 from ~~January 1, 2010, until December 31, 2010~~ *July 1, 2011, to*  
24 *June 30, 2012*, pursuant to Section 9565, the model-year of the  
25 previous registration shall be the calendar year of the year in which  
26 the vehicle owner applied for amnesty. However, a denial of an  
27 application for registration issued pursuant to this paragraph does  
28 not preclude the vehicle owner from applying for a different  
29 model-year determination and application for registration under  
30 Section 44017.4 of the Health and Safety Code in a subsequent  
31 calendar year.

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

38 ~~(2) A contract to perform referee services may authorize direct~~  
39 ~~compensation to the referee contractor from the inspection fees~~  
40 ~~collected pursuant to paragraph (1). The referee contractor shall~~

1 deposit the inspection fees collected from the vehicle owner into  
2 a separate trust account that the referee contractor shall account  
3 for and manage in accordance with generally accepted accounting  
4 standards and principles. Where the department conducts the  
5 inspections pursuant to Section 9565, the inspection fees collected  
6 by the department shall be deposited into the Vehicle Inspection  
7 and Repair Fund.

8 *SEC. 3. Section 2.5 of this bill incorporates amendments to*  
9 *Section 4750.1 of the Vehicle Code proposed by both this bill and*  
10 *AB 2461. It shall only become operative if (1) both bills are enacted*  
11 *and become effective on or before January 1, 2011, (2) each bill*  
12 *amends Section 4750.1 of the Vehicle Code, and (3) this bill is*  
13 *enacted after AB 2461, in which case Section 2 of this bill shall*  
14 *not become operative.*