

Introduced by Senator BenoitFebruary 23, 2009

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 232, as introduced, Benoit. Vehicles: specially constructed vehicles.

Existing law establishes a registration amnesty program for specially constructed vehicles, as defined, that have been previously registered or classified incorrectly and requires that a specially constructed vehicle, upon registration with the Department of Motor Vehicles, be inspected by stations authorized to perform referee functions, for the purposes of determining the engine model-year used in the vehicle or the vehicle model-year, and the emission control system application.

Existing law also requires the department to annually provide a registration to no more than the first 500 of these vehicles that meet specified criteria.

This bill would delete the first 500 vehicle limitation and instead require the department to provide registration to any specially constructed vehicle that meets the specified criteria. The bill would provide that the registered owner of a specially constructed vehicle that is currently registered or incorrectly registered may change the vehicle's registration by complying with those specified criteria.

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

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

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

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

33 (c) (1) The Department of Motor Vehicles shall ~~annually~~
34 provide a registration to ~~no more than the first 500 vehicles that~~
35 ~~meet any vehicle that meets~~ the criteria described in subdivision
36 (a) that ~~are~~ *is* presented to that department for registration pursuant
37 to this section. ~~The 500-vehicle annual limitation does not apply~~

1 to the renewal of registration of a vehicle registered pursuant to
2 this section.

3 (d) *The registered owner of a specially constructed vehicle that*
4 *is currently registered or incorrectly registered may change the*
5 *vehicle's registration by complying with the requirements of*
6 *subdivision (a).*

7 (e) *There shall not be a limit on the number of specially*
8 *constructed vehicles that may be registered by the department*
9 *pursuant to this section.*

10 SEC. 2. Section 4750.1 of the Vehicle Code is amended to
11 read:

12 4750.1. ~~(a)~~ If the department receives an application for
13 registration of a specially constructed passenger vehicle or pickup
14 truck after it has registered 500 specially constructed vehicles
15 during that calendar year pursuant to Section 44017.4 of the Health
16 and Safety Code, and the vehicle has not been previously
17 registered, the vehicle shall be assigned the same model-year as
18 the calendar year in which the application is submitted inspected
19 and registered pursuant to Section 44017.4 of the Health and
20 Safety Code, for purposes of determining the model-year and the
21 emissions inspection requirements for the vehicle.

22 (b) If the department receives an application for registration of
23 a specially constructed passenger vehicle or pickup truck that has
24 been previously registered after it has registered 500 specially
25 constructed vehicles during that calendar year pursuant to Section
26 44017.4 of the Health and Safety Code, and the application requests
27 a model-year determination different from the model-year assigned
28 in the previous registration, the application for registration shall
29 be denied and the vehicle owner is subject to the emission control
30 and inspection requirements applicable to the model-year assigned
31 in the previous registration. For a vehicle that participated in the
32 amnesty program pursuant to Section 9565, the model-year of the
33 previous registration shall be the calendar year of the year in which
34 the vehicle owner applied for amnesty. However, a denial of an
35 application for registration issued pursuant to this subdivision does
36 not preclude the vehicle owner from applying for a different
37 model-year determination and application for registration under

- 1 ~~Section 44017.4 of the Health and Safety Code in a subsequent~~
- 2 ~~calendar year.~~

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