

AMENDED IN ASSEMBLY JANUARY 11, 2010

AMENDED IN SENATE MAY 28, 2009

AMENDED IN SENATE APRIL 13, 2009

SENATE BILL

No. 435

**Introduced by Senator Pavley
(Coauthor: Senator Lowenthal)**

February 26, 2009

An act to amend Sections 44010.5, 44011, 44012, and 44062.3 of, and to add Section 44012.5 to, the Health and Safety Code, and to amend Section 4000.1 of the Vehicle Code, relating to air pollution. An act relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 435, as amended, Pavley. ~~Smog check program~~ *Air pollution:* motorcycles.

~~(1) Existing~~

Existing law establishes a motor vehicle inspection and maintenance program (smog check), administered by the Department of Consumer Affairs, that provides for the inspection of motor vehicles upon registration, biennially upon renewal of registration, upon transfer of ownership, and in certain other circumstances. Existing law exempts from biennial inspection all motorcycles until the department implements test procedures applicable to motorcycles. ~~Violations of smog check requirements are a crime.~~

~~This bill would require the department to include Class III model-year 2000 and newer motorcycles in the smog check program beginning January 1, 2012. The bill would require the department to pay a motor~~

vehicle owner that retires a motorcycle that fails a smog check inspection up to \$500.

Because violations of smog checks for motorcycles would be a crime, this bill would impose a state-mandated local program.

The bill would make various conforming, clarifying, and technical changes to the smog check 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.~~

Existing law also prohibits any person from disconnecting, modifying, or altering a motor vehicle pollution control device, including a catalytic converter on a motorcycle.

This bill would declare the Legislature’s intent to enact legislation to increase enforcement, including, but not limited to, increasing penalties for tampering with pollution control devices on motorcycles, with regard to all relevant anti-tampering laws that apply to motorcycles.

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

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

1 SECTION 1. (a) Whereas subdivision (b) of Section 27156 of
 2 the Vehicle Code specifically prohibits any person from
 3 disconnecting, modifying, or altering any motor vehicle pollution
 4 control device and “motor vehicle” as defined under subdivision
 5 (a) of Section 415 includes a motorcycle that is required to be
 6 equipped with a catalytic converter.

7 (b) Therefore, it is the intent of the Legislature to enact
 8 legislation to increase enforcement, including, but not limited to,
 9 increasing penalties for tampering with pollution control devices
 10 on motorcycles, with regard to all relevant anti-tampering laws
 11 that apply to motorcycles.

12 ~~SECTION 1. Section 44010.5 of the Health and Safety Code~~
 13 ~~is amended to read:~~

14 ~~44010.5. (a) The department shall implement a program with~~
 15 ~~the capacity to commence, by January 1, 1995, the testing at~~
 16 ~~test-only facilities, in accordance with this chapter, of 15 percent~~

1 of that portion of the total state vehicle fleet consisting of vehicles
2 subject to inspection each year in the biennial program and that
3 are registered in the enhanced program area, as established pursuant
4 to paragraph (1) of subdivision (a) of Section 44003.

5 ~~(b) (1) The department shall increase the capacity of the~~
6 ~~program so that the capacity exists to commence, by January 1,~~
7 ~~1996, the testing at test-only facilities of that portion of the state~~
8 ~~vehicle fleet that is subject to inspection and is registered in the~~
9 ~~enhanced program area, which is sufficient to meet the emission~~
10 ~~reduction performance standards established by the Environmental~~
11 ~~Protection Agency in regulations adopted pursuant to the Clean~~
12 ~~Air Act Amendments of 1990, taking into account the results of~~
13 ~~the pilot demonstration program established pursuant to Section~~
14 ~~44081.6.~~

15 ~~(2) Upon increasing the capacity of the program pursuant to~~
16 ~~paragraph (1), the department shall afford smog check stations~~
17 ~~that are licensed and certified pursuant to Sections 44014 and~~
18 ~~44014.2 the initial opportunity to perform the required inspections.~~
19 ~~The department shall adopt, by regulation, the requirements to~~
20 ~~provide that initial opportunity.~~

21 ~~(3) If the department determines that there is an insufficient~~
22 ~~number of licensed test-only smog check stations operating in an~~
23 ~~enhanced area to meet the increased demand for test-only~~
24 ~~inspections, the department may increase the capacity of the~~
25 ~~program by utilizing existing contracts.~~

26 ~~(e) The program shall utilize the testing procedures described~~
27 ~~in Section 44012.~~

28 ~~(d) Vehicles that are neither diesel-powered nor motorcycles in~~
29 ~~the enhanced program area and that are not subjected to the~~
30 ~~program established by this section may be tested at smog check~~
31 ~~stations licensed pursuant to Section 44014 that use loaded mode~~
32 ~~dynamometers. Diesel-powered vehicles and motorcycles in the~~
33 ~~enhanced program area that are not subjected to the program~~
34 ~~established by this section may be tested at smog check stations~~
35 ~~licensed pursuant to Section 44014 using appropriate testing~~
36 ~~procedures as determined by the department.~~

37 ~~(e) (1) The department may implement the program established~~
38 ~~pursuant to subdivision (a) through a network of privately operated~~
39 ~~test-only facilities established pursuant to contracts to be awarded~~
40 ~~pursuant to this section.~~

1 ~~(2) The initial contracts awarded pursuant to this section shall~~
2 ~~terminate not later than seven years from the date that the contracts~~
3 ~~were executed.~~

4 ~~(f) No person shall be a contractor of the department for~~
5 ~~test-only facilities in all air basins, exclusively, where the enhanced~~
6 ~~program is in effect unless the department determines, after a public~~
7 ~~hearing, that there is not more than one qualified contractor. The~~
8 ~~South Coast Air Basin shall have at least two contractors, and the~~
9 ~~combined enhanced program area that includes Bakersfield, Fresno,~~
10 ~~and Sacramento shall have at least two contractors. The department~~
11 ~~may operate test-only facilities on an interim basis while~~
12 ~~contractors are being sought.~~

13 ~~(g) (1) In awarding contracts under this section, the department~~
14 ~~shall request bids through the issuance of a request for proposal.~~

15 ~~(2) The department shall first determine which bidders are~~
16 ~~qualified, and then award the contract to the qualified bidder, giving~~
17 ~~priority to the test cost and convenience to motorists.~~

18 ~~(3) The department shall provide a contractual preference, as~~
19 ~~determined by the department, not to exceed 10 percent of the total~~
20 ~~proposal evaluation score, based on the following factors:~~

21 ~~(A) Up to 5 percent to bidders providing firm commitments to~~
22 ~~employ businesses that are licensed or otherwise substantially~~
23 ~~participating in the smog check program after January 1, 1994.~~

24 ~~(B) Up to 5 percent to bidders based on the extent to which~~
25 ~~bidders maximize the potential economic benefit of the smog check~~
26 ~~program on this state over the term of the contract. That potential~~
27 ~~economic benefit shall include the percentage of work performed~~
28 ~~by California-based firms, the potential of the total project~~
29 ~~workforce who will be California residents, and the percentage of~~
30 ~~subcontracts that will be awarded to California-based firms.~~

31 ~~(4) Any contract executed by the department for the operation~~
32 ~~of a test-only facility shall expressly require compliance with this~~
33 ~~chapter and any regulations adopted by the department pursuant~~
34 ~~to this chapter.~~

35 ~~(h) The department shall ensure that there is a sufficient number~~
36 ~~of test-only facilities, and that they are properly located, to ensure~~
37 ~~reasonable accessibility and convenience to all persons within an~~
38 ~~enhanced program area, and that the waiting time for consumers~~
39 ~~is minimized. The department may operate test-only facilities on~~
40 ~~an interim basis to ensure convenience to consumers. The~~

1 department shall specify in the request for proposal the minimum
2 number of test-only facilities that are required for the program.
3 Any contracts initially awarded pursuant to this section shall ensure
4 that the contractors are capable of fulfilling the requirements of
5 subdivision (a):

6 (i) Any data generated at a test-only facility shall be the property
7 of the state, and shall be fully accessible to the department at any
8 time. The department may set contract specifications for the storage
9 of that data in a central data storage system or facility designated
10 by the department.

11 (j) The department shall ensure an effective transition to the
12 new program by implementing an effective public education
13 program and may specify in the request for proposal a dollar
14 amount that bidders are required to include in their bids for public
15 education activities, to be implemented pursuant to Section
16 44070.5.

17 (k) The department shall ensure the effective management of
18 the test-only facilities and shall specify in the request for proposal
19 that a manager be present during all hours of station operation.

20 (l) The department shall ensure and facilitate the effective
21 transition of employees of businesses that are licensed or otherwise
22 substantially participating in the smog check program and may
23 specify in the request for proposal that test-only facility
24 management be Automotive Service Excellence (ASE) certified,
25 or be certified by a comparable program as determined by the
26 department.

27 (m) As part of the contracts to be awarded pursuant to
28 subdivision (e), the department may require contractors to perform
29 functions previously undertaken by referee stations throughout the
30 state, as determined by the department, at some or all of the
31 affected stations in enhanced areas, and at additional stations
32 outside enhanced areas only to the extent necessary to provide
33 appropriate access to referee functions.

34 (n) Notwithstanding any other provision of law, to avoid delays
35 to the program implementation timeline required by this chapter
36 or the Clean Air Act, the Department of General Services, at the
37 request of the department, may exempt contracts awarded pursuant
38 to this section from existing laws, rules, resolutions, or procedures
39 that are otherwise applicable, including, but not limited to,
40 restrictions on awarding contracts for more than three years. The

1 department shall identify any exemptions requested and granted
2 pursuant to this subdivision and report thereon to the Legislature.

3 (e) ~~The department shall implement the program established in
4 this section only in urbanized areas classified by the Environmental
5 Protection Agency as a serious, severe, or extreme nonattainment
6 area for ozone or a moderate or serious nonattainment area for
7 carbon monoxide with a design value greater than 12.7 ppm, and
8 shall not implement the program in any other area.~~

9 (p) ~~If existing smog check stations, in order to participate in the
10 enhanced program, have been required to make additional
11 investments of more than ten thousand dollars (\$10,000), the
12 department shall submit recommendations to the Governor and
13 the Legislature for any appropriate mitigation measures.~~

14 SEC. 2. ~~Section 44011 of the Health and Safety Code, as added
15 by Section 3 of Chapter 739 of the Statutes of 2007, is amended
16 to read:~~

17 44011. (a) ~~All motor vehicles powered by internal combustion
18 engines that are registered within an area designated for program
19 coverage shall be required biennially to obtain a certificate of
20 compliance or noncompliance, except for the following:~~

21 (1) ~~All motorcycles not subject to inspection pursuant to Section
22 44012.5.~~

23 (2) ~~All motor vehicles that have been issued a certificate of
24 compliance or noncompliance or a repair cost waiver upon a change
25 of ownership or initial registration in this state during the preceding
26 six months.~~

27 (3) ~~All motor vehicles manufactured prior to the 1976
28 model year.~~

29 (4) (A) ~~Except as provided in subparagraph (B), all motor
30 vehicles four or less model years old.~~

31 (B) ~~Beginning January 1, 2005, all motor vehicles six or less
32 model years old, unless the state board finds that providing an
33 exception for these vehicles will prohibit the state from meeting
34 the requirements of Section 176(e) of the federal Clean Air Act
35 (42 U.S.C. Sec. 7401 et seq.) or the state's commitments with
36 respect to the state implementation plan required by the federal
37 Clean Air Act.~~

38 (C) ~~All motor vehicles excepted by this paragraph shall be
39 subject to testing and to certification requirements as determined
40 by the department, if any of the following apply:~~

- 1 (i) ~~The department determines through remote sensing activities~~
2 ~~or other means that there is a substantial probability that the vehicle~~
3 ~~has a tampered emission control system or would fail for other~~
4 ~~cause a smog check test as specified in Section 44012.~~
5 (ii) ~~The vehicle was previously registered outside this state and~~
6 ~~is undergoing initial registration in this state.~~
7 (iii) ~~The vehicle is being registered as a specially constructed~~
8 ~~vehicle.~~
9 (iv) ~~The vehicle has been selected for testing pursuant to Section~~
10 ~~44014.7 or any other provision of this chapter authorizing~~
11 ~~out-of-cycle testing.~~
12 (D) ~~This paragraph does not apply to diesel-powered vehicles~~
13 ~~or motoreycles.~~
14 (5) ~~In addition to the vehicles exempted pursuant to paragraph~~
15 ~~(4), any motor vehicle or class of motor vehicles exempted pursuant~~
16 ~~to subdivision (b) of Section 44024.5. It is the intent of the~~
17 ~~Legislature that the department, pursuant to the authority granted~~
18 ~~by this paragraph, exempt at least 15 percent of the lowest emitting~~
19 ~~motor vehicles from the biennial smog check inspection.~~
20 (6) ~~All motor vehicles that the department determines would~~
21 ~~present prohibitive inspection or repair problems.~~
22 (7) ~~Any vehicle registered to the owner of a fleet licensed~~
23 ~~pursuant to Section 44020 if the vehicle is garaged exclusively~~
24 ~~outside the area included in program coverage, and is not primarily~~
25 ~~operated inside the area included in program coverage.~~
26 (8) (A) ~~All diesel-powered vehicles manufactured prior to the~~
27 ~~1998 model-year.~~
28 (B) ~~All diesel-powered vehicles that have a gross vehicle weight~~
29 ~~rating of 8,501 to 10,000 pounds, inclusive, until the department,~~
30 ~~in consultation with the state board, pursuant to Section 44012,~~
31 ~~implements test procedures applicable to these vehicles.~~
32 (C) ~~All diesel-powered vehicles that have a gross vehicle weight~~
33 ~~rating from 10,001 pounds to 14,000 pounds, inclusive, until the~~
34 ~~state board and the Department of Motor Vehicles determine the~~
35 ~~best method for identifying these vehicles, and until the department,~~
36 ~~in consultation with the state board, pursuant to Section 44012,~~
37 ~~implements test procedures applicable to these vehicles.~~
38 (D) ~~All diesel-powered vehicles that have a gross vehicle weight~~
39 ~~rating of 14,001 pounds or greater.~~

1 ~~(b) Vehicles designated for program coverage in enhanced areas~~
2 ~~shall be required to obtain inspections from appropriate smog~~
3 ~~check stations operating in enhanced areas.~~

4 ~~(c) For purposes of subdivision (a), a collector motor vehicle,~~
5 ~~as defined in Section 259 of the Vehicle Code, is exempt from~~
6 ~~those portions of the test required by subdivision (f) of Section~~
7 ~~44012 if the collector motor vehicle meets all of the following~~
8 ~~criteria:~~

9 ~~(1) Submission of proof that the motor vehicle is insured as a~~
10 ~~collector motor vehicle, as shall be required by regulation of the~~
11 ~~bureau.~~

12 ~~(2) The motor vehicle is at least 35 model-years old.~~

13 ~~(3) The motor vehicle complies with the exhaust emissions~~
14 ~~standards for that motor vehicle’s class and model-year as~~
15 ~~prescribed by the department, and the motor vehicle passes a~~
16 ~~functional inspection of the fuel cap and a visual inspection for~~
17 ~~liquid fuel leaks.~~

18 ~~SEC. 3. Section 44012 of the Health and Safety Code, as added~~
19 ~~by Section 5 of Chapter 739 of the Statutes of 2007, is amended~~
20 ~~to read:~~

21 ~~44012. The test at the smog check stations shall be performed~~
22 ~~in accordance with procedures prescribed by the department,~~
23 ~~pursuant to Section 44013, and shall require, at a minimum, for~~
24 ~~all vehicles that are neither diesel-powered nor motoreycles, loaded~~
25 ~~mode dynamometer testing in enhanced areas, and two-speed~~
26 ~~testing in all other program areas. The department shall ensure all~~
27 ~~of the following:~~

28 ~~(a) Emission control systems required by state and federal law~~
29 ~~are reducing excess emissions in accordance with the standards~~
30 ~~adopted pursuant to subdivisions (a) and (c) of Section 44013.~~

31 ~~(b) Motor vehicles are preconditioned to ensure representative~~
32 ~~and stabilized operation of the vehicle’s emission control system.~~

33 ~~(c) For other than diesel-powered vehicles, the vehicle’s exhaust~~
34 ~~emissions of hydrocarbons, carbon monoxide, carbon dioxide, and~~
35 ~~oxides of nitrogen in an idle mode or loaded mode are tested in~~
36 ~~accordance with procedures prescribed by the department. In~~
37 ~~determining how loaded mode and evaporative emissions testing~~
38 ~~shall be conducted, the department shall ensure that the emission~~
39 ~~reduction targets for the enhanced program are met.~~

1 ~~(d) For other than diesel-powered vehicles, the vehicle's fuel~~
2 ~~evaporative system and crankcase ventilation system are tested to~~
3 ~~reduce any nonexhaust sources of volatile organic compound~~
4 ~~emissions, in accordance with procedures prescribed by the~~
5 ~~department.~~

6 ~~(e) For diesel-powered vehicles, a visual inspection is made of~~
7 ~~emission control devices and the vehicle's exhaust emissions are~~
8 ~~tested in accordance with procedures prescribed by the department,~~
9 ~~that may include, but are not limited to, on-board diagnostic testing.~~
10 ~~The test may include testing of emissions of any or all of the~~
11 ~~pollutants specified in subdivision (e) and, upon the adoption of~~
12 ~~applicable standards, measurement of emissions of smoke or~~
13 ~~particulates, or both.~~

14 ~~(f) A visual or functional check is made of emission control~~
15 ~~devices specified by the department, including the catalytic~~
16 ~~converter in those instances in which the department determines~~
17 ~~it to be necessary to meet the findings of Section 44001. The visual~~
18 ~~or functional check shall be performed in accordance with~~
19 ~~procedures prescribed by the department.~~

20 ~~(g) A determination as to whether the motor vehicle complies~~
21 ~~with the emission standards for that vehicle's class and model-year~~
22 ~~as prescribed by the department.~~

23 ~~(h) The test procedures may authorize smog check stations to~~
24 ~~refuse the testing of a vehicle that would be unsafe to test, or that~~
25 ~~cannot physically be inspected, as specified by the department by~~
26 ~~regulation. The refusal to test a vehicle for those reasons shall not~~
27 ~~excuse or exempt the vehicle from compliance with all applicable~~
28 ~~requirements of this chapter.~~

29 ~~SEC. 4. Section 44012.5 is added to the Health and Safety~~
30 ~~Code, to read:~~

31 ~~44012.5. (a) Beginning January 1, 2012, the department shall~~
32 ~~include model-year 2000 and newer Class III motorcycles,~~
33 ~~registered for on-road use in California, in the inspection and~~
34 ~~maintenance program established pursuant to this chapter. The~~
35 ~~department, in cooperation with the state board, shall adopt~~
36 ~~regulations to implement this section, including prescribing test~~
37 ~~procedures for motorcycles, by July 1, 2011.~~

38 ~~(b) Motorcycles subject to testing under this section shall be~~
39 ~~inspected using appropriate procedures as determined by the~~
40 ~~department in consultation with the state board.~~

1 ~~(e) As used in this section, “Class III motorcycle” means a~~
2 ~~motorcycle containing an engine with a displacement of 280 cubic~~
3 ~~centimeters or greater.~~

4 ~~SEC. 5. Section 44062.3 of the Health and Safety Code is~~
5 ~~amended to read:~~

6 ~~44062.3. The owner of a motor vehicle that has failed its most~~
7 ~~recent smog check inspection may retire the vehicle from operation~~
8 ~~at a dismantler under contract with the Bureau of Automotive~~
9 ~~Repair. The department shall pay a person who retires his or her~~
10 ~~vehicle under this section up to one thousand five hundred dollars~~
11 ~~(\$1,500), except the department shall pay up to five hundred dollars~~
12 ~~(\$500) to a person who retires a motorcycle subject to inspection~~
13 ~~pursuant to Section 44012.5. The department may pay an owner~~
14 ~~of a motor vehicle who elects to retire the vehicle more than these~~
15 ~~amounts, if the department determines that this payment is cost~~
16 ~~effective.~~

17 ~~SEC. 6. Section 4000.1 of the Vehicle Code is amended to~~
18 ~~read:~~

19 ~~4000.1. (a) Except as otherwise provided in subdivision (b),~~
20 ~~(c), or (d) of this section, or subdivision (b) of Section 43654 of~~
21 ~~the Health and Safety Code, the department shall require upon~~
22 ~~initial registration, and upon transfer of ownership and registration,~~
23 ~~of any motor vehicle subject to Part 5 (commencing with Section~~
24 ~~43000) of Division 26 of the Health and Safety Code, a valid~~
25 ~~certificate of compliance or a certificate of noncompliance, as~~
26 ~~appropriate, issued in accordance with Section 44015 of the Health~~
27 ~~and Safety Code.~~

28 ~~(b) With respect to new motor vehicles certified pursuant to~~
29 ~~Chapter 2 (commencing with Section 43100) of Part 5 of Division~~
30 ~~26 of the Health and Safety Code, the department shall accept a~~
31 ~~statement completed pursuant to subdivision (b) of Section 24007~~
32 ~~in lieu of the certificate of compliance.~~

33 ~~(c) For purposes of determining the validity of a certificate of~~
34 ~~compliance or noncompliance submitted in compliance with the~~
35 ~~requirements of this section, the definitions of new and used motor~~
36 ~~vehicle contained in Chapter 2 (commencing with Section 39010)~~
37 ~~of Part 1 of Division 26 of the Health and Safety Code shall control.~~

38 ~~(d) Subdivision (a) does not apply to a transfer of ownership~~
39 ~~and registration under any of the following circumstances:~~

1 ~~(1) The initial application for transfer is submitted within the~~
2 ~~90-day validity period of a smog certificate as specified in Section~~
3 ~~44015 of the Health and Safety Code.~~

4 ~~(2) The transferor is the parent, grandparent, sibling, child,~~
5 ~~grandchild, or spouse of the transferee.~~

6 ~~(3) A motor vehicle registered to a sole proprietorship is~~
7 ~~transferred to the proprietor as owner.~~

8 ~~(4) The transfer is between companies the principal business of~~
9 ~~which is leasing motor vehicles, if there is no change in the lessee~~
10 ~~or operator of the motor vehicle or between the lessor and the~~
11 ~~person who has been, for at least one year, the lessee's operator~~
12 ~~of the motor vehicle.~~

13 ~~(5) The transfer is between the lessor and lessee of the motor~~
14 ~~vehicle, if there is no change in the lessee or operator of the motor~~
15 ~~vehicle.~~

16 ~~(6) The motor vehicle was manufactured prior to the 1976~~
17 ~~model-year.~~

18 ~~(7) The transfer is for a motor vehicle four or less model-years~~
19 ~~old that is neither diesel-powered nor a motorcycle subject to~~
20 ~~inspection pursuant to Section 44012.5. The department shall~~
21 ~~impose a fee of eight dollars (\$8) on the transferee of a motor~~
22 ~~vehicle that is exempt from subdivision (a) pursuant to this~~
23 ~~paragraph. Revenues generated from the imposition of that fee~~
24 ~~shall be deposited into the Vehicle Inspection and Repair Fund.~~

25 ~~(e) The State Air Resources Board, under Part 5 (commencing~~
26 ~~with Section 43000) of Division 26 of the Health and Safety Code,~~
27 ~~may exempt designated classifications of motor vehicles from~~
28 ~~subdivision (a) as it deems necessary, and shall notify the~~
29 ~~department of that action.~~

30 ~~(f) Subdivision (a) does not apply to a motor vehicle when an~~
31 ~~additional individual is added as a registered owner of the motor~~
32 ~~vehicle.~~

33 ~~(g) For purposes of subdivision (a), any collector motor vehicle,~~
34 ~~as defined in Section 259, is exempt from those portions of the~~
35 ~~test required by subdivision (f) of Section 44012 of the Health and~~
36 ~~Safety Code, if the collector motor vehicle meets all of the~~
37 ~~following criteria:~~

38 ~~(1) Submission of proof that the motor vehicle is insured as a~~
39 ~~collector motor vehicle, as shall be required by regulation of the~~
40 ~~Bureau of Automotive Repair.~~

- 1 ~~(2) The motor vehicle is at least 35 model-years old.~~
- 2 ~~(3) The motor vehicle complies with the exhaust emissions~~
- 3 ~~standards for that motor vehicle's class and model year as~~
- 4 ~~prescribed by the Department of Consumer Affairs, and the motor~~
- 5 ~~vehicle passes a functional inspection of the fuel cap and a visual~~
- 6 ~~inspection for liquid fuel leaks.~~

7 ~~SEC. 7. 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.~~