

ASSEMBLY BILL

No. 2289

Introduced by Assembly Member Jeffries

February 24, 2012

An act to amend Section 44017.4 of the Health and Safety Code, and to amend Section 4750.1 of, and to add Section 4750.2 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2289, as introduced, Jeffries. Vehicles: specially constructed passenger vehicles: inspection.

Existing law subjects specially constructed vehicles to the emission control system testing and certification requirements established by the Department of Consumer Affairs. Existing law requires a specially constructed passenger vehicle or pickup truck to be inspected by stations authorized to perform referee functions and requires the Department of Motor Vehicles to provide an initial registration to no more than the first 500 vehicles that meet specified criteria and are presented to the department each year for registration.

This bill would specify that the above provision applies to specially constructed vehicles that are owned by an individual who is an enthusiast or hobbyist. The bill would require the Department of Motor Vehicles to establish, maintain, and make available to the public a list of the names of applicants for registration of a specially constructed vehicle in the order in which the applications are received. The bill would require the department to consider an application that is received after it has registered 500 specially constructed vehicles in a calendar year in the subsequent calendar year based on the order in which the application is received. The bill would prohibit the department from

granting, on an annual basis, more than one application for registration of a specially constructed vehicle to an applicant. The bill would require the department to reject an application from an applicant if the applicant already has another application pending before the department.

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
9 model-year, and the emission control system application. The
10 owner shall have the option to choose whether the inspection is
11 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

1 establishes the engine model-year or the vehicle model-year, and
2 the emission control system application.

3 (c) The Department of Motor Vehicles shall annually provide
4 a registration to no more than the first 500 vehicles that meet the
5 criteria described in subdivision (a) that are presented to that
6 department for registration pursuant to this section. The 500-vehicle
7 annual limitation does not apply to the renewal of registration of
8 a vehicle registered pursuant to this section.

9 (d) *This section shall only apply to a specially constructed*
10 *vehicle owned by an individual who is an enthusiast or hobbyist.*

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

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

22 (b) (1) If the department receives an application for registration
23 of a specially constructed passenger vehicle or pickup truck that
24 has 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~~ *held for consideration for the subsequent calendar year*
30 *pursuant to subdivision (b) of Section 4750.2* and the vehicle owner
31 is subject to the emission control and inspection requirements
32 applicable to the model-year assigned in the previous registration
33 *for registration in the calendar year in which the application is*
34 *submitted.*

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

1 applying for a different model-year determination and application
2 for registration under Section 44017.4 of the Health and Safety
3 Code in a subsequent calendar year.

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

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

20 SEC. 3. Section 4750.2 is added to the Vehicle Code, to read:

21 4750.2. (a) The department shall establish, maintain, and make
22 available to the public on its Internet Web site, a list of the names
23 of applicants submitting an application for the registration of a
24 specially constructed passenger vehicle or pickup truck pursuant
25 to Section 44017.4 of the Health and Safety Code in the order in
26 which the applications are received by the department and
27 indicating whether the department has registered the vehicle
28 specified in the application.

29 (b) If the department receives an application for registration of
30 a specially constructed passenger vehicle or pickup truck pursuant
31 to Section 44017.4 of the Health and Safety Code after it has
32 registered 500 specially constructed vehicles during that calendar
33 year, the department shall consider the application, based on the
34 order in which the application is received, in the subsequent
35 calendar year subject to the numerical limitation specified in
36 Section 44017.4 of the Health and Safety Code in that subsequent
37 calendar year.

38 (c) The department shall not, on an annual basis, grant more
39 than one application for the registration of a specially constructed

- 1 passenger vehicle or pickup truck pursuant to Section 44017.4 of
- 2 the Health and Safety Code to an applicant.
- 3 (d) The department shall reject an application submitted by an
- 4 applicant if the applicant already has another application filed
- 5 pursuant to Section 4750.1 pending before the department.

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