

AMENDED IN ASSEMBLY APRIL 11, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2289**

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**Introduced by Assembly Member Jeffries**

February 24, 2012

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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 amended, Jeffries. Vehicles: specially constructed ~~passenger~~ vehicles: *emission control* inspection.

Existing law ~~subjects~~ *requires that* 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 by the Department of Consumer Affairs for the purpose of determining the engine model-year used in the vehicle or the vehicle model-year, and the emission control system application. Existing law~~ requires the Department of Motor Vehicles to provide an initial registration to no more than the first 500 *specially constructed* 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~~

1 ~~the established model-year and that the vehicle reasonably~~  
2 ~~accommodates in its present form.~~

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

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

13 ~~(d) This section shall only apply to a specially constructed~~  
14 ~~vehicle owned by an individual who is an enthusiast or hobbyist.~~

15 ~~SEC. 2.~~

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

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

27 (b) (1) If the department receives an application for registration  
28 of a specially constructed passenger vehicle or pickup truck that  
29 has been previously registered after it has registered 500 specially  
30 constructed vehicles during that calendar year pursuant to Section  
31 44017.4 of the Health and Safety Code, and the application requests  
32 a model-year determination different from the model-year assigned  
33 in the previous registration, the application for registration shall  
34 be held for consideration for the subsequent calendar year pursuant  
35 to subdivision (b) of Section 4750.2 and the vehicle owner is  
36 subject to the emission control and inspection requirements  
37 applicable to the model-year assigned in the previous registration  
38 for registration in the calendar year in which the application is  
39 submitted.

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

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

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

26 ~~SEC. 3.~~

27 *SEC. 2.* Section 4750.2 is added to the Vehicle Code, to read:

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

36 (b) If the department receives an application for registration of  
37 a specially constructed passenger vehicle or pickup truck pursuant  
38 to Section 44017.4 of the Health and Safety Code after it has  
39 registered 500 specially constructed vehicles during that calendar  
40 year, the department shall consider the application, based on the

1 order in which the application is received, in the subsequent  
2 calender year subject to the numerical limitation specified in  
3 Section 44017.4 of the Health and Safety Code in that subsequent  
4 calendar year.

5 (c) The department shall not, on an annual basis, grant more  
6 than one application for the registration of a specially constructed  
7 passenger vehicle or pickup truck pursuant to Section 44017.4 of  
8 the Health and Safety Code to an applicant.

9 (d) The department shall reject an application submitted by an  
10 applicant if the applicant already has another application filed  
11 pursuant to Section 4750.1 pending before the department.

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