

AMENDED IN ASSEMBLY APRIL 19, 2012

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 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 vehicles: emission control inspection.

Existing law requires that specially constructed vehicles 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 require the Department of Motor Vehicles to establish, maintain, and make available to the public ~~a list of the names~~ *the number of current applicants each year* for registration of a specially constructed vehicle in the order in which the applications are received. *The bill would also require the department to indicate the number of specially constructed vehicles that have been registered for that year.* 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.

*The bill would require the department to adopt by regulation a secure process that protects an applicant's privacy and enables the applicant to access the department's Internet Web site in order for the applicant to determine his or her number on the list of applications.*

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 4750.1 of the Vehicle Code is amended  
2 to read:  
3 4750.1. (a) If the department receives an application for  
4 registration of a specially constructed passenger vehicle or pickup  
5 truck after it has registered 500 specially constructed vehicles  
6 during that calendar year pursuant to *subdivision (c) of Section*  
7 *44017.4 of the Health and Safety Code*, and the vehicle has not  
8 been previously registered *pursuant to this section*, the vehicle  
9 shall be assigned the same model-year as the calendar year in  
10 which the application is submitted, for purposes of determining  
11 emissions inspection requirements for the vehicle.  
12 (b) (1) If the department receives an application for registration  
13 of a specially constructed passenger vehicle or pickup truck that  
14 has been previously registered after it has registered 500 specially  
15 constructed vehicles during that calendar year pursuant to  
16 *subdivision (c) of Section 44017.4 of the Health and Safety Code*,  
17 and the application requests a model-year determination different  
18 from the model-year assigned in the previous registration, the  
19 application for registration shall be held for consideration for the  
20 subsequent calendar year pursuant to subdivision (b) of Section  
21 4750.2 and the vehicle owner is subject to the emission control  
22 and inspection requirements applicable to the model-year assigned  
23 in the previous registration for registration in the calendar year in  
24 which the application is 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 *pursuant to*  
8 *Section 44017.4 of the Health and Safety Code* and *making a new*  
9 *application for registration under Section 44017.4 of the Health*  
10 *and Safety Code pursuant to this section* in a subsequent calendar  
11 year.

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

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

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

29 4750.2. (a) The department shall establish, maintain, and make  
30 available to the public on its Internet Web site, ~~a list of the names~~  
31 ~~of applicants submitting an~~ *a current listing of the date and time*  
32 *that the department received each application for the registration*  
33 *of a specially constructed passenger vehicle or pickup truck*  
34 *pursuant to Section 44017.4 of the Health and Safety Code 4750.1*  
35 *in the order in which the applications are received by the*  
36 *department during the year and indicating whether the department*  
37 *has registered the vehicle specified in the application shall indicate*  
38 *the number of those vehicles for which an application was*  
39 *submitted that have been registered for that year. The department*  
40 *shall adopt by regulation a secure process to implement this*

1 *subdivision that protects an applicant's privacy and enables the*  
2 *applicant to access the department's Internet Web site and*  
3 *determine his or her position on the list of applications made*  
4 *pursuant to Section 4750.1.*

5 (b) If the department receives an application for registration of  
6 a specially constructed passenger vehicle or pickup truck pursuant  
7 to Section ~~44017.4 of the Health and Safety Code~~ 4750.1 after it  
8 has registered 500 specially constructed vehicles during that  
9 calendar year, the department shall consider the application, based  
10 on the order in which the application is received, in the subsequent  
11 calendar year subject to the numerical limitation specified in  
12 *subdivision (c) of Section 44017.4 of the Health and Safety Code*  
13 *in that subsequent calendar year.*

14 ~~(e) The department shall not, on an annual basis, grant more~~  
15 ~~than one application for the registration of a specially constructed~~  
16 ~~passenger vehicle or pickup truck pursuant to Section 44017.4 of~~  
17 ~~the Health and Safety Code to an applicant.~~

18 ~~(d)~~

19 (c) The department shall reject an application submitted by an  
20 applicant if the applicant already has another application filed  
21 pursuant to Section 4750.1 pending before the department.