

Introduced by Senator La Malfa

February 17, 2011

~~An act relating to passenger vehicle emissions.~~ *An act to amend Section 44012 of the Health and Safety Code, relating to air pollution.*

LEGISLATIVE COUNSEL'S DIGEST

SB 519, as amended, La Malfa. ~~Passenger vehicle emissions.~~ *Smog check: visual inspection.*

(1) Existing law establishes a motor vehicle inspection and maintenance (smog check) program, developed, implemented, and administered by the Department of Consumer Affairs. The smog check program provides for the inspection of a motor vehicle, among other circumstances, upon its initial registration, upon transfer of ownership, and for vehicles registered in certain areas of the state, biennially upon renewal of registration. A violation of smog check requirements is a crime. Existing law requires the smog test to include a visual or functional check of emission control devices specified by the department.

This bill, notwithstanding this provision, would prohibit a smog check technician from conducting an under-the-hood visual inspection as part of a smog check inspection. Because a violation of this prohibition would be a crime, the bill would impose a state-mandated local 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 expresses the finding and declaration of the Legislature that the emission of air pollutants from motor vehicles is the primary cause of air pollution in many parts of the state.~~

~~This bill would express the intent of the Legislature to enact legislation to address the issues posed by passenger vehicle emissions during the 2011–12 Regular Session.~~

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

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

1 SECTION 1. Section 44012 of the Health and Safety Code is
2 amended to read:

3 44012. The test at the smog check stations shall be performed
4 in accordance with procedures prescribed by the department and
5 may require loaded mode dynamometer testing in enhanced areas,
6 two-speed idle testing, testing utilizing a vehicle’s onboard
7 diagnostic system, or other appropriate test procedures as
8 determined by the department in consultation with the state board.
9 The department shall implement testing using onboard diagnostic
10 systems, in lieu of loaded mode dynamometer or two-speed idle
11 testing, on model year 2000 and newer vehicles only, beginning
12 no earlier than January 1, 2013. However, the department, in
13 consultation with the state board, may prescribe alternative test
14 procedures that include loaded mode dynamometer or two-speed
15 idle testing for vehicles with onboard diagnostic systems that the
16 department and the state board determine exhibit operational
17 problems. The department shall ensure, as appropriate to the test
18 method, the following:

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

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

24 (c) For other than diesel-powered vehicles, the vehicle’s exhaust
25 emissions of hydrocarbons, carbon monoxide, carbon dioxide, and
26 oxides of nitrogen in an idle mode or loaded mode are tested in
27 accordance with procedures prescribed by the department. In

1 determining how loaded mode and evaporative emissions testing
2 shall be conducted, the department shall ensure that the emission
3 reduction targets for the enhanced program are met.

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

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

17 (f) ~~A(1)~~ *Except as provided in paragraph (2), a visual or*
18 *functional check is made of emission control devices specified by*
19 *the department, including the catalytic converter in those instances*
20 *in which the department determines it to be necessary to meet the*
21 *findings of Section 44001. The visual or functional check shall be*
22 *performed in accordance with procedures prescribed by the*
23 *department.*

24 (2) *A smog check technician shall not conduct an*
25 *under-the-hood visual inspection as part of a smog check*
26 *inspection.*

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

30 (h) An analysis of pass and fail rates of vehicles subject to an
31 onboard diagnostic test and a tailpipe test to assess whether any
32 vehicles passing their onboard diagnostic test have, or would have,
33 failed a tailpipe test, and whether any vehicles failing their onboard
34 diagnostic test have or would have passed a tailpipe test.

35 (i) The test procedures may authorize smog check stations to
36 refuse the testing of a vehicle that would be unsafe to test, or that
37 cannot physically be inspected, as specified by the department by
38 regulation. The refusal to test a vehicle for those reasons shall not
39 excuse or exempt the vehicle from compliance with all applicable
40 requirements of this chapter.

1 *SEC. 2. No reimbursement is required by this act pursuant to*
2 *Section 6 of Article XIII B of the California Constitution because*
3 *the only costs that may be incurred by a local agency or school*
4 *district will be incurred because this act creates a new crime or*
5 *infraction, eliminates a crime or infraction, or changes the penalty*
6 *for a crime or infraction, within the meaning of Section 17556 of*
7 *the Government Code, or changes the definition of a crime within*
8 *the meaning of Section 6 of Article XIII B of the California*
9 *Constitution.*

10 ~~SECTION 1. It is the intent of the Legislature to enact~~
11 ~~legislation to address the issues posed by passenger vehicle~~
12 ~~emissions during the 2011–12 Regular Session.~~