

AMENDED IN SENATE APRIL 25, 2013

AMENDED IN SENATE APRIL 8, 2013

SENATE BILL

No. 459

Introduced by Senator Pavley

February 21, 2013

An act to amend Sections 44062.3 and 44070.5 of, and to add and repeal Section 44062.5 of, the Health and Safety Code, relating to vehicular air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 459, as amended, Pavley. Vehicle retirement: low-income motor vehicle owners.

(1) Existing law establishes a motor vehicle inspection and maintenance program, referred to as a smog check program, developed, implemented, and administered by the Department of Consumer Affairs. The duty of enforcing and administering the program is vested in the Chief of the Bureau of Automotive Repair within the department. Existing law requires the department to permit vehicle retirement for a motor vehicle that has been continuously registered in the state for at least 2 years prior to vehicle ~~retirement~~, *retirement* and that fails any type of smog check inspection lawfully performed in the state. Existing law requires the department to pay a person who retires his or her vehicle \$1,500 for a low-income motor vehicle owner, as defined, and \$1,000 for all other motor vehicle owners, and authorizes additional payments above these amounts based on consideration of specified criteria.

This bill would authorize the department to provide other forms of financial assistance for a motor vehicle owner when providing additional payments above those amounts, as specified.

(2) Existing law provides for a repair assistance program available to an individual whose maximum income level does not exceed 225% of the federal poverty level and who is the owner of a motor vehicle that has failed a smog check inspection or received a notice to correct. Existing law requires the bureau to permit vehicle retirement of a motor vehicle that is a high polluter and that has been continuously registered in the state for at least 2 years or otherwise proven to have been driven in the state for the last 2 years, as specified, prior to vehicle retirement. Existing law requires the bureau to pay a person for the voluntary retirement of a high-polluting motor vehicle \$1,500 for a low-income motor vehicle and \$1,000 for all other motor vehicle owners, and authorizes additional payments above these amounts based on consideration of specified criteria.

This bill would require the department, on or before July 1, 2014, to establish a one-year pilot program to provide financial assistance to low-income motor vehicle owners, as defined, for the voluntary retirement of a gross-polluting vehicle, as specified. The bill would *require a reasonable demonstration, as specified, that a vehicle retired under the program was operated primarily in the state for the last 2 years prior to acceptance in the program and would prohibit the department from requiring proof of registration for the last 2 years prior to acceptance into the program.* *that time period. The bill would require the department, before January 1, 2016, to submit a specified report to the Legislature and the Governor.*

(3) Existing law requires the department to develop and continuously conduct a public information program, in consultation with the State Air Resources Board, designed to develop and maintain public support and cooperation for the smog check program, as specified.

This bill would require the department, for purposes of that public information program, to engage in multilingual outreach to underserved communities about the benefits of the program. The bill also would require the department to include car dealerships in the public information program.

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 44062.3 of the Health and Safety Code
2 is amended to read:

1 44062.3. (a) The owner of a motor vehicle that has been
2 continuously registered in the state for at least two years prior to
3 vehicle retirement; and that has failed the most recent smog check
4 inspection for that vehicle; may retire the vehicle from operation
5 at a dismantler under contract with the Bureau of Automotive
6 Repair, at any time after learning of the smog check failure. The
7 department shall pay a person who retires his or her vehicle under
8 this section one thousand five hundred dollars (\$1,500) for a
9 low-income motor vehicle owner, as defined in Section 44062.1,
10 and one thousand dollars (\$1,000) for all other motor vehicle
11 owners. The department may pay a motor vehicle owner more than
12 these amounts based on factors, including, but not limited to, the
13 age of the vehicle, the emission benefit of the vehicle's retirement,
14 the emission impact of any replacement vehicle, and the location
15 of the vehicle in an area of the state with the poorest air quality,
16 or may provide other forms of financial assistance.

17 (b) The department shall permit vehicle retirement pursuant to
18 subdivision (a) for any motor vehicle that has been continuously
19 registered in the state for at least two years prior to vehicle
20 retirement; and that fails any type of smog check inspection
21 lawfully performed in the state.

22 SEC. 2. Section 44062.5 is added to the Health and Safety
23 Code, to read:

24 44062.5. (a) On or before July 1, 2014, the department shall
25 establish a one-year pilot program to provide financial assistance
26 to low-income motor vehicle owners, as defined in Section
27 44062.1, for the voluntary retirement of a gross-polluting vehicle.
28 A vehicle retired pursuant to this section shall have been reasonably
29 demonstrated to the department to have been operated primarily
30 in the state for the last two years prior to acceptance into the pilot
31 program. The department shall not require proof of registration
32 for the last two years prior to acceptance into the program.

33 (b) *Reasonable demonstration that the vehicle has been operated*
34 *primarily in the state for the last two years shall be shown by either*
35 *of the following:*

36 (1) *Proof of car insurance in the state for the last two years.*

37 (2) *An invoice showing the vehicle identification number for*
38 *vehicle repairs or maintenance during the last two years and proof*
39 *of the vehicle owner's residence in the state during the last two*
40 *years.*

1 ~~(b) The~~
 2 (c) (1) Before January 1, 2016, the department shall report to
 3 the appropriate committees of the Legislature, ~~as part of the~~
 4 ~~supplemental report required pursuant to line item 1111-002-0582~~
 5 ~~of Chapter 268 of the Statutes of 2008, and the Governor the~~
 6 number of vehicles retired pursuant to subdivision (a).

7 (2) A report submitted pursuant to paragraph (1) shall be
 8 submitted in compliance with Section 9795 of the Government
 9 Code.

10 (3) Notwithstanding subdivision (d), this subdivision shall
 11 remain operative on and after July 1, 2015.

12 ~~(e) This~~
 13 (d) Except as provided in paragraph (3) of subdivision (c), this
 14 section shall become inoperative on July 1, 2015, and, as of January
 15 1, 2016, is repealed, unless a later enacted statute, that becomes
 16 operative on or before January 1, 2016, deletes or extends the dates
 17 on which it becomes inoperative and is repealed.

18 SEC. 3. Section 44070.5 of the Health and Safety Code is
 19 amended to read:

20 44070.5. (a) The department shall develop and continuously
 21 conduct a public information program, in consultation with the
 22 state board. The program shall be designed to develop and maintain
 23 public support and cooperation for the motor vehicle inspection
 24 and maintenance program and shall include information on all of
 25 the following:

- 26 (1) The health damage caused by air pollution.
- 27 (2) The contribution of automobiles to air pollution and the
 28 gross polluter problem.
- 29 (3) Whether a motorist’s vehicle could be a gross polluter
 30 without the motorist knowing.
- 31 (4) The importance of maintaining a vehicle’s emission control
 32 devices in good working order and the importance of the program.

33 (b) That information shall be disseminated by all means that
 34 the department determines to be feasible and cost effective,
 35 including, but not limited to, television, newspaper, and radio
 36 advertising and trailers in movie theaters. The department may
 37 also utilize grass roots community networks, including local
 38 opinion leaders, churches, the PTA, automobile dealerships, and
 39 the workplace. Extensive marketing research shall be performed
 40 to identify the target population.

- 1 (c) The department shall engage in multilingual outreach to
- 2 underserved communities about the benefits of the program.

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