

AMENDED IN ASSEMBLY JUNE 24, 2013

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, *add Section 44127 to*, 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 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)~~

(1) 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 *who has* 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~~ *October* 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 that time period. *The bill would require the department to engage in multilingual outreach to underserved communities about the benefits of the pilot program, as specified.* The bill would require the department, before January 1, 2016, to submit a specified report to the Legislature and the Governor. *The bill would require the moneys necessary to implement the pilot program to be transferred, upon appropriation by the Legislature, from the Vehicle Inspection and Repair Fund to the High Polluter Repair or Removal Account.*

~~(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.

(2) Existing law creates an enhanced fleet modernization program for the retirement of high polluting vehicles to be administered by the Bureau of Automotive Repair pursuant to guidelines adopted by the State Air Resources Board.

This bill would require the state board to update the guidelines for that enhanced fleet modernization program to include specified elements.

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:~~

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

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

24 SEC. 2.

25 SECTION 1. Section 44062.5 is added to the Health and Safety
26 Code, to read:

1 44062.5. (a) On or before ~~July~~ *October* 1, 2014, the department
2 shall establish a one-year pilot program to provide financial
3 assistance to low-income motor vehicle owners, as defined in
4 Section 44062.1, for the voluntary retirement of a gross-polluting
5 vehicle. A vehicle retired pursuant to this section shall have been
6 reasonably demonstrated to the department to have been operated
7 primarily in the state for the last two years prior to acceptance into
8 the pilot program. The department shall not require proof of
9 registration for the last two years prior to acceptance into the
10 program.

11 (b) (1) *The department shall engage in multilingual outreach*
12 *in underserved communities about the benefits of the pilot program*
13 *established pursuant to subdivision (a).*

14 (2) *The department shall primarily focus efforts in the South*
15 *Coast Air Basin and the San Joaquin Valley Air Basin.*

16 (3) *The department shall include funding for a community-based*
17 *outreach effort. The department also may utilize grass roots*
18 *community networks, including local opinion leaders, community*
19 *nonprofits, churches, the PTA, automobile dealerships, and the*
20 *workplace.*

21 ~~(b)~~

22 (c) Reasonable demonstration that the vehicle has been operated
23 primarily in the state for the last two years shall be shown by either
24 of the following:

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

26 (2) An invoice showing the vehicle identification number for
27 vehicle repairs or maintenance during the last two years and proof
28 of the vehicle owner's residence in the state during the last two
29 years.

30 ~~(e)~~

31 (d) (1) Before January 1, 2016, the department shall report to
32 the appropriate committees of the Legislature and the Governor
33 the number of vehicles retired *pursuant to subdivision (a) and the*
34 *model year, odometer reading, and vehicle identification number*
35 *of each vehicle retired pursuant to subdivision (a).*

36 (2) A report submitted pursuant to paragraph (1) shall be
37 submitted in compliance with Section 9795 of the Government
38 Code.

39 (3) Notwithstanding subdivision ~~(d)~~, (f), this subdivision shall
40 remain operative on and after July 1, 2015.

1 (e) Moneys necessary to implement this section shall be
2 transferred, upon appropriation by the Legislature, from the
3 Vehicle Inspection and Repair Fund, established pursuant to
4 Section 9886 of the Business and Professions Code, to the High
5 Polluter Repair or Removal Account, established pursuant to
6 subdivision (a) of Section 44091.

7 ~~(d)~~

8 (f) Except as provided in paragraph (3) of subdivision ~~(e)~~ (d),
9 this section shall become inoperative on July 1, 2015, and, as of
10 January 1, 2016, is repealed, unless a later enacted statute, that
11 becomes operative on or before January 1, 2016, deletes or extends
12 the dates on which it becomes inoperative and is repealed.

13 ~~SEC. 3. Section 44070.5 of the Health and Safety Code is~~
14 ~~amended to read:~~

15 ~~44070.5. (a) The department shall develop and continuously~~
16 ~~conduct a public information program, in consultation with the~~
17 ~~state board. The program shall be designed to develop and maintain~~
18 ~~public support and cooperation for the motor vehicle inspection~~
19 ~~and maintenance program and shall include information on all of~~
20 ~~the following:~~

21 ~~(1) The health damage caused by air pollution.~~

22 ~~(2) The contribution of automobiles to air pollution and the~~
23 ~~gross polluter problem.~~

24 ~~(3) Whether a motorist's vehicle could be a gross polluter~~
25 ~~without the motorist knowing.~~

26 ~~(4) The importance of maintaining a vehicle's emission control~~
27 ~~devices in good working order and the importance of the program.~~

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

36 ~~(c) The department shall engage in multilingual outreach to~~
37 ~~underserved communities about the benefits of the program.~~

38 ~~SEC. 2. Section 44127 is added to the Health and Safety Code,~~
39 ~~to read:~~

1 44127. (a) No later than January 1, 2016, the state board, in
2 consultation with the Bureau of Automotive Repair, shall update
3 the program established pursuant to Section 44125. The program
4 shall continue to be administered by the Bureau of Automotive
5 Repair pursuant to guidelines updated and adopted by the state
6 board.

7 (b) The updated guidelines shall include all of the following
8 elements:

9 (1) Provisions that coordinate the implementation of the vehicle
10 retirement and replacement components of the program established
11 pursuant to Section 44125 with the vehicle retirement component
12 of the Bureau of Automotive Repair Consumer Assistance Program
13 established pursuant to other provisions of this chapter, to
14 maximize participation by persons eligible under components of
15 both programs.

16 (2) Information learned from the pilot program established
17 pursuant to Section 44062.5 is considered.

18 (3) Increased emphasis on the replacement of high polluters
19 with cleaner vehicles or the increased use of public transit.

20 (4) Increased emphasis on the reduction of greenhouse gas
21 emissions through increased vehicle or transit efficiency as a result
22 of the program established pursuant to Section 44125.

23 (5) Methods of financial assistance other than vouchers are
24 studied and considered.

25 (6) Increased utilization of the replacement component of the
26 program established pursuant to Section 44125.

27 (7) A requirement that vehicles eligible for retirement have been
28 operated on the road recently.

29 (8) An option for automobile dealerships or other used car
30 sellers to accept cars for retirement provided the cars are
31 dismantled consistent with the requirements of the program
32 established pursuant to Section 44125.

33 (9) Increased partnerships and outreach with grass roots
34 community networks, including local opinion leaders, community
35 nonprofits, churches, the PTA, automobile dealerships, auto loan
36 institutions, and employers.

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