

AMENDED IN ASSEMBLY AUGUST 5, 2013

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 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 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 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.~~

~~(2) Existing~~

~~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, in collaboration with the bureau and air pollution control and air quality management districts, to engage in a one-year multilingual outreach campaign in areas designated as federal nonattainment focusing on low-income vehicle owners to increase the utilization of the vehicle replacement component of the enhanced fleet modernization program and to understand the barriers to participation in the enhanced fleet modernization program, as specified. The bill would require the moneys necessary to implement the one-year multilingual outreach campaign to be transferred, upon appropriation by the Legislature, from the Vehicle Inspection and Repair Fund to the High Polluter Repair or Removal Account. The bill would require the state board, within 2 years of a specified appropriation, to provide a specified assessment to the Legislature of both the one-year multilingual outreach campaign and the enhanced fleet modernization program. The bill would require the state board to update the guidelines for that the enhanced fleet modernization program to include specified elements. The bill would make various findings and declarations.~~

~~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 44062.5 is added to the Health and Safety~~
2 ~~Code, to read:~~

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

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

16 ~~(2) The department shall primarily focus efforts in the South~~
17 ~~Coast Air Basin and the San Joaquin Valley Air Basin.~~

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

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

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

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

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 (f), this subdivision shall remain~~
40 ~~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 Vehicle~~
 3 ~~Inspection and Repair Fund, established pursuant to Section 9886~~
 4 ~~of the Business and Professions Code, to the High Polluter Repair~~
 5 ~~or Removal Account, established pursuant to subdivision (a) of~~
 6 ~~Section 44091.~~

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

12 *SECTION 1. The Legislature finds and declares that the State*
 13 *Air Resources Board should take all the steps necessary to improve*
 14 *the Enhanced Fleet Modernization Program (Article 11*
 15 *(commencing with Section 44125) of Chapter 5 of Part 5 of*
 16 *Division 26 of the Health and Safety Code) to increase the benefits*
 17 *of the program for low-income California residents, as defined in*
 18 *Section 44062.1 of the Health and Safety Code, promote cleaner*
 19 *replacement vehicles, and reduce the number of end-of-life vehicles*
 20 *that enter the program.*

21 SEC. 2. Section 44127 is added to the Health and Safety Code,
 22 to read:

23 44127. (a) ~~No~~(1) *The state board, in collaboration with the*
 24 *Bureau of Automotive Repair and districts, shall engage in a*
 25 *one-year multilingual outreach campaign in areas designated as*
 26 *federal nonattainment focusing on low-income vehicle owners to*
 27 *increase the utilization of the vehicle replacement component of*
 28 *the program established pursuant to Section 44125 and to*
 29 *understand the barriers to participation in the program established*
 30 *pursuant to Section 44125.*

31 (2) *The state board shall include in the one-year multilingual*
 32 *outreach campaign established pursuant to this subdivision a*
 33 *community-based outreach effort. The state board shall contract*
 34 *with a district or grass roots community network to implement the*
 35 *community-based outreach effort. For purposes of this section, a*
 36 *grass roots community network means local opinion leaders,*
 37 *community nonprofits, churches, the PTA, automobile dealerships,*
 38 *and the workplace.*

39 (3) *Moneys necessary to implement this subdivision shall be*
 40 *transferred, upon appropriation by the Legislature, from the*

1 *Vehicle Inspection and Repair Fund, established pursuant to*
2 *Section 9886 of the Business and Professions Code, to the High*
3 *Polluter Repair or Removal Account, established pursuant to*
4 *subdivision (a) of Section 44091.*

5 (4) (A) *Notwithstanding Section 10231.5 of the Government*
6 *Code, no later than two years after an appropriation by the*
7 *Legislature pursuant to paragraph (3), the state board shall*
8 *provide an assessment to the Legislature of the costs and short-term*
9 *emissions-reduction benefits of the one-year multilingual outreach*
10 *campaign and the program established pursuant to Section 44125,*
11 *including all of the following:*

12 (i) *Measurement of the emissions reductions gained by the*
13 *vehicle replacement incentives.*

14 (ii) *Number of replacement vehicle vouchers used.*

15 (iii) *Year, make, model, and cost of the replacement vehicles.*

16 (B) *A report submitted pursuant to this paragraph shall be*
17 *submitted in compliance with Section 9795 of the Government*
18 *Code.*

19 (b) *No later than January 1, ~~2016~~, 2015, the state board, in*
20 *consultation with the Bureau of Automotive Repair, shall update*
21 *the program established pursuant to Section 44125. The program*
22 *shall continue to be administered by the Bureau of Automotive*
23 *Repair pursuant to guidelines updated and adopted by the state*
24 *board.*

25 ~~(b)~~

26 (c) *The updated guidelines shall supplement Section 44125 to*
27 *include all of the following elements:*

28 (1) *Provisions that coordinate the implementation of the vehicle*
29 *retirement and replacement components of the program established*
30 *pursuant to Section 44125 with the vehicle retirement component*
31 *of the Bureau of Automotive Repair Consumer Assistance Program*
32 *established pursuant to other provisions of this ~~chapter~~, chapter*
33 *to maximize participation by persons eligible under components*
34 *of both programs.*

35 ~~(2) Information learned from the pilot program established~~
36 ~~pursuant to Section 44062.5 is considered.~~

37 (2) *Streamlined administration to simplify participation while*
38 *protecting the accountability of moneys spent.*

39 (3) *Increased emphasis on the replacement of high polluters*
40 *with cleaner vehicles or the increased use of public transit that*

1 *results in increased utilization of the vehicle replacement*
2 *component of the program established pursuant to Section 44125.*

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

6 (5) Methods of financial assistance other than vouchers are
7 studied and considered.

8 ~~(6) Increased utilization of the replacement component of the~~
9 ~~program established pursuant to Section 44125.~~

10 (6) *Specific steps to ensure the vehicle replacement component*
11 *of the program is available in areas designated as federal extreme*
12 *nonattainment.*

13 (7) A requirement that vehicles eligible for retirement ~~have been~~
14 ~~operated on the road recently~~ *are driveable.*

15 (8) An option for automobile dealerships or other used car sellers
16 to accept cars for retirement provided the cars are dismantled
17 consistent with the requirements of the program established
18 pursuant to Section 44125.

19 (9) Increased partnerships and outreach with grass roots
20 community networks, including local opinion leaders, community
21 nonprofits, churches, the PTA, automobile dealerships, auto loan
22 institutions, and employers.

23 (10) *Increased consideration of an incentive structure with*
24 *varied incentive amounts to maximize program participation and*
25 *cost-effective emissions reductions.*