

AMENDED IN SENATE MAY 4, 2016
AMENDED IN SENATE AUGUST 18, 2015
AMENDED IN SENATE JUNE 23, 2015
AMENDED IN SENATE JUNE 16, 2015
AMENDED IN ASSEMBLY MAY 5, 2015
AMENDED IN ASSEMBLY APRIL 15, 2015
AMENDED IN ASSEMBLY MARCH 26, 2015
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 857

Introduced by Assembly Member Perea Cooper
(Coauthor: Assembly Member O'Donnell)
(Principal coauthor: Senator De León)

February 26, 2015

~~An act to amend Section 39719.2 of the Health and Safety Code, relating to greenhouse gases. An act to amend Sections 11106, 16520, 23910, and 30105 of, and to add Chapter 3 (commencing with Section 29180) to Division 7 of Title 4 of Part 6 of, the Penal Code, relating to firearms.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 857, as amended, *Perea Cooper. California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program. Firearms: identifying information.*

Existing law authorizes the Department of Justice to assign a distinguishing number or mark of identification to any firearm whenever

the firearm lacks a manufacturer's number or other mark of identification, or whenever the manufacturer's number or other mark of identification or distinguishing number or mark assigned by the department has been destroyed or obliterated.

This bill would, commencing July 1, 2018, require a person who manufactures or assembles a firearm to first apply to the department for a unique serial number or other identifying mark, as provided. The bill would, by January 1, 2019, require any person who, as of July 1, 2018, owns a firearm that does not bear a serial number to likewise apply to the department for a unique serial number or other mark of identification. The bill would, except as provided, prohibit the sale or transfer of ownership of a firearm manufactured or assembled pursuant to these provisions. The bill would prohibit a person from aiding in the manufacture or assembly of a firearm by a person who is prohibited from possessing a firearm. The bill would make a violation of these provisions a misdemeanor. By creating a new crime, this bill would impose a state-mandated local program.

The bill would require the department to issue a serial number or other identifying mark to an applicant meeting specified criteria and would allow the department to charge a fee to recover its costs associated with assigning a distinguishing number or mark pursuant to the above provisions.

This bill would make a conforming change.

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.

~~The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The act authorizes the state board to include the use of market-based compliance mechanisms. Existing law requires all moneys, except for fines and penalties, collected by the state board as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation by the Legislature.~~

~~The California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program, upon appropriation from the~~

~~Greenhouse Gas Reduction Fund, funds zero- and near-zero-emission truck, bus, and off-road vehicle and equipment technologies and related projects, as specified, with priority given to certain projects, including projects that benefit disadvantaged communities. The program, until January 1, 2018, requires no less than 20% of the funding made available for the purposes of technology development, demonstration, precommercial pilots, and early commercial deployments of zero- and near-zero-emission medium- and heavy-duty truck technology support early commercial deployment of existing zero- and near-zero-emission heavy-duty truck technology.~~

~~This bill, between January 2, 2018, and January 1, 2023, inclusive, annually would require no less than 50% or \$100,000,000, whichever is greater, of the moneys allocated for technology development, demonstration, precommercial pilots, and early commercial deployments of zero- and near-zero-emission medium- and heavy-duty truck technology be allocated and spent to support the commercial deployment of existing zero- and near-zero-emission heavy-duty truck technology that meets or exceeds a specified emission standard.~~

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

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

- 1 SECTION 1. Section 11106 of the Penal Code is amended to
- 2 read:
- 3 11106. (a) (1) In order to assist in the investigation of crime,
- 4 the prosecution of civil actions by city attorneys pursuant to
- 5 paragraph (3) of subdivision (b), the arrest and prosecution of
- 6 criminals, and the recovery of lost, stolen, or found property, the
- 7 Attorney General shall keep and properly file a complete record
- 8 of all of the following:
- 9 (A) All copies of fingerprints.
- 10 (B) Copies of licenses to carry firearms issued pursuant to
- 11 Section 26150, 26155, 26170, or 26215.
- 12 (C) Information reported to the Department of Justice pursuant
- 13 to Section 26225, 27875, 27920, 29180, or 29830.
- 14 (D) Dealers' records of sales of firearms.
- 15 (E) Reports provided pursuant to Article 1 (commencing with
- 16 Section 27500) of Chapter 4 of Division 6 of Title 4 of Part 6, or
- 17 pursuant to any provision listed in subdivision (a) of Section 16585.

- 1 (F) Forms provided pursuant to Section 12084, as that section
2 read prior to being repealed on January 1, 2006.
- 3 (G) Reports provided pursuant to Article 1 (commencing with
4 Section 26700) and Article 2 (commencing with Section 26800)
5 of Chapter 2 of Division 6 of Title 4 of Part 6, that are not dealers'
6 records of sales of firearms.
- 7 (H) Information provided pursuant to Section 28255.
- 8 (I) Reports of stolen, lost, found, pledged, or pawned property
9 in any city or county of this state.
- 10 (2) The Attorney General shall, upon proper application therefor,
11 furnish the information to the officers referred to in Section 11105.
- 12 (b) (1) The Attorney General shall permanently keep and
13 properly file and maintain all information reported to the
14 Department of Justice pursuant to the following provisions as to
15 firearms and maintain a registry thereof:
- 16 (A) Article 1 (commencing with Section 26700) and Article 2
17 (commencing with Section 26800) of Chapter 2 of Division 6 of
18 Title 4 of Part 6.
- 19 (B) Article 1 (commencing with Section 27500) of Chapter 4
20 of Division 6 of Title 4 of Part 6.
- 21 (C) Chapter 5 (commencing with Section 28050) of Division 6
22 of Title 4 of Part 6.
- 23 (D) Any provision listed in subdivision (a) of Section 16585.
- 24 (E) Former Section 12084.
- 25 (F) Section 28255.
- 26 (G) *Section 29180.*
- 27 ~~(G)~~
- 28 (H) Any other law.
- 29 (2) The registry shall consist of all of the following:
- 30 (A) The name, address, identification of, place of birth (state
31 or country), complete telephone number, occupation, sex,
32 description, and all legal names and aliases ever used by the owner
33 or person being loaned the particular firearm as listed on the
34 information provided to the department on the Dealers' Record of
35 Sale, the Law Enforcement Firearms Transfer (LEFT), as defined
36 in former Section 12084, or reports made to the department
37 pursuant to any provision listed in subdivision (a) of Section 16585,
38 ~~Section 28255, 28255 or 29180, or any other law.~~
- 39 (B) The name and address of, and other information about, any
40 person (whether a dealer or a private party) from whom the owner

1 acquired or the person being loaned the particular firearm and
2 when the firearm was acquired or loaned as listed on the
3 information provided to the department on the Dealers' Record of
4 Sale, the LEFT, or reports made to the department pursuant to any
5 provision listed in subdivision (a) of Section 16585 or any other
6 law.

7 (C) Any waiting period exemption applicable to the transaction
8 which resulted in the owner of or the person being loaned the
9 particular firearm acquiring or being loaned that firearm.

10 (D) The manufacturer's name if stamped on the firearm, model
11 name or number if stamped on the firearm, and, if applicable, the
12 serial number, other number (if more than one serial number is
13 stamped on the firearm), caliber, type of firearm, if the firearm is
14 new or used, barrel length, and color of the firearm, or, if the
15 firearm is not a handgun and does not have a serial number or any
16 identification number or mark assigned to it, that shall be noted.

17 (3) Information in the registry referred to in this subdivision
18 shall, upon proper application therefor, be furnished to the officers
19 referred to in Section 11105, to a city attorney prosecuting a civil
20 action, solely for use in prosecuting that civil action and not for
21 any other purpose, or to the person listed in the registry as the
22 owner or person who is listed as being loaned the particular firearm.

23 (4) If any person is listed in the registry as the owner of a firearm
24 through a Dealers' Record of Sale prior to 1979, and the person
25 listed in the registry requests by letter that the Attorney General
26 store and keep the record electronically, as well as in the record's
27 existing photographic, photostatic, or nonerasable optically stored
28 form, the Attorney General shall do so within three working days
29 of receipt of the request. The Attorney General shall, in writing,
30 and as soon as practicable, notify the person requesting electronic
31 storage of the record that the request has been honored as required
32 by this paragraph.

33 (c) (1) If the conditions specified in paragraph (2) are met, any
34 officer referred to in paragraphs (1) to (6), inclusive, of subdivision
35 (b) of Section 11105 may disseminate the name of the subject of
36 the record, the number of the firearms listed in the record, and the
37 description of any firearm, including the make, model, and caliber,
38 from the record relating to any firearm's sale, transfer, registration,
39 or license record, or any information reported to the Department
40 of Justice pursuant to any of the following:

- 1 (A) Section 26225, 27875, or 27920.
- 2 (B) Article 1 (commencing with Section 26700) and Article 2
- 3 (commencing with Section 26800) of Chapter 2 of Division 6 of
- 4 Title 4 of Part 6.
- 5 (C) Article 1 (commencing with Section 27500) of Chapter 4
- 6 of Division 6 of Title 4 of Part 6.
- 7 (D) Chapter 5 (commencing with Section 28050) of Division
- 8 6 of Title 4 of Part 6.
- 9 (E) Article 2 (commencing with Section 28150) of Chapter 6
- 10 of Division 6 of Title 4 of Part 6.
- 11 (F) Article 5 (commencing with Section 30900) of Chapter 2
- 12 of Division 10 of Title 4 of Part 6.
- 13 (G) Chapter 2 (commencing with Section 33850) of Division
- 14 11 of Title 4 of Part 6.
- 15 (H) Any provision listed in subdivision (a) of Section 16585.
- 16 (2) Information may be disseminated pursuant to paragraph (1)
- 17 only if all of the following conditions are satisfied:
- 18 (A) The subject of the record has been arraigned for a crime in
- 19 which the victim is a person described in subdivisions (a) to (f),
- 20 inclusive, of Section 6211 of the Family Code and is being
- 21 prosecuted or is serving a sentence for the crime, or the subject of
- 22 the record is the subject of an emergency protective order, a
- 23 temporary restraining order, or an order after hearing, which is in
- 24 effect and has been issued by a family court under the Domestic
- 25 Violence Protection Act set forth in Division 10 (commencing
- 26 with Section 6200) of the Family Code.
- 27 (B) The information is disseminated only to the victim of the
- 28 crime or to the person who has obtained the emergency protective
- 29 order, the temporary restraining order, or the order after hearing
- 30 issued by the family court.
- 31 (C) Whenever a law enforcement officer disseminates the
- 32 information authorized by this subdivision, that officer or another
- 33 officer assigned to the case shall immediately provide the victim
- 34 of the crime with a “Victims of Domestic Violence” card, as
- 35 specified in subparagraph (H) of paragraph (9) of subdivision (c)
- 36 of Section 13701.
- 37 (3) The victim or person to whom information is disseminated
- 38 pursuant to this subdivision may disclose it as he or she deems
- 39 necessary to protect himself or herself or another person from
- 40 bodily harm by the person who is the subject of the record.

1 *SEC. 2. Section 16520 of the Penal Code is amended to read:*

2 16520. (a) As used in this part, “firearm” means a device,
3 designed to be used as a weapon, from which is expelled through
4 a barrel, a projectile by the force of an explosion or other form of
5 combustion.

6 (b) As used in the following provisions, “firearm” includes the
7 frame or receiver of the weapon:

8 (1) Section 16550.

9 (2) Section 16730.

10 (3) Section 16960.

11 (4) Section 16990.

12 (5) Section 17070.

13 (6) Section 17310.

14 (7) Sections 26500 to 26588, inclusive.

15 (8) Sections 26600 to 27140, inclusive.

16 (9) Sections 27400 to 28000, inclusive.

17 (10) Section 28100.

18 (11) Sections 28400 to 28415, inclusive.

19 (12) Sections 29010 to 29150, inclusive.

20 (13) *Section 29180.*

21 ~~(13)~~

22 (14) Sections 29610 to 29750, inclusive.

23 ~~(14)~~

24 (15) Sections 29800 to 29905, inclusive.

25 ~~(15)~~

26 (16) Sections 30150 to 30165, inclusive.

27 ~~(16)~~

28 (17) Section 31615.

29 ~~(17)~~

30 (18) Sections 31705 to 31830, inclusive.

31 ~~(18)~~

32 (19) Sections 34355 to 34370, inclusive.

33 ~~(19)~~

34 (20) Sections 8100, 8101, and 8103 of the Welfare and
35 Institutions Code.

36 (c) As used in the following provisions, “firearm” also includes
37 a rocket, rocket propelled projectile launcher, or similar device
38 containing an explosive or incendiary material, whether or not the
39 device is designed for emergency or distress signaling purposes:

40 (1) Section 16750.

- 1 (2) Subdivision (b) of Section 16840.
2 (3) Section 25400.
3 (4) Sections 25850 to 26025, inclusive.
4 (5) Subdivisions (a), (b), and (c) of Section 26030.
5 (6) Sections 26035 to 26055, inclusive.
6 (d) As used in the following provisions, “firearm” does not
7 include an unloaded antique firearm:
8 (1) Subdivisions (a) and (c) of Section 16730.
9 (2) Section 16550.
10 (3) Section 16960.
11 (4) Section 17310.
12 (5) Chapter 6 (commencing with Section 26350) of Division 5
13 of Title 4.
14 (6) Chapter 7 (commencing with Section 26400) of Division 5
15 of Title 4.
16 (7) Sections 26500 to 26588, inclusive.
17 (8) Sections 26700 to 26915, inclusive.
18 (9) Section 27510.
19 (10) Section 27530.
20 (11) Section 27540.
21 (12) Section 27545.
22 (13) Sections 27555 to 27585, inclusive.
23 (14) Sections 29010 to 29150, inclusive.
24 (15) Section 25135.
25 (16) Section 29180.
26 (e) As used in Sections 34005 and 34010, “firearm” does not
27 include a destructive device.
28 (f) As used in Sections 17280 and 24680, “firearm” has the
29 same meaning as in Section 922 of Title 18 of the United States
30 Code.
31 (g) As used in Sections 29010 to 29150, inclusive, “firearm”
32 includes the unfinished frame or receiver of a weapon that can be
33 readily converted to the functional condition of a finished frame
34 or receiver.
35 *SEC. 3. Section 23910 of the Penal Code is amended to read:*
36 23910. The Department of ~~Justice~~ *Justice*, upon ~~request~~ *request*,
37 may assign a distinguishing number or mark of identification to
38 any firearm whenever the firearm lacks a manufacturer’s number
39 or other mark of ~~identification~~, ~~or whenever~~ *identification*.
40 *Whenever* the manufacturer’s number or other mark of

1 identification or a distinguishing number or mark assigned by the
 2 department has been destroyed or ~~obliterated~~. *obliterated*, the
 3 Department of Justice, upon request, shall assign a distinguishing
 4 number or mark of identification to any firearm in accordance
 5 with Section 29182.

6 SEC. 4. Chapter 3 (commencing with Section 29180) is added
 7 to Division 7 of Title 4 of Part 6 of the Penal Code, to read:

8
 9

CHAPTER 3. ASSEMBLY OF FIREARMS

10

11 29180. (a) For purposes of this chapter, “manufacturing” or
 12 “assembling” a firearm means to fabricate or construct a firearm,
 13 or to fit together the component parts of a firearm to construct a
 14 firearm.

15 (b) Commencing July 1, 2018, prior to manufacturing or
 16 assembling a firearm, a person manufacturing or assembling the
 17 firearm shall do all of the following:

18 (1) Apply to the Department of Justice for a unique serial
 19 number or other mark of identification pursuant to Section 29182.

20 (2) (A) Within 10 days of manufacturing or assembling a
 21 firearm in accordance with paragraph (1), the unique serial
 22 number or other mark of identification provided by the department
 23 shall be engraved or permanently affixed to the firearm in a
 24 manner that meets or exceeds the requirements imposed on licensed
 25 importers and licensed manufacturers of firearms pursuant to
 26 subsection (i) of Section 923 of Title 18 of the United States Code
 27 and regulations issued pursuant thereto.

28 (B) If the firearm is manufactured or assembled from polymer
 29 plastic, 3.7 ounces of material type 17-4 PH stainless steel shall
 30 be embedded within the plastic upon fabrication or construction
 31 with the unique serial number engraved or otherwise permanently
 32 affixed in a manner that meets or exceeds the requirements imposed
 33 on licensed importers and licensed manufacturers of firearms
 34 pursuant to subsection (i) of Section 923 of Title 18 of the United
 35 States Code and regulations issued pursuant thereto.

36 (3) After the serial number provided by the department is
 37 engraved or otherwise permanently affixed to the firearm, the
 38 person shall notify the department of that fact in a manner and
 39 within a time period specified by the department, and with sufficient
 40 information to identify the owner of the firearm, the unique serial

1 *number or mark of identification provided by the department, and*
2 *the firearm in a manner prescribed by the department.*

3 *(c) By January 1, 2019, any person who, as of July 1, 2018,*
4 *owns a firearm that does not bear a serial number assigned to it*
5 *pursuant to either Section 23910 or pursuant to Chapter 44*
6 *(commencing with Section 921) of Part 1 of Title 18 of the United*
7 *States Code and the regulations issued pursuant thereto, shall do*
8 *all of the following:*

9 *(1) Apply to the Department of Justice for a unique serial*
10 *number or other mark of identification pursuant to Section 29182.*

11 *(2) Within 10 days of receiving a unique serial number or other*
12 *mark of identification from the department, the unique serial*
13 *number or other mark of identification provided by the department*
14 *shall be engraved or permanently affixed to the firearm in*
15 *accordance with regulations prescribed by the department pursuant*
16 *to Section 29182 and in a manner that meets or exceeds the*
17 *requirements imposed on licensed importers and licensed*
18 *manufacturers of firearms pursuant to subsection (i) of Section*
19 *923 of Title 18 of the United States Code and regulations issued*
20 *pursuant thereto.*

21 *(3) After the serial number provided by the department is*
22 *engraved or otherwise permanently affixed to the firearm, the*
23 *person shall notify the department of that fact in a manner and*
24 *within a time period specified by the department, and with sufficient*
25 *information to identify the owner of the firearm, the unique serial*
26 *number or mark of identification provided by the department, and*
27 *the firearm in a manner prescribed by the department.*

28 *(d) (1) The sale or transfer of ownership of a firearm*
29 *manufactured or assembled pursuant to this section is prohibited.*

30 *(2) Paragraph (1) shall not apply to the transfer, surrender, or*
31 *sale of a firearm to a law enforcement agency.*

32 *(3) Any firearms surrendered, transferred, or sold to a local*
33 *law enforcement agency pursuant to paragraph (2) shall be*
34 *destroyed as provided in Section 18005.*

35 *(4) Sections 26500 and 27545, and subdivision (a) of Section*
36 *31615, shall not apply to the transfer, sale, or surrender of firearms*
37 *to a law enforcement agency pursuant to paragraph (2).*

38 *(e) A person, corporation, or firm shall not knowingly allow,*
39 *facilitate, aid, or abet the manufacture or assembling of a firearm*
40 *pursuant to this section by a person who is within any of the classes*

1 identified by Chapter 2 (commencing with Section 29800) or
2 Chapter 3 (commencing with Section 29900) of Division 9 of this
3 code, or Section 8100 or 8103 of the Welfare and Institutions Code.

4 (f) If the firearm is a handgun, a violation of this section is
5 punishable by imprisonment in a county jail not to exceed one
6 year, or by a fine not to exceed one thousand dollars (\$1,000), or
7 by both that fine and imprisonment. For all other firearms, a
8 violation of this section is punishable by imprisonment in a county
9 jail not to exceed six months, or by a fine not to exceed one
10 thousand dollars (\$1,000), or by both that fine and imprisonment.
11 Each firearm found to be in violation of this section constitutes a
12 distinct and separate offense. This section does not preclude
13 prosecution under any other law providing for a greater penalty.

14 29181. Section 29180 does not apply to or affect any of the
15 following:

16 (a) A firearm that has a serial number assigned to it pursuant
17 to either Section 23910 or pursuant to Chapter 44 (commencing
18 with Section 921) of Part 1 of Title 18 of the United States Code
19 and the regulations issued pursuant thereto.

20 (b) A firearm made or assembled prior to December 16, 1968,
21 that is not a handgun.

22 (c) A firearm which was entered into the centralized registry
23 set forth in Section 11106 prior to July 1, 2018, as being owned
24 by a specific individual or entity if that firearm has assigned to it
25 a distinguishing number or mark of identification to that firearm
26 by virtue of the department accepting entry of that firearm into
27 the centralized registry.

28 (d) A firearm that has a serial number assigned to it pursuant
29 to Chapter 53 of Title 26 of the United States Code and the
30 regulations issued pursuant thereto.

31 (e) An antique firearm as defined in Section 479.11 of Title 27
32 of the Code of Federal Regulations.

33 29182. (a) (1) The Department of Justice shall accept
34 applications from, and shall grant applications in the form of serial
35 numbers pursuant to Section 23910 to, persons who wish to
36 manufacture or assemble firearms pursuant to subdivision (b) of
37 Section 29180.

38 (2) The Department of Justice shall accept applications from,
39 and shall grant applications in the form of serial numbers pursuant

1 to Section 23910 to, persons who wish to own a firearm described
2 in subdivision (c) of Section 29180.

3 (b) An application made pursuant to subdivision (a) shall only
4 be granted by the department if the applicant does all of the
5 following:

6 (1) For each transaction, completes a personal firearms
7 eligibility check, demonstrating that the applicant is not prohibited
8 by state or federal law from possessing, receiving, owning, or
9 purchasing a firearm.

10 (2) Presents proof of age and identity as specified in Section
11 16400. The applicant shall be 18 years of age or older to obtain
12 a unique serial number or mark of identification for a firearm that
13 is not a handgun, and shall be 21 years of age or older to obtain
14 a unique serial number or mark of identification for a handgun.

15 (3) Provides a description of the firearm that he or she owns
16 or intends to manufacture or assemble, in a manner prescribed by
17 the department.

18 (4) Has a valid firearm safety certificate or handgun safety
19 certificate.

20 (c) The department shall inform applicants who are denied an
21 application of the reasons for the denial in writing.

22 (d) All applications shall be granted or denied within 15
23 calendar days of the receipt of the application by the department.

24 (e) This chapter does not authorize a person to manufacture,
25 assemble, or possess a weapon prohibited under Section 16590,
26 an assault weapon as defined in Section 30510 or 30515, a
27 machinegun as defined in Section 16880, a .50 BMG rifle as
28 defined in Section 30530, or a destructive device as defined in
29 Section 16460.

30 (f) The department shall adopt regulations to administer this
31 chapter.

32 29183. The Department of Justice may charge an applicant a
33 fee for each distinguishing number or mark it issues in an amount
34 sufficient to reimburse it for the actual costs associated with
35 assigning a distinguishing number or mark to a firearm pursuant
36 to Sections 29180 and 29182 and for conducting a personal
37 firearms eligibility check pursuant to paragraph (1) of subdivision
38 (b) of Section 29182. All money received pursuant to this section
39 shall be deposited in the Dealers' Record of Sale Special Account

1 of the General Fund, to be available upon appropriation by the
2 Legislature.

3 29184. The Department of Justice shall maintain and make
4 available upon request information concerning both of the
5 following:

6 (a) The number of serial numbers issued pursuant to Section
7 29182.

8 (b) The number of arrests for violations of Section 29180.

9 SEC. 5. Section 30105 of the Penal Code is amended to read:

10 30105. (a) An individual may request that the Department of
11 Justice perform a firearms eligibility check for that individual. The
12 applicant requesting the eligibility check shall provide the personal
13 information required by Section 28160 or 28165, as applicable,
14 but not any information regarding any firearm, to the department,
15 in an application specified by the department.

16 (b) The department shall charge a fee of twenty dollars (\$20)
17 for performing the eligibility check authorized by this section, but
18 not to exceed the actual processing costs of the department. After
19 the department establishes fees sufficient to reimburse the
20 department for processing costs, fees charged may increase at a
21 rate not to exceed the legislatively approved cost-of-living
22 adjustment for the department's budget or as otherwise increased
23 through the Budget Act.

24 (c) An applicant for the eligibility check pursuant to subdivision
25 (a) shall complete the application, have it notarized by any licensed
26 California Notary Public, and submit it by mail to the department.

27 (d) Upon receipt of a notarized application and fee, the
28 department shall do all of the following:

29 (1) Examine its records, and the records it is authorized to
30 request from the State Department of State Hospitals pursuant to
31 Section 8104 of the Welfare and Institutions Code, to determine
32 if the purchaser is prohibited by state or federal law from
33 possessing, receiving, owning, or purchasing a firearm.

34 (2) Notify the applicant by mail of its determination of whether
35 the applicant is prohibited by state or federal law from possessing,
36 receiving, owning, or purchasing a firearm. The department's
37 notification shall state either "eligible to possess firearms as of the
38 date the check was completed" or "ineligible to possess firearms
39 as of the date the check was completed."

1 (e) If the department determines that the information submitted
 2 to it in the application contains any blank spaces, or inaccurate,
 3 illegible, or incomplete information, preventing identification of
 4 the applicant, or if the required fee is not submitted, the department
 5 shall not be required to perform the firearms eligibility check.

6 (f) The department shall make applications to conduct a firearms
 7 eligibility check as described in this section available to licensed
 8 firearms dealers and on the department’s Internet Web site.

9 (g) The department shall be immune from any liability arising
 10 out of the performance of the firearms eligibility check, or any
 11 reliance upon the firearms eligibility check.

12 (h) ~~No~~ *Except as provided in Sections 29180 and 29182, a*
 13 *person or agency may shall not* require or request ~~another person~~
 14 *an individual* to obtain a firearms eligibility check or notification
 15 of a firearms eligibility check pursuant to this section. A violation
 16 of this subdivision is a misdemeanor.

17 (i) The department shall include on the application specified in
 18 subdivision (a) and the notification of eligibility specified in
 19 subdivision (d) the following statements:

20

21 “No person or agency may require or request ~~another person~~ *an*
 22 *individual* to obtain a firearms eligibility check or notification of
 23 firearms eligibility check pursuant to Section 30105 of the Penal
 24 Code. A violation of these provisions is a misdemeanor.”

25

26 “If the applicant for a firearms eligibility check purchases,
 27 transfers, or receives a firearm through a licensed dealer as required
 28 by law, a waiting period and background check are both required.”

29

30 *SEC. 6. No reimbursement is required by this act pursuant to*
 31 *Section 6 of Article XIII B of the California Constitution because*
 32 *the only costs that may be incurred by a local agency or school*
 33 *district will be incurred because this act creates a new crime or*
 34 *infraction, eliminates a crime or infraction, or changes the penalty*
 35 *for a crime or infraction, within the meaning of Section 17556 of*
 36 *the Government Code, or changes the definition of a crime within*
 37 *the meaning of Section 6 of Article XIII B of the California*
 38 *Constitution.*

39 ~~SECTION 1. Section 39719.2 of the Health and Safety Code~~
 40 ~~is amended to read:~~

1 ~~39719.2. (a) The California Clean Truck, Bus, and Off-Road~~
2 ~~Vehicle and Equipment Technology Program is hereby created,~~
3 ~~to be administered by the state board in conjunction with the State~~
4 ~~Energy Resources Conservation and Development Commission.~~
5 ~~The program, from moneys appropriated from the fund for the~~
6 ~~purposes of the program, shall fund development, demonstration,~~
7 ~~precommercial pilot, and early commercial deployment of zero-~~
8 ~~and near-zero-emission truck, bus, and off-road vehicle and~~
9 ~~equipment technologies. Priority shall be given to projects~~
10 ~~benefiting disadvantaged communities pursuant to the requirements~~
11 ~~of Sections 39711 and 39713.~~

12 ~~(b) Projects eligible for funding pursuant to this section include,~~
13 ~~but are not limited to, the following:~~

14 ~~(1) Technology development, demonstration, precommercial~~
15 ~~pilots, and early commercial deployments of zero- and~~
16 ~~near-zero-emission medium- and heavy-duty truck technology,~~
17 ~~including projects that help to facilitate clean goods-movement~~
18 ~~corridors.~~

19 ~~(A) Until January 1, 2018, no less than 20 percent of funding~~
20 ~~made available for the purposes of this paragraph shall support~~
21 ~~early commercial deployment of existing zero- and~~
22 ~~near-zero-emission heavy-duty truck technology.~~

23 ~~(B) (i) Between January 2, 2018, and January 1, 2023, inclusive,~~
24 ~~annually no less than 50 percent or one hundred million dollars~~
25 ~~(\$100,000,000), whichever is greater, of the moneys allocated for~~
26 ~~the purposes of this paragraph shall be allocated and spent to~~
27 ~~support the commercial deployment of existing zero- and~~
28 ~~near-zero-emission heavy-duty truck technology that meets or~~
29 ~~exceeds an emission standard of 0.02 grams per brake~~
30 ~~horsepower-hour oxides of nitrogen, as described in the optional~~
31 ~~low oxides of nitrogen emission standards in Section 1956.8 of~~
32 ~~Title 13 of the California Code of Regulations.~~

33 ~~(ii) (I) Between January 2, 2018, and January 1, 2020, inclusive,~~
34 ~~a heavy-duty truck with an internal combustion engine receiving~~
35 ~~moneys appropriated pursuant to this subparagraph shall use not~~
36 ~~less than 30 percent renewable fuel.~~

37 ~~(II) Beginning January 2, 2020, a heavy-duty truck with an~~
38 ~~internal combustion engine receiving moneys appropriated pursuant~~
39 ~~to this subparagraph shall use not less than 50 percent renewable~~
40 ~~fuel.~~

1 ~~(III) The state board may increase the minimum percentage of~~
2 ~~renewable fuel required for the appropriation of moneys pursuant~~
3 ~~to this subparagraph in subsequent years if the state board makes~~
4 ~~a finding that a higher percentage is commercially feasible and the~~
5 ~~State Energy Resources Conservation and Development~~
6 ~~Commission makes a finding that there is a sufficient supply of~~
7 ~~renewable energy fuel available. An increase adopted pursuant to~~
8 ~~this subelause shall apply prospectively to moneys awarded after~~
9 ~~the increase is adopted by the state board.~~

10 ~~(IV) The percentage in effect at the time the moneys are awarded~~
11 ~~to a heavy-duty truck with an internal combustion engine pursuant~~
12 ~~to this subparagraph shall not change that award.~~

13 ~~(V) This subparagraph does not alter or affect, in any way, the~~
14 ~~amount of credit or grants for which a low-carbon fuel provider~~
15 ~~or truck operator is eligible pursuant to law.~~

16 ~~(2) Zero- and near-zero-emission bus technology development,~~
17 ~~demonstration, precommercial pilots, and early commercial~~
18 ~~deployments, including pilots of multiple vehicles at one site or~~
19 ~~region.~~

20 ~~(3) Zero- and near-zero-emission off-road vehicle and equipment~~
21 ~~technology development, demonstration, precommercial pilots,~~
22 ~~and early commercial deployments, including vehicles and~~
23 ~~equipment in the port, agricultural, marine, construction, and rail~~
24 ~~sectors.~~

25 ~~(4) Purchase incentives, which may include point-of-sale, for~~
26 ~~commercially available zero- and near-zero-emission truck, bus,~~
27 ~~and off-road vehicle and equipment technologies and fueling~~
28 ~~infrastructure to support early market deployments of alternative~~
29 ~~technologies and to increase manufacturer volumes and accelerate~~
30 ~~market acceptance.~~

31 ~~(5) Projects that support greater commercial motor vehicle and~~
32 ~~equipment freight efficiency and greenhouse gas emissions~~
33 ~~reductions, including, but not limited to, advanced intelligent~~
34 ~~transportation systems, autonomous vehicles, and other freight~~
35 ~~information and operations technologies.~~

36 ~~(e) The state board, in consultation with the State Energy~~
37 ~~Resources Conservation and Development Commission, shall~~
38 ~~develop guidance through the existing Air Quality Improvement~~
39 ~~Program funding plan process for the implementation of this~~
40 ~~section that is consistent with the California Global Warming~~

1 ~~Solutions Act of 2006 (Division 25.5 (commencing with Section~~
2 ~~38500)) and this chapter.~~

3 ~~(d) The guidance developed pursuant to subdivision (c) shall~~
4 ~~do all of the following:~~

5 ~~(1) Outline performance criteria and metrics for deployment~~
6 ~~incentives. The goal shall be to design a simple and predictable~~
7 ~~structure that provides incentives for truck, bus, and off-road~~
8 ~~vehicle and equipment technologies that provide significant~~
9 ~~greenhouse gas reduction and air quality benefits.~~

10 ~~(2) Ensure that program investments are coordinated with~~
11 ~~funding programs developed pursuant to the California Alternative~~
12 ~~and Renewable Fuel, Vehicle Technology, Clean Air, and Carbon~~
13 ~~Reduction Act of 2007 (Chapter 8.9 (commencing with Section~~
14 ~~44270) of Part 5).~~

15 ~~(3) Promote projects that assist the state in reaching its climate~~
16 ~~goals beyond 2020, consistent with Sections 38550 and 38551.~~

17 ~~(4) Promote investments in medium- and heavy-duty trucking,~~
18 ~~including, but not limited to, vocational trucks, short-haul and~~
19 ~~long-haul trucks, buses, and off-road vehicles and equipment,~~
20 ~~including, but not limited to, port equipment, agricultural~~
21 ~~equipment, marine equipment, and rail equipment.~~

22 ~~(5) Implement purchase incentives for eligible technologies to~~
23 ~~increase the use of the cleanest vehicles in disadvantaged~~
24 ~~communities.~~

25 ~~(6) Allow for remanufactured and retrofitted vehicles to qualify~~
26 ~~for purchase incentives if those vehicles meet warranty and~~
27 ~~emissions requirements, as determined by the state board.~~

28 ~~(7) Establish a competitive process for the allocation of moneys~~
29 ~~for projects funded pursuant to this section.~~

30 ~~(8) Leverage, to the maximum extent feasible, federal or private~~
31 ~~funding.~~

32 ~~(9) Ensure that the results of emissions reductions or benefits~~
33 ~~can be measured or quantified.~~

34 ~~(10) Ensure that activities undertaken pursuant to this section~~
35 ~~complement, and do not interfere with, efforts to achieve and~~
36 ~~maintain federal and state ambient air quality standards and to~~
37 ~~reduce toxic air contaminants.~~

38 ~~(e) In evaluating potential projects to be funded pursuant to this~~
39 ~~section, the state board shall give priority to projects that~~
40 ~~demonstrate one or more of the following characteristics:~~

- 1 ~~(1) Benefit disadvantaged communities pursuant to Sections~~
2 ~~39711 and 39713.~~
- 3 ~~(2) The ability to leverage additional public and private funding.~~
- 4 ~~(3) The potential for cobenefits or multiple-benefit attributes.~~
- 5 ~~(4) The potential for the project to be replicated.~~
- 6 ~~(5) Regional benefit, with focus on collaboration between~~
7 ~~multiple entities.~~
- 8 ~~(6) Support for technologies with broad market and emissions~~
9 ~~reduction potential.~~
- 10 ~~(7) Support for projects addressing technology and market~~
11 ~~barriers not addressed by other programs.~~
- 12 ~~(8) Support for enabling technologies that benefit multiple~~
13 ~~technology pathways.~~
- 14 ~~(f) In the implementation of this section, the state board, in~~
15 ~~consultation with the State Energy Resources Conservation and~~
16 ~~Development Commission, shall create an annual framework and~~
17 ~~plan. The framework and plan shall be developed with public input~~
18 ~~and may utilize existing investment plan processes and workshops~~
19 ~~as well as existing state and third-party research and technology~~
20 ~~roadmaps. The framework and plan shall do all of the following:~~
21 ~~(1) Articulate an overarching vision for technology development,~~
22 ~~demonstration, precommercial pilot, and early commercial~~
23 ~~deployments, with a focus on moving technologies through the~~
24 ~~commercialization process.~~
- 25 ~~(2) Outline technology categories, performance criteria, and~~
26 ~~required mandates for technologies and applications that may be~~
27 ~~considered for funding pursuant to this section. This shall include~~
28 ~~technologies and low-carbon fuel requirements for medium- and~~
29 ~~heavy-duty trucking, including, but not limited to, vocational~~
30 ~~trucks, short-haul and long-haul trucks, buses, and off-road vehicles~~
31 ~~and equipment, including, but not limited to, port equipment,~~
32 ~~agricultural equipment, construction equipment, marine equipment,~~
33 ~~and rail equipment.~~
- 34 ~~(3) Describe the roles of the relevant agencies and the process~~
35 ~~for coordination among agencies, program participants, and~~
36 ~~low-carbon fuel providers.~~
- 37 ~~(g) For purposes of this section, the following terms have the~~
38 ~~following meanings:~~

1 ~~(1) Effective January 2, 2018, “Heavy-duty truck” means a~~
2 ~~vehicle that has a gross vehicle weight rate (GVWR) of 26,001~~
3 ~~pounds or more.~~

4 ~~(2) “Zero- and near-zero-emission” means vehicles, fuels, and~~
5 ~~related technologies that reduce greenhouse gas emissions and~~
6 ~~improve air quality when compared with conventional or fully~~
7 ~~commercialized alternatives, as defined by the state board in~~
8 ~~consultation with the State Energy Resources Conservation and~~
9 ~~Development Commission. “Zero- and near-zero-emission” may~~
10 ~~include, but is not limited to, zero-emission technology, enabling~~
11 ~~technologies that provide a pathway to emissions reductions,~~
12 ~~advanced or alternative fuel engines for long-haul trucks, and~~
13 ~~hybrid or alternative fuel technologies for trucks and off-road~~
14 ~~equipment.~~