

AMENDED IN ASSEMBLY APRIL 12, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1691**

---

**Introduced by Assembly Members Gipson and Cristina Garcia**

January 21, 2016

---

An act to add and repeal Section 44125.5 of *to* the Health and Safety Code, relating to vehicular air pollution.

LEGISLATIVE COUNSEL’S DIGEST

AB 1691, as amended, Gipson. Vehicular air pollution: vehicle retirement.

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. Existing law requires the program’s guidelines to be updated no later than June 30, 2015. Existing law requires the updated guidelines to ensure vehicle replacement be an option for all motor vehicle owners and may be in addition to compensation for vehicles retired, as specified.

~~This bill would require the state board, in consultation with the bureau, to adopt, as a part of the program, an element of the program to commence on July 1, 2017, subject to appropriation by the Legislature, with a goal of annually replacing 10,000 vehicles from disadvantaged communities over a 5-year period. board, by June 30, 2017, to update the guidelines, as specified.~~

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. It is the intent of the Legislature that the efforts*  
2     *of the Plus-Up Pilot Project developed by the State Air Resources*  
3     *Board are focused on disadvantaged communities, as identified*  
4     *pursuant to Section 39711 of the Health and Safety Code and that*  
5     *the program increases the number of vehicles replaced annually.*

6     *SEC. 2. Section 44125.5 is added to the Health and Safety*  
7     *Code, to read:*

8     *44125.5. No later than June 30, 2017, the state board shall*  
9     *update the guidelines adopted pursuant to Section 44125 to ensure*  
10    *all of the following:*

11    *(a) Each district implementing a vehicle retirement program*  
12    *funded by the state board's Plus-Up Pilot Project with a backlog*  
13    *or a waiting list for applicants shall develop a plan with*  
14    *recommendations to the state board on how to eliminate the*  
15    *backlog or waiting list.*

16    *(b) Specific steps are taken to ensure the program is not being*  
17    *misused. The steps shall include, but are not limited to, random*  
18    *income eligibility verification and contact with program*  
19    *participants at least once after their vehicles are replaced.*

20    *(c) Evaluation of whether prescreening of applicants for the*  
21    *program can be enhanced.*

22    *(d) For the portion of the program focused on disadvantaged*  
23    *communities, as identified pursuant to Section 39711, and for a*  
24    *district's program funded by the Plus-Up Pilot Project, priority*  
25    *is given to the retirement of vehicles that are 15 years or older*  
26    *and vehicles with more than 75,000 miles.*

27    ~~*SECTION 1. Section 44125.5 is added to the Health and Safety*~~  
28    ~~*Code, to read:*~~

29    ~~*44125.5. (a) As a part of the program adopted pursuant to*~~  
30    ~~*Section 44125, the state board, in consultation with the bureau,*~~  
31    ~~*shall adopt an element of the program to commence on July 1,*~~  
32    ~~*2017, subject to appropriation by the Legislature, that allows for*~~  
33    ~~*the voluntary retirement of passenger vehicles and light-duty and*~~  
34    ~~*medium-duty trucks that are high polluters, focusing the program's*~~  
35    ~~*efforts in disadvantaged communities identified pursuant to Section*~~  
36    ~~*39711.*~~

1     ~~(b) The goal of the element adopted pursuant to subdivision (a)~~  
2     ~~is to annually replace 10,000 vehicles from those disadvantaged~~  
3     ~~communities with the lowest income levels.~~

4     ~~(c) No later than June 30, 2017, the state board shall update the~~  
5     ~~guidelines adopted pursuant to Section 44125 to implement this~~  
6     ~~section. In updating the guidelines for the purposes of this section,~~  
7     ~~the state board shall study and consider all of the following:~~

8     ~~(1) Mandatory partnerships and a mandated minimum amount~~  
9     ~~of overall funding allocated to outreach with community-based~~  
10    ~~organizations to ensure program accessibility for the lowest income~~  
11    ~~disadvantaged communities in the state, with an outreach and~~  
12    ~~partnership report to be submitted to the state board every six~~  
13    ~~months after July 1, 2017.~~

14    ~~(2) A “Primary Usage and Dependency” document attesting to~~  
15    ~~all of the following:~~

16    ~~(A) The person receiving financial assistance from the program~~  
17    ~~is dependent on the vehicle being retired.~~

18    ~~(B) The person cannot replace the vehicle without financial~~  
19    ~~assistance from the program.~~

20    ~~(C) The loss of the vehicle would cause irreparable economic~~  
21    ~~harm to the person.~~

22    ~~(d) This section shall become inoperative on July 1, 2022, and,~~  
23    ~~as of January 1, 2023, is repealed, unless a later enacted statute,~~  
24    ~~that becomes operative on or before January 1, 2023, deletes or~~  
25    ~~extends the dates on which it becomes inoperative and is repealed.~~