

AMENDED IN ASSEMBLY APRIL 20, 2016

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 ~~Section 44125.5 to~~ *and repeal Sections 44125.5 and 44274.1* of 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, by June 30, 2017, to update the guidelines, ~~as specified:~~ *as specified, that would be operative until July 1, 2022.*

Existing law establishes the Air Quality Improvement Program that is administered by the State Air Resources Board for the purposes of funding projects related to, among other things, the reduction of criteria air pollutants and improvement of air quality. Pursuant to its existing

statutory authority, the state board has established the Plus Up Project, as a part of the Air Quality Improvement Program, to provide financial assistance to low-income individuals to replace older polluting vehicles with cleaner more fuel efficient vehicles.

This bill would require the state board, by June 30, 2017, to adopt guidelines that would be operative until July 1, 2022, for the purposes of the pilot project.

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.~~

7 SECTION 1. Section 44125.5 is added to the Health and Safety
8 Code, to read:

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

12 (a)

13 (1) Each district implementing a ~~vehicle retirement program~~
14 ~~funded by the state board's Plus-Up Pilot Project program pursuant~~
15 ~~to Section 2627 of Title 13 of the California Code of Regulations~~
16 with a backlog or a waiting list for applicants shall develop a plan
17 with recommendations to the state board on how to eliminate the
18 backlog or waiting list.

19 (b)

20 (2) Specific steps are ~~taken~~ taken, including, but not limited to,
21 random income eligibility verification and contact with program
22 participants at least once after their vehicles are replaced, to
23 ensure the program operating pursuant to Section 2627 of Title 13
24 of the California Code of Regulations is not being misused. ~~The~~
25 ~~steps shall include, but are not limited to, random income eligibility~~
26 ~~verification and contact with program participants at least once~~
27 ~~after their vehicles are replaced.~~

1 ~~(e) Evaluation of whether prescreening of applicants for the~~
2 ~~program can be enhanced.~~

3 (3) *For programs operating pursuant to Section 2627 of Title*
4 *13 of the California Code of Regulations, mandatory partnerships*
5 *with, and a mandatory minimum amount of overall funding*
6 *allocated to outreach for, community-based organizations to ensure*
7 *program accessibility for the lowest income disadvantaged*
8 *communities in the state, with an outreach and partnership report*
9 *to be submitted to the state board by the district every six months*
10 *after July 1, 2017.*

11 (4) *Enhancement of prescreening of applicants to the programs*
12 *operating pursuant to Section 2627 of Title 13 of the California*
13 *Code of Regulations, if determined by the state board to be*
14 *appropriate.*

15 ~~(d)~~

16 (5) *For the portion of the program operating pursuant to Section*
17 *2622 of Title 13 of the California Code of Regulations focused on*
18 *disadvantaged communities, as identified pursuant to Section*
19 *39711, and for a district's program funded by the Plus-Up Pilot*
20 *Project, programs operating pursuant to Section 2627 of Title 13*
21 *of the California Code of Regulations, priority is given to the*
22 *retirement of vehicles that are 15 years or older and vehicles with*
23 *more than 75,000 miles.*

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

28 SEC. 2. *Section 44274.1 is added to the Health and Safety*
29 *Code, to read:*

30 44274.1. (a) *It is the intent of the Legislature that the efforts*
31 *of the Plus-Up Pilot Project developed by the state board pursuant*
32 *to Section 44274 are focused on disadvantaged communities, as*
33 *identified pursuant to Section 39711 of the Health and Safety Code,*
34 *and that the number of vehicles replaced is increased annually.*

35 (b) *Not later than June 30, 2017, the state board shall develop*
36 *guidelines for the Plus Up Pilot Project that include all of the*
37 *following:*

38 (1) *Each district implementing a program funded by the Plus*
39 *Up Pilot Project with a backlog or a waiting list for applicants*

1 shall develop a plan with recommendations to the state board on
2 how to eliminate the backlog or waiting list.

3 (2) Specific steps are taken, including, but not limited to, random
4 income eligibility verification and contact with program
5 participants at least once after their vehicles are replaced, to
6 ensure that the program is not being misused.

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

13 (4) Enhancement of prescreening of applicants to the program,
14 if determined by the state board to be appropriate.

15 (5) Priority is given to the replacement of vehicles that are 15
16 years or older and with more than 75,000 miles usage.

17 (c) This section shall become inoperative on July 1, 2022, and,
18 as of January 1, 2023, is repealed, unless a later enacted statute,
19 that becomes operative on or before January 1, 2023, deletes or
20 extends the dates on which it becomes inoperative and is repealed.