

AMENDED IN SENATE AUGUST 3, 2016

AMENDED IN SENATE AUGUST 2, 2016

AMENDED IN ASSEMBLY MAY 12, 2016

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 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: that all motor vehicle owners have the option of receiving compensation for both retiring and replacing their vehicles.~~

This bill would require the state board, by July 1, 2018, to update the guidelines, 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 Pilot 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~~ *fuel-efficient* vehicles.

This bill would require the state board, by July 1, 2018, to develop 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. Section 44125.5 is added to the Health and Safety
2 Code, to read:

3 44125.5. (a) No later than July 1, 2018, the state board shall
4 update the guidelines adopted pursuant to Section 44125 to ensure
5 all of the following:

6 (1) Each district implementing a program pursuant to Section
7 2627 of Title 13 of the California Code of Regulations with a
8 backlog or a waiting list for applicants ~~shall develop~~ *develops* a
9 plan with recommendations to the state board on how to eliminate
10 the backlog or waiting list.

11 (2) Specific steps are ~~taken, including, but not limited to, random~~
12 ~~income eligibility verification and contact with program~~
13 ~~participants at least once after their vehicles are replaced,~~ *taken* to
14 ensure the program operating pursuant to Section 2627 of Title 13
15 of the California Code of Regulations is not being ~~misused.~~
16 *misused, including, but not limited to, random income eligibility*
17 *verification and contact with program participants at least once*
18 *after their vehicles are replaced.*

19 (3) For programs operating pursuant to Section 2627 of Title
20 13 of the California Code of Regulations, *inclusion of* mandatory
21 partnerships with, and a mandatory minimum amount of overall
22 funding allocated to outreach for, community-based organizations

1 to ensure program accessibility for the ~~lowest-income~~
2 ~~lowest-income~~ disadvantaged communities in the state, ~~with~~ state.
3 *A district shall submit* an outreach and partnership report ~~to be~~
4 ~~submitted~~ to the state board ~~by the district~~ every six months after
5 July 1, 2018.

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

10 (5) For the portion of the program operating pursuant to Section
11 2622 of Title 13 of the California Code of Regulations focused on
12 disadvantaged communities, as identified pursuant to Section
13 39711, and for programs operating pursuant to Section 2627 of
14 Title 13 of the California Code of Regulations, priority is given to
15 the retirement of vehicles that are 15 years or older and with more
16 than 75,000 miles.

17 (b) *A plan or report required to be submitted by a district to the*
18 *state board pursuant to this section may be combined with another*
19 *report that the district is required to submit on a minimum of an*
20 *annual basis to the state board pursuant to a different law.*

21 ~~(b)~~

22 (c) 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.

26 SEC. 2. Section 44274.1 is added to the Health and Safety
27 Code, to read:

28 44274.1. (a) It is the intent of the Legislature that the efforts
29 of the Plus-Up Pilot Project developed by the state board pursuant
30 to Section 44274 are focused on disadvantaged communities, as
31 identified pursuant to Section 39711, and that the number of
32 vehicles replaced is increased annually.

33 (b) ~~Not~~*No* later than July 1, 2018, the state board shall develop
34 guidelines for the Plus-Up Pilot Project to ensure all of the
35 following:

36 (1) Each district implementing a program funded by the Plus-Up
37 Pilot Project with a backlog or a waiting list for applicants ~~shall~~
38 ~~develop~~ *develops* a plan with recommendations to the state board
39 on how to eliminate the backlog or waiting list.

- 1 (2) Specific steps are ~~taken, including, but not limited to, random~~
 2 ~~income eligibility verification and contact with program~~
 3 ~~participants at least once after their vehicles are replaced; taken to~~
 4 ensure that the program is not being ~~misused;~~ *misused, including,*
 5 *but not limited to, random income eligibility verification and*
 6 *contact with program participants at least once after their vehicles*
 7 *are replaced.*
- 8 (3) ~~Mandatory~~ *Inclusion of mandatory* partnerships with, and
 9 a mandatory minimum amount of overall funding allocated to
 10 outreach for, community-based organizations to ensure program
 11 accessibility for the ~~lowest income~~ *lowest-income* disadvantaged
 12 communities within the ~~district, with~~ *district. A district shall submit*
 13 an outreach and partnership report ~~to be submitted~~ to the state
 14 board ~~by the district~~ every six months after July 1, 2018.
- 15 (4) Enhancement of *the* prescreening of applicants to the
 16 program, if determined by the state board to be appropriate.
- 17 (5) Priority is given to the replacement of vehicles that are 15
 18 years or older and with more than 75,000 ~~miles usage;~~ *miles.*
- 19 (c) *A plan or report required to be submitted by a district to the*
 20 *state board pursuant to this section may be combined with another*
 21 *report that the district is required to submit on a minimum of an*
 22 *annual basis to the state board pursuant to a different law.*
- 23 (e)
- 24 (d) 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.