

ASSEMBLY BILL

No. 1965

**Introduced by Assembly Member Cooper
(Coauthors: Assembly Members Alejo, Cooley, Dodd, and McCarty)**

February 12, 2016

An act to add Section 44127 to the Health and Safety Code, relating to vehicular air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1965, as introduced, Cooper. Vehicle retirement and replacement.

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, beginning in the 2016–17 fiscal year, and every year thereafter, would require the state board, in consultation with the bureau, to set specific goals for the retirement and replacement of passenger vehicles and light-duty and medium-duty trucks that are high polluters and to ensure those goals are met by updating the program's guidelines no later than July 1, 2017, as specified. The bill would authorize the state board to allocate moneys, upon appropriation, from specified funds to expand the vehicle replacement component of the program.

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. The Legislature finds and declares all of the
2 following:

1 (a) The State Air Resources Board estimates that the state is
2 home to five times more cars over 20 years old than the national
3 average.

4 (b) At present, at least 2,000,000 cars in the state, about nine
5 percent of the state’s 23,000,000 light- and medium-duty vehicles,
6 are over 20 years old.

7 (c) In 2011, the nine percent of the fleet that was model year
8 1992 or older produced a full 40 percent of the smog-forming
9 emissions from passenger vehicles.

10 (d) Furthermore, according to state and local agency estimates,
11 a mere 10 percent to 15 percent of the state’s motor vehicles, the
12 subset known as gross polluters, are responsible for more than half
13 of the light-duty vehicle smog in the state.

14 (e) An upgrade in fuel efficiency from 15 miles per gallon to
15 30 miles per gallon would save a typical household over \$1,200
16 per year in gasoline expenditures.

17 (f) The enhanced fleet modernization program (Article 11
18 (commencing with Section 44125) of Chapter 5 of Part 5 of
19 Division 26 of the Health and Safety Code) provides a significant
20 opportunity to improve air quality, reduce fuel costs for the state’s
21 low-income residents, and contribute to the state’s greenhouse gas
22 emissions reduction goals.

23 (g) It is the intent of the Legislature that the enhanced fleet
24 modernization program (Article 11 (commencing with Section
25 44125) of Chapter 5 of Part 5 of Division 26 of the Health and
26 Safety Code) be expanded to assist in meeting the state’s
27 environmental goals and maximize benefits for disadvantaged
28 communities, as identified pursuant to Section 39711 of the Health
29 and Safety Code.

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

32 44127. (a) For purposes of this section, the following terms
33 have the following meanings:

34 (1) “Disadvantaged community” means a community identified
35 pursuant to Section 39711.

36 (2) “Program” means the program established pursuant to
37 Section 44125.

38 (b) Beginning in the 2016–17 fiscal year, and every fiscal year
39 thereafter, the state board, in consultation with the bureau, shall
40 set specific goals for the retirement and replacement of passenger

1 vehicles and light-duty and medium-duty trucks that are high
2 polluters.

3 (c) The state board, in consultation with the bureau, shall meet
4 the goals set pursuant to subdivision (b) by updating the guidelines
5 of the program no later than July 1, 2017. The updated guidelines
6 shall ensure all of the following:

7 (1) Specific steps are taken to ensure the vehicle replacement
8 component of the program is available in areas at risk of being
9 designated as federal extreme nonattainment.

10 (2) Specific steps are taken to ensure the vehicle replacement
11 component of the program is available in all districts containing
12 disadvantaged communities.

13 (3) Funding for targeted outreach in low-income and
14 disadvantaged communities for the program is increased from the
15 amounts allocated in the 2015–16 fiscal year.

16 (4) There is improved coordination, integration, and partnerships
17 with other programs that target disadvantaged communities and
18 receive moneys from the Greenhouse Gas Reduction Fund, created
19 pursuant to Section 16428.8 of the Government Code.

20 (d) Upon appropriation by the Legislature, the state board may
21 allocate moneys for the expansion of the vehicle replacement
22 component of the program from any of the following:

23 (1) The Enhanced Fleet Modernization Subaccount, created
24 pursuant to Section 44126.

25 (2) The High Polluter Repair or Removal Account, created
26 pursuant to Section 44091.

27 (3) The Vehicle Inspection and Repair Fund, created pursuant
28 to Section 9886 of the Business and Professions Code.

O