

AMENDED IN ASSEMBLY MARCH 16, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**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 amended, 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~~ *specific, measurable* 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 require the state board, no later than July 1, 2018, and every other year thereafter, to collect and post on the program's Internet Web site specified information on the program.* 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:

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

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

9 (c) In 2011, the nine percent of the fleet that was model year  
10 1992 or older produced a full 40 percent of the smog-forming  
11 emissions from passenger vehicles.

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

16 (e) An upgrade in fuel efficiency from 15 miles per gallon to  
17 30 miles per gallon would save a typical household over \$1,200  
18 per year in gasoline expenditures.

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

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

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

34 44127. (a) For purposes of this section, the following terms  
35 have the following meanings:

36 (1) “Disadvantaged community” means a community identified  
37 pursuant to Section 39711.

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

3 (b) Beginning in the 2016–17 fiscal year, and every fiscal year  
4 thereafter, the state board, in consultation with the bureau, shall  
5 set ~~specific~~ *specific, measurable* goals for the retirement and  
6 replacement of passenger vehicles and light-duty and medium-duty  
7 trucks that are high polluters.

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

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

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

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

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

25 (d) *No later than July 1, 2018, and every other year thereafter,*  
26 *the state board shall collect and post on the program’s Internet*  
27 *Web site all of the following:*

28 (1) *Program performance relative to the goals adopted pursuant*  
29 *to subdivision (b).*

30 (2) *An accounting that includes, but need not be limited to,*  
31 *funding allocated to the program, funding sources, and program*  
32 *expenditures by region.*

33 (3) *A comment on the overall success of the program, or lack*  
34 *thereof, including, but not limited to, recommendations to improve*  
35 *the overall performance of the program if the state board*  
36 *determines the program needs improvement.*

37 (d)

38 (e) Upon appropriation by the Legislature, the state board may  
39 allocate moneys for the expansion of the vehicle replacement  
40 component of the program from any of the following:

- 1 (1) The Enhanced Fleet Modernization Subaccount, created
- 2 pursuant to Section 44126.
- 3 (2) The High Polluter Repair or Removal Account, created
- 4 pursuant to Section 44091.
- 5 (3) The Vehicle Inspection and Repair Fund, created pursuant
- 6 to Section 9886 of the Business and Professions Code.