

AMENDED IN SENATE APRIL 6, 2015

**SENATE BILL**

**No. 206**

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**Introduced by Senator Gaines**

February 11, 2015

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An act to add Section 43003 to the Health and Safety Code, relating to ~~vehicles~~: *vehicular air pollution*.

LEGISLATIVE COUNSEL'S DIGEST

SB 206, as amended, Gaines. On-board diagnostic systems.

Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution. Existing law requires the state board to adopt and implement motor vehicle emission standards, in-use performance standards, and motor vehicle fuel specifications for the control of air contaminants, including standards for off-road and nonvehicle engine categories.

This bill would prohibit the state board, ~~and any other state agency,~~ from obtaining information from a motor vehicle's on-board diagnostic system ~~unless the registered owner of the motor vehicle has provided written consent for the collection of that information. The bill would require the state board to develop a system through which a registered motor vehicle owner may electronically provide his or her consent, to maintain a database of those consenting registered motor vehicle owners, and to develop a form for registered motor vehicle owners to remove themselves from the database.~~ *system*. The bill would provide that these provisions do not apply to the motor vehicle inspection and maintenance program, commonly known as smog check.

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 43003 is added to the Health and Safety
- 2 Code, to read:
- 3 43003. (a) ~~The state board, and any other state agency, shall~~
- 4 ~~not obtain information from a motor vehicle’s on-board diagnostic~~
- 5 ~~system unless the registered owner of the motor vehicle has~~
- 6 ~~provided written consent for the collection of that information.~~
- 7 ~~system.~~
- 8 ~~(b) The state board shall do all of the following:~~
- 9 ~~(1) Develop a system through which a registered motor vehicle~~
- 10 ~~owner may electronically provide his or her consent pursuant to~~
- 11 ~~subdivision (a).~~
- 12 ~~(2) Maintain a database of those registered motor vehicle owners~~
- 13 ~~who have provided their consent pursuant to subdivision (a).~~
- 14 ~~(3) Develop a form for registered motor vehicle owners to~~
- 15 ~~remove themselves from the database.~~
- 16 ~~(e)~~
- 17 ~~(b) This section does not apply to Chapter 5 (commencing with~~
- 18 ~~Section 44000).~~