

AMENDED IN SENATE APRIL 6, 2015

**SENATE BILL**

**No. 523**

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**Introduced by Senator McGuire**

February 26, 2015

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~~An act to amend Section 9552 of the Vehicle Code, relating to vehicles.~~ *An act to add Section 39719.4 to the Health and Safety Code, relating to greenhouse gases, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 523, as amended, McGuire. ~~Vehicles: fees.~~ *Schoolbus replacement.*

*Existing law requires all moneys, except for fines and penalties, collected by the State Air Resources Board from the auction or sale of allowances as part of a market-based compliance mechanism relative to reduction of greenhouse gas emissions, commonly known as cap and trade revenues, to be deposited in the Greenhouse Gas Reduction Fund and to be used, upon appropriation by the Legislature, for specified purposes. Existing law provides various programs to fund the acquisition of schoolbuses.*

*This bill would create the Schoolbus Replacement for Small and Disadvantaged Communities Grant Program, and would appropriate \$5 million annually from the Greenhouse Gas Reduction Fund to the State Department of Education for the program. The program would be administered by the department in conjunction with the State Air Resources Board, and would provide schoolbus replacement grants to school districts or county offices of education with an average daily attendance of less than 2,501 and with more than 50% of the pupil population qualifying for free or reduced-rate lunch programs, and to certain other eligible applicants. The bill would impose various*

requirements in that regard. The bill would also make legislative findings and declarations.

~~Under existing law, fees required by the Vehicle Code are delinquent when a vehicle is operated on a highway without those fees first having been paid and when those fees have not been paid within 20 days of the vehicle's first operation, subject to specified exceptions.~~

~~This bill would increase that amount of time to 30 days.~~

Vote: majority. Appropriation: ~~no~~ yes. 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 Legislature has previously provided funding for*  
4     *replacement of polluting and aged schoolbuses in small and*  
5     *disadvantaged communities.*

6     (b) *Schoolbus replacement programs currently exist in the Bay*  
7     *Area and the Los Angeles Basin. For example, the Lower-Emission*  
8     *School Bus Program is a partnership between the State Air*  
9     *Resources Board and air districts, and is administered by the Bay*  
10    *Area Air Quality Management District in the Bay Area. The goals*  
11    *of that program are to reduce the exposure of schoolchildren to*  
12    *harmful emissions of particulate matter, oxides of nitrogen, and*  
13    *nonmethane hydrocarbons, which contribute to summertime smog.*

14    (c) *Air districts currently evaluate qualified projects in*  
15    *disproportionately impacted communities, according to regional*  
16    *poverty level, particulate matter exposure, toxic exposure, and*  
17    *disproportionate impact mapping that works to promote schoolbus*  
18    *replacement in densely populated areas.*

19    (d) *It is also necessary to provide funding for schoolbus*  
20    *replacement in less populated areas with disadvantaged*  
21    *communities.*

22    SEC. 2. *Section 39719.4 is added to the Health and Safety*  
23    *Code, to read:*

24    39719.4. (a) *The Schoolbus Replacement for Small and*  
25    *Disadvantaged Communities Grant Program is hereby created,*  
26    *to be administered by the State Department of Education in*  
27    *conjunction with the state board. Commencing in the 2015–16*  
28    *fiscal year, the sum of five million dollars (\$5,000,000) annually*

1 *is hereby appropriated from the fund to the department to fund*  
2 *the purchase of new schoolbuses to replace existing schoolbuses*  
3 *by applicants eligible under this section. Funds made available*  
4 *under the program shall be used to reduce greenhouse gas*  
5 *emissions in the state in accordance with Section 39712.*

6 *(b) (1) A school district or county office of education with an*  
7 *average daily attendance of less than 2,501, with more than 50*  
8 *percent of the pupil population qualifying for free or reduced-price*  
9 *lunch programs, shall be eligible to apply to the department for a*  
10 *grant under this section.*

11 *(2) A school district or county office of education meeting the*  
12 *requirements of paragraph (1) and providing pupil transportation*  
13 *services through a cooperative, consortium, or joint powers*  
14 *agreement, shall be an eligible applicant under the program.*

15 *(3) The Division of State Special Schools of the State Department*  
16 *of Education shall also be an eligible applicant under the program.*

17 *(c) The State Department of Education shall develop priority*  
18 *categories for funds available under this section based solely on*  
19 *vehicle age and accumulated mileage. An eligible applicant shall*  
20 *submit, as evidence of the condition of the vehicle to be replaced,*  
21 *the most recent inspection report of the Department of the*  
22 *California Highway Patrol, a repair estimate made by an*  
23 *independent repair shop, and any other information requested by*  
24 *the department.*

25 *(d) The State Department of Education shall estimate the cost*  
26 *of a replacement schoolbus of the same capacity as the schoolbus*  
27 *being replaced. Program funds made available to an applicant*  
28 *for a schoolbus may not exceed that estimated cost. However, an*  
29 *applicant may use other funds available to the applicant to*  
30 *purchase a schoolbus that is more expensive than the model used*  
31 *by the department to make its cost estimate.*

32 *(e) A schoolbus purchased with funds made available by this*  
33 *section shall meet the requirements of federal Motor Vehicle Safety*  
34 *Standard 222.*

35 *(f) (1) A schoolbus that has been disposed of is not eligible for*  
36 *replacement under the program.*

37 *(2) For an eligible applicant with fewer than three schoolbuses,*  
38 *a schoolbus shall be considered disposed of for the purposes of*  
39 *replacement if it is designated as a temporary schoolbus. A*  
40 *temporary schoolbus is a schoolbus that has annual mileage of*

1 no more than 10 percent of the total average annual mileage of  
2 all nontemporary schoolbuses of that applicant measured over the  
3 prior five years.

4 (3) After a schoolbus is designated as a temporary schoolbus,  
5 it may only be used as a schoolbus if it is in compliance with all  
6 applicable provisions of the Vehicle Code and associated  
7 regulations.

8 (g) Schoolbus purchases with funds made available under the  
9 program shall be made by the Department of General Services,  
10 to the extent practicable. The title to a schoolbus purchased by the  
11 Department of General Services shall be in the name of the  
12 applicant for which the schoolbus was purchased.

13 (h) Funds shall be made available for schoolbuses used in  
14 special education in a proportion to total funding not less than the  
15 proportion of special education schoolbuses to the total number  
16 of schoolbuses in the state, as determined by the State Department  
17 of Education. The department may adopt regulations to implement  
18 this section in an equitable manner.

19 ~~SECTION 1. Section 9552 of the Vehicle Code is amended to~~  
20 ~~read:~~

21 ~~9552. (a) When a vehicle is operated on a highway of this state~~  
22 ~~without the fees first having been paid as required by this code,~~  
23 ~~and those fees have not been paid within 30 days of its first~~  
24 ~~operation, those fees are delinquent, except as provided in~~  
25 ~~subdivision (b).~~

26 ~~(b) Fees are delinquent when an application for renewal of~~  
27 ~~registration, or an application for renewal of special license plates,~~  
28 ~~is made after midnight of the expiration date of the registration or~~  
29 ~~special plates, or 60 days after the date the registered owner is~~  
30 ~~notified by the department pursuant to Section 1661, whichever~~  
31 ~~is later.~~

32 ~~(c) When a person has received as transferee a properly endorsed~~  
33 ~~certificate of ownership and the transfer fee has not been paid as~~  
34 ~~required by this code within 10 days, the fee is delinquent.~~

35 ~~(d) When a person becomes an automobile dismantler, dealer,~~  
36 ~~manufacturer, manufacturer branch, distributor, distributor branch,~~  
37 ~~or transporter without first having paid the license and special plate~~  
38 ~~fees as required by this code, the fees are delinquent.~~

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