

AMENDED IN SENATE MAY 31, 2016

AMENDED IN SENATE APRIL 26, 2016

SENATE BILL

No. 1239

Introduced by Senator Gaines

(Principal coauthor: Assembly Member Waldron)

February 18, 2016

An act to amend, repeal, and add Section 44011 of the Health and Safety Code, relating to vehicular air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 1239, as amended, Gaines. Smog check: exemptions.

Existing law establishes a motor vehicle inspection and maintenance (smog check) program that is administered by the Department of Consumer Affairs. The smog check program requires inspection of motor vehicles upon initial registration, biennially upon renewal of registration, upon transfer of ownership, and in certain other circumstances. Existing law exempts specified vehicles from being inspected biennially upon renewal of registration, including, among others, all motor vehicles manufactured prior to the 1976 model year.

This bill, until January 1, 2019, would also exempt from the biennial smog check inspections all motor vehicles manufactured after the ~~1976~~ 1975 model year but prior to the 1981 model year if the owner submits proof that the motor vehicle is insured as a collector motor vehicle.

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 44011 of the Health and Safety Code is
2 amended to read:

3 44011. (a) All motor vehicles powered by internal combustion
4 engines that are registered within an area designated for program
5 coverage shall be required biennially to obtain a certificate of
6 compliance or noncompliance, except for the following:

7 (1) All motorcycles until the department, pursuant to Section
8 44012, implements test procedures applicable to motorcycles.

9 (2) All motor vehicles that have been issued a certificate of
10 compliance or noncompliance or a repair cost waiver upon a change
11 of ownership or initial registration in this state during the preceding
12 six months.

13 (3) All motor vehicles manufactured prior to the 1976 model
14 year or all motor vehicles manufactured after the ~~1976~~ 1975 model
15 year but prior to the 1981 model year that comply with paragraph
16 (1) of subdivision (c).

17 (4) (A) Except as provided in subparagraph (B), all motor
18 vehicles four or less model years old.

19 (B) Beginning January 1, 2005, all motor vehicles six or less
20 model years old, unless the state board finds that providing an
21 exception for these vehicles will prohibit the state from meeting
22 the requirements of Section 176(c) of the federal Clean Air Act
23 (42 U.S.C. Sec. 7401 et seq.) or the state's commitments with
24 respect to the state implementation plan required by the federal
25 Clean Air Act.

26 (C) All motor vehicles excepted by this paragraph shall be
27 subject to testing and to certification requirements as determined
28 by the department, if any of the following apply:

29 (i) The department determines through remote sensing activities
30 or other means that there is a substantial probability that the vehicle
31 has a tampered emissions control system or would fail for other
32 cause a smog check test as specified in Section 44012.

33 (ii) The vehicle was previously registered outside this state and
34 is undergoing initial registration in this state.

35 (iii) The vehicle is being registered as a specially constructed
36 vehicle.

1 (iv) The vehicle has been selected for testing pursuant to Section
2 44014.7 or any other provision of this chapter authorizing
3 out-of-cycle testing.

4 (D) This paragraph does not apply to diesel-powered vehicles.

5 (5) In addition to the vehicles exempted pursuant to paragraph
6 (4), any motor vehicle or class of motor vehicles exempted pursuant
7 to subdivision (c) of Section 44024.5. It is the intent of the
8 Legislature that the department, pursuant to the authority granted
9 by this paragraph, exempt at least 15 percent of the lowest emitting
10 motor vehicles from the biennial smog check inspection.

11 (6) All motor vehicles that the department determines would
12 present prohibitive inspection or repair problems.

13 (7) Any vehicle registered to the owner of a fleet licensed
14 pursuant to Section 44020 if the vehicle is garaged exclusively
15 outside the area included in program coverage, and is not primarily
16 operated inside the area included in program coverage.

17 (8) (A) All diesel-powered vehicles manufactured prior to the
18 1998 model year.

19 (B) All diesel-powered vehicles that have a gross vehicle weight
20 rating of 8,501 to 10,000 pounds, inclusive, until the department,
21 in consultation with the state board, pursuant to Section 44012,
22 implements test procedures applicable to these vehicles.

23 (C) All diesel-powered vehicles that have a gross vehicle weight
24 rating from 10,001 pounds to 14,000 pounds, inclusive, until the
25 state board and the Department of Motor Vehicles determine the
26 best method for identifying these vehicles, and until the department,
27 in consultation with the state board, pursuant to Section 44012,
28 implements test procedures applicable to these vehicles.

29 (D) All diesel-powered vehicles that have a gross vehicle weight
30 rating of 14,001 pounds or greater.

31 (b) Vehicles designated for program coverage in enhanced areas
32 shall be required to obtain inspections from appropriate smog
33 check stations operating in enhanced areas.

34 (c) For purposes of subdivision (a), a collector motor vehicle,
35 as defined in Section 259 of the Vehicle Code, is exempt from
36 those portions of the test required by subdivision (f) of Section
37 44012 if the collector motor vehicle meets all of the following
38 criteria:

1 (1) Submission of proof that the motor vehicle is insured as a
2 collector motor vehicle, as shall be required by regulation of the
3 bureau.

4 (2) The motor vehicle is at least 35 model years old.

5 (3) The motor vehicle complies with the exhaust emissions
6 standards for that motor vehicle's class and model year, as
7 prescribed by the department, and the motor vehicle passes a
8 functional inspection of the fuel cap and a visual inspection for
9 liquid fuel leaks.

10 (d) This section shall remain in effect only until January 1, 2019,
11 and as of that date is repealed, unless a later enacted statute, that
12 is enacted before January 1, 2019, deletes or extends that date.

13 SEC. 2. Section 44011 is added to the Health and Safety Code,
14 to read:

15 44011. (a) All motor vehicles powered by internal combustion
16 engines that are registered within an area designated for program
17 coverage shall be required biennially to obtain a certificate of
18 compliance or noncompliance, except for the following:

19 (1) All motorcycles until the department, pursuant to Section
20 44012, implements test procedures applicable to motorcycles.

21 (2) All motor vehicles that have been issued a certificate of
22 compliance or noncompliance or a repair cost waiver upon a change
23 of ownership or initial registration in this state during the preceding
24 six months.

25 (3) All motor vehicles manufactured prior to the 1976 model
26 year.

27 (4) (A) Except as provided in subparagraph (B), all motor
28 vehicles four or less model years old.

29 (B) All motor vehicles six or less model years old, unless the
30 state board finds that providing an exception for these vehicles
31 will prohibit the state from meeting the requirements of Section
32 176(c) of the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.)
33 or the state's commitments with respect to the state implementation
34 plan required by the federal Clean Air Act.

35 (C) All motor vehicles excepted by this paragraph shall be
36 subject to testing and to certification requirements as determined
37 by the department, if any of the following apply:

38 (i) The department determines through remote sensing activities
39 or other means that there is a substantial probability that the vehicle

1 has a tampered emissions control system or would fail for other
2 cause a smog check test as specified in Section 44012.

3 (ii) The vehicle was previously registered outside this state and
4 is undergoing initial registration in this state.

5 (iii) The vehicle is being registered as a specially constructed
6 vehicle.

7 (iv) The vehicle has been selected for testing pursuant to Section
8 44014.7 or any other provision of this chapter authorizing
9 out-of-cycle testing.

10 (D) This paragraph does not apply to diesel-powered vehicles.

11 (5) In addition to the vehicles exempted pursuant to paragraph
12 (4), any motor vehicle or class of motor vehicles exempted pursuant
13 to subdivision (c) of Section 44024.5. It is the intent of the
14 Legislature that the department, pursuant to the authority granted
15 by this paragraph, exempt at least 15 percent of the lowest emitting
16 motor vehicles from the biennial smog check inspection.

17 (6) All motor vehicles that the department determines would
18 present prohibitive inspection or repair problems.

19 (7) Any vehicle registered to the owner of a fleet licensed
20 pursuant to Section 44020 if the vehicle is garaged exclusively
21 outside the area included in program coverage, and is not primarily
22 operated inside the area included in program coverage.

23 (8) (A) All diesel-powered vehicles manufactured prior to the
24 1998 model year.

25 (B) All diesel-powered vehicles that have a gross vehicle weight
26 rating of 8,501 to 10,000 pounds, inclusive, until the department,
27 in consultation with the state board, pursuant to Section 44012,
28 implements test procedures applicable to these vehicles.

29 (C) All diesel-powered vehicles that have a gross vehicle weight
30 rating from 10,001 pounds to 14,000 pounds, inclusive, until the
31 state board and the Department of Motor Vehicles determine the
32 best method for identifying these vehicles, and until the department,
33 in consultation with the state board, pursuant to Section 44012,
34 implements test procedures applicable to these vehicles.

35 (D) All diesel-powered vehicles that have a gross vehicle weight
36 rating of 14,001 pounds or greater.

37 (b) Vehicles designated for program coverage in enhanced areas
38 shall be required to obtain inspections from appropriate smog
39 check stations operating in enhanced areas.

- 1 (c) For purposes of subdivision (a), a collector motor vehicle,
2 as defined in Section 259 of the Vehicle Code, is exempt from
3 those portions of the test required by subdivision (f) of Section
4 44012 if the collector motor vehicle meets all of the following
5 criteria:
- 6 (1) Submission of proof that the motor vehicle is insured as a
7 collector motor vehicle, as shall be required by regulation of the
8 bureau.
 - 9 (2) The motor vehicle is at least 35 model years old.
 - 10 (3) The motor vehicle complies with the exhaust emissions
11 standards for that motor vehicle's class and model year as
12 prescribed by the department, and the motor vehicle passes a
13 functional inspection of the fuel cap and a visual inspection for
14 liquid fuel leaks.
- 15 (d) This section shall become operative on January 1, 2019.

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