

AMENDED IN ASSEMBLY FEBRUARY 23, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 63

Introduced by Assembly Member Katz

December 19, 1994

An act to repeal, add and repeal, and add Sections 44017 and 44017.3 of the Health and Safety Code, relating to air pollution, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 63, as amended, Katz. Air pollution: motor vehicles: inspection program.

Existing law requires all motor vehicles powered by internal combustion engines that are registered in designated areas of the state to biennially obtain a certificate of compliance or noncompliance with vehicle emission standards. Existing law provides that the cost limit for repairs under the vehicle inspection and maintenance program shall be a minimum of \$450, except as specified.

This bill would, until January 1, 1998, delete the \$450 cost limit and instead prescribe repair cost limits of \$50 to \$300 for specified classes of vehicles. The bill would reinstate the \$450 cost limit on and after January 1, 1998. The bill would make related changes.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. 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 44017 of the Health and Safety
2 Code is repealed.

3 SEC. 2. Section 44017 is added to the Health and
4 Safety Code, to read:

5 44017. (a) The department shall set cost limits for
6 repairs required under the program, including parts and
7 labor. The cost limits shall be as follows:

8 (1) For motor vehicles of 1971 and earlier model-years,
9 fifty dollars (\$50).

10 (2) For motor vehicles of 1972 to 1974, inclusive,
11 model-years, ninety dollars (\$90).

12 (3) For motor vehicles of 1975 to 1979, inclusive,
13 model-years, one hundred twenty-five dollars (\$125).

14 (4) For motor vehicles of 1980 to 1989, inclusive,
15 model-years, one hundred seventy-five dollars (\$175).

16 (5) For motor vehicles of 1990 and later model-years,
17 three hundred dollars (\$300).

18 (b) The department shall periodically revise the cost
19 limits specified in subdivision (a) in accordance with
20 changes in the Consumer Price Index, as published by the
21 United States Bureau of Labor Statistics.

22 (c) No cost limit shall be imposed in those cases where
23 emissions control equipment is missing or is partially or
24 totally inoperative as a result of ~~tampering~~*—being*
25 *tampered with or when the vehicle has been identified as*
26 *a gross polluter pursuant to Section 44081 and verified as*
27 *a gross polluter at a test-only station. The cost limits*
28 *prescribed pursuant to subdivision (a), when*
29 *implemented, shall not be imposed on a vehicle that has*
30 *been identified as a gross polluter prior to repairs at a*
31 *smog check station. However, if there is no evidence of*
32 *tampering and the vehicle owner has had repairs*
33 *performed as necessary to bring the vehicle’s emissions*
34 *below the appropriate threshold established for gross*
35 *polluters, the emission cost waiver provisions shall apply.*



1 (d) This section shall remain in effect only until
2 January 1, 1998, and as of that date is repealed, unless a
3 later enacted statute, that is enacted before January 1,
4 1998, deletes or extends that date.

5 SEC. 3. Section 44017 is added to the Health and
6 Safety Code, to read:

7 44017. (a) Except as otherwise provided in this
8 section, the cost limit for repairs under the program,
9 including parts and labor, shall be a minimum of four
10 hundred fifty dollars (\$450) in all areas where the
11 program operates.

12 (b) The department shall periodically revise the cost
13 limit specified in subdivision (a) in accordance with
14 changes in the Consumer Price Index, as published by the
15 United States Bureau of Labor Statistics.

16 (c) No cost limit shall be imposed in those cases where
17 emissions control equipment is missing or is partially or
18 totally inoperative as a result of being tampered with or
19 when the vehicle has been identified as a gross polluter
20 pursuant to Section 44081 and verified as a gross polluter
21 at a test-only station. The cost limit prescribed pursuant
22 to subdivisions (a) and (b) shall not be imposed on
23 vehicles identified as gross polluters prior to repairs at a
24 smog check station. If there is no evidence of tampering
25 and the vehicle owner has had repairs performed as
26 necessary to bring the vehicle's emissions below the
27 appropriate threshold established for gross polluters, the
28 emission cost waiver provisions in subdivision (c) of
29 Section 44015 shall apply.

30 (d) This section shall become operative January 1,
31 1998.

32 SEC. 4. Section 44017.3 of the Health and Safety Code
33 is repealed.

34 SEC. 5. Section 44017.3 of the Health and Safety Code
35 is added to read:

36 44017.3. (a) Each smog check station shall have
37 posted conspicuously in an area frequented by customers
38 a list of price ranges indicating the maximum amounts
39 established by law to be spent on repairs required to cause
40 a motor vehicle to pass a smog check. The signs shall be



1 required in all stations where smog check inspections are
2 performed. In stations where licensed smog check
3 mechanic repairs are not performed, the station shall
4 have posted conspicuously in an area frequented by
5 customers a statement that mechanics are not available
6 and repairs are not performed.

7 (b) The sign dimensions and letter typeface and point
8 size shall be established by regulation by the Bureau of
9 Automotive Repair and shall be similar to other posted
10 signs required by the bureau.

11 (c) The sign shall read:

12
13 “Notice

14
15 Under California law, the following amounts are the
16 maximum you are required to spend in repairing the
17 engine and exhaust systems to bring your motor vehicle
18 into compliance with emission control system standards:

19	Year of Vehicle	Maximum Amount
20	'66 - '71	\$ 50.00
21	'72 - '74	\$ 90.00
22	'75 - '79	\$125.00
23	'80 - '89	\$175.00
24	'90 - On	\$300.00
25		

26
27 These amounts do not include the replacement costs
28 for replacing missing, modified, or disconnected emission
29 control system parts.

30 If your repair estimate exceeds the above amounts, you
31 may elect to pay that amount and have the repairs
32 completed, or call the referee at the toll-free number
33 provided by this station.”

34
35 (d) The specific amounts enumerated in the sign shall
36 be in compliance with Section 44017 and the sign shall also
37 refer to the exceptions in subdivision (c) of Section 44017.
38 The adjustments in the repair cost—~~limitations~~—*limits*
39 authorized in subdivision (b) of Section 44017 shall also be
40 reflected in the sign.



1 (e) This section shall remain in effect only until
2 January 1, 1998, and as of that date is repealed, unless a
3 later enacted statute, that is enacted before January 1,
4 1998, deletes or extends that date.

5 SEC. 6. Section 44017.3 is added to the Health and
6 Safety Code, to read:

7 44017.3. (a) Each smog check station shall have
8 posted conspicuously in an area frequented by customers
9 a sign advising of the minimum or maximum amounts
10 established by law to be spent on repairs required to cause
11 a motor vehicle to pass a smog check. The sign shall be
12 required in all stations where smog check inspections are
13 performed. In stations where licensed smog check
14 technician repairs are not performed, the station shall
15 have posted conspicuously in an area frequented by
16 customers a statement that repair technicians are not
17 available and repairs are not performed.

18 (b) The specific amounts enumerated on the sign shall
19 be consistent with Section 44017 and the sign shall also
20 refer to the exceptions in subdivision (c) of Section 44017.

21 (c) The sign shall include language, as determined by
22 the department, to warn consumers of the penalties for
23 obtaining a certificate by means of fraud.

24 (d) This section shall become operative January 1,
25 1998.

26 SEC. 7. This act is an urgency statute necessary for the
27 immediate preservation of the public peace, health, or
28 safety within the meaning of Article IV of the
29 Constitution and shall go into immediate effect. The facts
30 constituting the necessity are:

31 In order to ensure compliance with state and federal
32 clean air requirements, it is necessary that this act take
33 effect immediately.

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