

AMENDED IN SENATE JULY 29, 1995

AMENDED IN SENATE JULY 14, 1995

AMENDED IN ASSEMBLY FEBRUARY 23, 1995

CALIFORNIA LEGISLATURE—1995-96 REGULAR SESSION

ASSEMBLY BILL

No. 63

Introduced by Assembly Member Katz
(Principal coauthor: Senator Kelley)

December 19, 1994

An act to amend Sections 44014.5, 44015, 44017, 44017.3, 44020, 44040, 44051, 44056, 44060, and 44062.1 of, and to add Section 44015.3 to, 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.

(1) 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. Existing law requires the Department of Consumer Affairs to implement a program with the capacity to commence the testing at test-only stations of a specified percentage of vehicles by

January 1, 1995, and by January 1, 1996, respectively. Existing law requires a certificate of compliance to be issued by a test-only facility authorized to perform referee functions for a vehicle that cannot be adjusted or repaired without exceeding the applicable repair cost limit. Existing law requires the department to develop and implement a repair subsidy program. A violation of any provision relating to those requirements is a misdemeanor.

This bill would require the department to develop and implement either the repair subsidy program or a program that would provide for a 12-month economic hardship extension for vehicles from the biennial certificate of compliance requirement under specified circumstances. The bill would require the program to be implemented when the department has issued a public notice declaring that the program for testing a specified percentage of vehicles at test-only stations is operational or when specified testing is ~~required~~ *operative*, and would delay the use of the \$450 limit until that time, as specified. The bill would impose a state-mandated local program by creating new crimes.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(3) 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: yes.

The people of the State of California do enact as follows:

1 SECTION 1. *Section 44014.5 of the Health and Safety*
2 *Code is amended to read:*

3 44014.5. (a) The enhanced program shall provide for
4 the testing and retesting of vehicles in accordance with
5 Section 44010.5 and this section.

6 (b) The repair of vehicles at test-only stations shall be
7 prohibited, except that the minor repair of components



1 damaged by station personnel during inspection at the
2 station, any minor repair which is necessary for the safe
3 operation of a vehicle while at a station, or other minor
4 repairs, such as the reconnection of hoses or vacuum lines,
5 may be undertaken at no charge to the vehicle owner or
6 operator if authorized in advance in writing by the
7 department.

8 (c) The department shall provide for the distribution
9 to consumers by test-only stations of a list, compiled by
10 region, of smog check stations licensed to make repairs of
11 vehicular emission control systems. A test-only station
12 shall not refer a vehicle owner to any particular provider
13 of vehicle repair services.

14 (d) The department shall establish standards for
15 training, equipment, performance, or data collection for
16 test-only facilities.

17 (e) The department, by regulation, shall prohibit
18 test-only stations from engaging in other business
19 activities that represent a conflict of interest, as
20 determined by the department.

21 (f) The test-only station may charge a fee, established
22 by the department, sufficient to cover the station's cost to
23 perform the tests required by this chapter. In addition,
24 the station shall charge and collect the certificate fee
25 established pursuant to Section 44060. This subdivision
26 shall apply only to stations contracted for pursuant to
27 subdivision (e) of Section 44010.5.

28 (g) The department shall ensure that there is a
29 sufficient number of test-only facilities to provide
30 convenient testing for the following vehicles:

31 (1) All vehicles identified and confirmed as gross
32 polluters pursuant to Section 44081 and Section 27156 of
33 the Vehicle Code.

34 (2) All vehicles identified by a smog check station
35 prior to repairs as gross polluters or as having been
36 tampered with.

37 (3) All vehicles designated by the department
38 pursuant to Sections 44014.7 and 44020.

39 (4) *Vehicles issued an economic hardship extension in*
40 *the previous biennial inspection of that vehicle.*



1 (h) The department shall provide a sufficient number
2 of test-only facilities authorized to perform referee
3 functions to provide convenient testing for those vehicles
4 that are required to report to, and receive a certificate of
5 compliance from, a test-only station by this chapter,
6 including all of the following:

7 (1) All vehicles seeking to utilize state-operated
8 financial assistance or inclusion in authorized scrap
9 programs.

10 (2) All vehicles unable to obtain a certificate of
11 compliance from a licensed smog check station pursuant
12 to subdivision (c) of Section 44015.

13 (3) Any other vehicles that may be designated by the
14 department.

15 (i) (1) Gross polluters shall be referred to a test-only
16 facility for a post-repair inspection and retest pursuant to
17 subdivision (g). Simply passing the emissions test shall not
18 be a sufficient condition for receiving a certificate of
19 compliance. A certificate of compliance shall only be
20 issued to a vehicle which does not have any defects with
21 its emission control systems or any defects which could
22 lead to damage of its emission control system, as provided
23 in regulations adopted by the department.

24 (2) The department shall require all vehicles which
25 are tested pursuant to this chapter and found to be gross
26 polluters, or which are found to have been tampered
27 with, to be tested annually at a test-only station for at least
28 two, but not more than five, consecutive years, as the
29 department determines to be necessary to ensure that
30 the program will comply with Environmental Protection
31 Agency performance standards.

32 *SEC. 2.* Section 44015 of the Health and Safety Code,
33 as amended by Chapter 27 of the Statutes of 1994, is
34 amended to read:

35 44015. (a) A licensed smog check station shall not
36 issue a certificate of compliance, except as authorized by
37 this chapter, to any vehicle which meets the following
38 criteria:

39 (1) A vehicle that has been tampered with.



1 (2) A vehicle that, prior to repairs, has been identified
2 by the smog check station as a gross polluter.

3 (3) A vehicle that has been identified through
4 roadside auditing as a gross polluter pursuant to Sections
5 44081 and 44081.6.

6 (4) A vehicle described in subdivision (c).

7 (5) *A vehicle that was issued an economic hardship*
8 *extension within the last 12 months.*

9 (b) If a vehicle meets the requirements of Section
10 44012, a smog check station licensed to issue certificates
11 shall issue a certificate of compliance or a certificate of
12 noncompliance.

13 (c) (1) ~~A certificate of compliance~~ *An emission cost*
14 *waiver* shall be issued by a test-only facility authorized to
15 perform referee functions for a vehicle which has been
16 properly tested but does not meet the applicable emission
17 standards when it is determined that no adjustment or
18 repair can be made that will reduce emissions from the
19 inspected motor vehicle without exceeding the
20 applicable cost limit established under Section 44017 and
21 that every defect specified by paragraph (2) of
22 subdivision (a) of Section 43204, and by paragraphs (2)
23 and (3) of subdivision (a) of Section 43205, has been
24 corrected. ~~A certificate issued pursuant to this paragraph~~
25 ~~shall be deemed an emission cost waiver~~ *An emission cost*
26 *waiver issued pursuant to this paragraph shall be*
27 *accepted in lieu of a certificate of compliance for the*
28 *purposes of compliance with Section 4000.3 of the Vehicle*
29 *Code.* No emission cost waiver shall be issued until there
30 has been an actual expenditure by the vehicle owner of
31 an amount at least equal to the applicable repair cost limit
32 specified in Section 44017.

33 (2) ~~A~~ *If the department implements an economic*
34 *hardship extension program, a one-time economic*
35 *hardship extension, valid for 12 months, may be issued*
36 *pursuant to subdivision (e) of Section 44017, upon the*
37 *request of the vehicle owner, by a test-only facility*
38 *authorized to perform referee functions for a vehicle*
39 *which has been properly tested but does not meet the*
40 *applicable emission standards when it is determined that*



1 no adjustment or repair can be made that will reduce
2 emissions from the inspected motor vehicle without
3 exceeding the applicable ~~cost limit established under~~
4 ~~Section 44017~~ *emission limit, as established by the*
5 *department*, and that every defect specified in paragraph
6 (2) of subdivision (a) of Section 43204, and in paragraphs
7 (2) and (3) of subdivision (a) of Section 43205, has been
8 corrected.

9 (d) No emission cost waiver shall be issued under any
10 of the following circumstances:

11 (1) If a vehicle was issued an emission cost waiver or
12 economic hardship extension in the previous biennial
13 inspection of that vehicle.

14 (2) If a vehicle is designated as a gross polluter
15 pursuant to this chapter, except as otherwise provided in
16 this subdivision or Section 44017.

17 (3) Upon initial registration of all of the following: a
18 direct import vehicle, a vehicle previously registered
19 outside this state, a dismantled vehicle pursuant to
20 Section 11519 of the Vehicle Code, a vehicle that has had
21 an engine change, an alternate fuel vehicle, and a
22 specially constructed vehicle.

23 (e) A certificate of compliance or noncompliance shall
24 be valid for 90 days.

25 (f) A test may be made at any time within 90 days prior
26 to the date otherwise required.

27 ~~SEC. 2.—~~

28 (g) *An economic hardship extension shall not be*
29 *issued to a vehicle that was issued an emission cost waiver*
30 *in the previous biennial inspection of that vehicle.*

31 *SEC. 3.* Section 44015 of the Health and Safety Code,
32 as amended by Section 24 of Chapter 1192 of the Statutes
33 of 1994, is amended to read:

34 44015. (a) A licensed smog check station shall not
35 issue a certificate of compliance, except as authorized by
36 this chapter, to any vehicle which meets the following
37 criteria:

38 (1) A vehicle that has been tampered with.

39 (2) A vehicle that, prior to repairs, has been identified
40 by the smog check station as a gross polluter.



1 (3) A vehicle that has been identified through
2 roadside auditing as a gross polluter pursuant to Sections
3 44081 and 44081.6.

4 (4) A vehicle described in subdivision (c).

5 (5) *A vehicle that was issued a hardship extension*
6 *within the last 12 months.*

7 (b) If a vehicle meets the requirements of Section
8 44012, a smog check station licensed to issue certificates
9 shall issue a certificate of compliance or a certificate of
10 noncompliance.

11 (c) (1) ~~A certificate of compliance~~ *An emission cost*
12 *waiver* shall be issued by a test-only facility authorized to
13 perform referee functions for a vehicle which has been
14 properly tested but does not meet the applicable emission
15 standards when it is determined that no adjustment or
16 repair can be made that will reduce emissions from the
17 inspected motor vehicle without exceeding the
18 applicable cost limit established under Section 44017 and
19 that every defect specified by paragraph (2) of
20 subdivision (a) of Section 43204, and by paragraphs (2)
21 and (3) of subdivision (a) of Section 43205, has been
22 corrected. ~~A certificate issued pursuant to this paragraph~~
23 ~~shall be deemed an emission cost waiver~~ *An emission cost*
24 *waiver issued pursuant to this paragraph shall be*
25 *accepted in lieu of a certificate of compliance for the*
26 *purposes of compliance with Section 4000.3 of the Vehicle*
27 *Code.* No emission cost waiver shall be issued until there
28 has been an actual expenditure by the vehicle owner of
29 an amount at least equal to the applicable repair cost limit
30 specified in Section 44017.

31 (2) ~~A~~ *If the department implements an economic*
32 *hardship extension program, a one-time economic*
33 *hardship extension, valid for 12 months, may be issued*
34 *pursuant to subdivision (e) of Section 44017, upon the*
35 *request of the vehicle owner, by a test-only facility*
36 *authorized to perform referee functions for a vehicle*
37 *which has been properly tested but does not meet the*
38 *applicable emission standards when it is determined that*
39 *no adjustment or repair can be made that will reduce*
40 *emissions from the inspected motor vehicle without*



1 exceeding the applicable ~~cost limit established under~~
2 ~~Section 44017~~ *emission limit established by the*
3 *department* and that every defect specified in paragraph
4 (2) of subdivision (a) of Section 43204, and in paragraphs
5 (2) and (3) of subdivision (a) of Section 43205, has been
6 corrected.

7 (d) No emission cost waiver shall be issued under any
8 of the following circumstances:

9 (1) If a vehicle was issued an emission cost waiver or
10 economic hardship extension in the previous biennial
11 inspection of that vehicle.

12 (2) If a vehicle is designated as a gross polluter
13 pursuant to this chapter, except as otherwise provided in
14 this subdivision or Section 44017.

15 (3) Upon initial registration of all of the following: a
16 direct import vehicle, a vehicle previously registered
17 outside this state, a dismantled vehicle pursuant to
18 Section 11519 of the Vehicle Code, a vehicle that has had
19 an engine change, an alternate fuel vehicle, and a
20 specially constructed vehicle.

21 (4) To a motor vehicle registered in the San Diego
22 County Air Pollution Control District or the Ventura
23 County Air Pollution Control District that has been
24 operated in excess of the applicable target pollution miles
25 for that vehicle.

26 (e) A certificate of compliance or noncompliance shall
27 be valid for 90 days.

28 (f) A test may be made at any time within 90 days prior
29 to the date otherwise required.

30 (g) (1) The certificate of compliance or the
31 certificate of noncompliance shall indicate the odometer
32 reading for the vehicle, or an alternative and higher
33 mileage figure certified by the owner to be accurate
34 pursuant to paragraph (2).

35 (2) The vehicle owner or operator shall sign a
36 statement appearing on the vehicle inspection report
37 certifying the true mileage of the vehicle to the best of the
38 owner's or operator's knowledge.

39 (3) If a motor vehicle registered in the San Diego
40 County Air Pollution Control District or the Ventura



1 County Air Pollution Control District, other than an
2 authorized emergency vehicle, as defined in Section 165
3 of the Vehicle Code, or an employer-provided carpool or
4 vanpool vehicle, meets the requirements of Section
5 44012, but has been operated for more than the applicable
6 target pollution miles since its last smog check or fails the
7 visual odometer check specified in Section 44001.6 and
8 paragraph (8) of subdivision (a) of Section 44012, the
9 smog check station shall issue a qualified certificate of
10 compliance or a certificate of noncompliance indicating
11 that the vehicle shall be presented for a smog check at a
12 test-only station or a test and repair station located within
13 the appropriate district after one year rather than in two
14 years.

15 (4) On and after February 1, 1995, or on and after the
16 date determined pursuant to Section 32 of the act adding
17 this paragraph, whichever is later, the smog check
18 stations in the San Diego County Air Pollution Control
19 District and the Ventura County Air Pollution Control
20 District shall report electronically to the Department of
21 Motor Vehicles centralized data base established
22 pursuant to Section 44037.1 the odometer reading for the
23 tested motor vehicle, whether or not the vehicle has met
24 the requirements of Section 44012, and whether the
25 vehicle has been operated for more than the applicable
26 target pollution miles.

27 (5) If the determination is made that the vehicle has
28 been operated in excess of the applicable target pollution
29 miles, the vehicle inspection report shall contain a
30 message informing the owner that the mileage limit set
31 by the appropriate district has been exceeded and annual
32 smog inspections are now required.

33 (h) *An economic hardship extension program shall not*
34 *be issued to a vehicle that was issued an emission cost*
35 *waiver in the previous biennial inspection of that vehicle.*

36 (i) This section shall become inoperative five years
37 from the date determined pursuant to Section 32 of the
38 act adding this subdivision, and on the January 1 following
39 that date is repealed.

40 ~~SEC. 3.—~~



1 SEC. 4. Section 44015 of the Health and Safety Code,
 2 as amended by Section 24.5 of Chapter 1192 of the
 3 Statutes of 1994, is amended to read:

4 44015. (a) A licensed smog check station shall not
 5 issue a certificate of compliance, except as authorized by
 6 this chapter, to any vehicle which meets the following
 7 criteria:

8 (1) A vehicle that has been tampered with.

9 (2) A vehicle that, prior to repairs, has been identified
 10 by the smog check station as a gross polluter.

11 (3) A vehicle that has been identified through
 12 roadside auditing as a gross polluter pursuant to Sections
 13 44081 and 44081.6.

14 (4) A vehicle described in subdivision (c).

15 (5) *A vehicle that was issued an economic hardship*
 16 *extension within the last 12 months.*

17 (b) If a vehicle meets the requirements of Section
 18 44012, a smog check station licensed to issue certificates
 19 shall issue a certificate of compliance or a certificate of
 20 noncompliance.

21 (c) (1) ~~A certificate of compliance~~ *An emission cost*
 22 *waiver* shall be issued by a test-only facility authorized to
 23 perform referee functions for a vehicle which has been
 24 properly tested but does not meet the applicable emission
 25 standards when it is determined that no adjustment or
 26 repair can be made that will reduce emissions from the
 27 inspected motor vehicle without exceeding the
 28 applicable cost limit established under Section 44017 and
 29 that every defect specified by paragraph (2) of
 30 subdivision (a) of Section 43204, and by paragraphs (2)
 31 and (3) of subdivision (a) of Section 43205, has been
 32 corrected. ~~A certificate issued pursuant to this paragraph~~
 33 ~~shall be deemed an emission cost waiver~~ *An emission cost*
 34 *waiver issued pursuant to this paragraph shall be*
 35 *accepted in lieu of a certificate of compliance for the*
 36 *purposes of complying with Section 4000.3 of the Vehicle*
 37 *Code.* No emission cost waiver shall be issued until there
 38 has been an actual expenditure by the vehicle owner of
 39 an amount at least equal to the applicable repair cost limit
 40 specified in Section 44017.



1 (2) ~~A—~~*If the department implements an economic*
2 *hardship extension program, a one-time economic*
3 *hardship extension, valid for 12 months, may be issued*
4 *pursuant to subdivision (e) of Section 44017, upon the*
5 *request of the vehicle owner, by a test-only facility*
6 *authorized to perform referee functions for a vehicle*
7 *which has been properly tested but does not meet the*
8 *applicable emission standards when it is determined that*
9 *no adjustment or repair can be made that will reduce*
10 *emissions from the inspected motor vehicle without*
11 *exceeding the applicable ~~cost limit established under~~*
12 *~~Section 44017~~ emission limit, as established by the*
13 *department, and that every defect specified in*
14 *paragraph (2) of subdivision (a) of Section 43204, and in*
15 *paragraphs (2) and (3) of subdivision (a) of Section*
16 *43205, has been corrected.*

17 (d) No emission cost waiver shall be issued under any
18 of the following circumstances:

19 (1) If a vehicle was issued an emission cost waiver or
20 economic hardship extension in the previous biennial
21 inspection of that vehicle.

22 (2) If a vehicle is designated as a gross polluter
23 pursuant to this chapter, except as otherwise provided in
24 this subdivision or Section 44017.

25 (3) Upon initial registration of all of the following: a
26 direct import vehicle, a vehicle previously registered
27 outside this state, a dismantled vehicle pursuant to
28 Section 11519 of the Vehicle Code, a vehicle that has had
29 an engine change, an alternate fuel vehicle, and a
30 specially constructed vehicle.

31 (e) A certificate of compliance or noncompliance shall
32 be valid for 90 days.

33 (f) A test may be made at any time within 90 days prior
34 to the date otherwise required.

35 (g) This section shall become operative five years from
36 the date determined pursuant to Section 32 of the act
37 adding this section.

38 ~~SEC. 4.—~~



1 *(h) An economic hardship extension shall not be*
2 *issued to a vehicle that was issued an emission cost in the*
3 *previous biennial inspection of that vehicle.*

4 SEC. 5. Section 44015.3 is added to the Health and
5 Safety Code, to read:

6 44015.3. (a) The department may develop and
7 implement the economic hardship extension program
8 specified in paragraph (2) of subdivision (c) of Section
9 44015 and subdivision (e) of Section 44017. That program
10 shall not become operative until the department issues a
11 public notice declaring that the program established
12 pursuant to Section 44010.5 is operational in the relevant
13 geographical areas of the state *or until the date that*
14 *testing in those geographic areas is operative using*
15 *loaded-mode test equipment, as defined in this article,*
16 *whichever occurs first.*

17 ~~SEC. 5.—~~

18 (b) *The department shall administer the economic*
19 *hardship extension program in accordance with*
20 *regulations adopted by the department.*

21 SEC. 6. Section 44017 of the Health and Safety Code
22 is amended to read:

23 44017. (a) Except as otherwise provided in this
24 section, the cost limit for repairs under the program,
25 including parts and labor, shall be a minimum of four
26 hundred fifty dollars (\$450) in all areas where the
27 program operates.

28 (b) The limit established pursuant to subdivision (a)
29 shall not become operative until the department issues a
30 public notice which declares that the program
31 established pursuant to Section 44010.5 is operational in
32 the relevant geographical areas of the state, or until the
33 date that testing in those geographic areas is ~~required to~~
34 ~~be performed~~ *operative* using loaded mode test
35 equipment, as defined in this article, whichever occurs
36 first. Prior to that time, the following cost limits shall
37 remain in effect:

38 (1) For motor vehicles of 1971 and earlier model years,
39 fifty dollars (\$50).



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

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

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

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

9 (c) The department shall periodically revise the cost
10 limits specified in subdivisions (a) and (b) in accordance
11 with changes in the Consumer Price Index, as published
12 by the United States Bureau of Labor Statistics.

13 (d) No cost limit shall be imposed ~~and no economic~~
14 ~~hardship extension issued~~ in those cases where emissions
15 control equipment is missing or is partially or totally
16 inoperative as a result of being tampered with or when
17 the vehicle has been identified as a gross polluter
18 pursuant to Section 44081 and verified as a gross polluter
19 at a test-only station. The cost limits prescribed pursuant
20 to this section, when implemented, shall not be imposed
21 on vehicles identified as gross polluters prior to repairs at
22 a smog check station. However, if there is no evidence of
23 tampering and the vehicle owner has had repairs
24 performed as necessary to bring the vehicle's emissions
25 below the appropriate threshold established for gross
26 polluters, the emission cost waiver provisions shall apply.

27 (e) A one-time 12-month economic hardship
28 extension from the biennial certificate of compliance
29 requirement may be granted, pursuant to the program
30 established by the department pursuant to Section
31 44015.3, to consumers who would be subject to repair
32 costs in excess of the ~~limit established pursuant to~~
33 ~~subdivision (a) extension limit established by the~~
34 *department* if the requirements specified in paragraph
35 (2) of subdivision (c) of Section 44015 are met. The
36 economic hardship extension shall ~~be evidenced by a~~
37 ~~certificate which shall~~ constitute neither a certificate of
38 compliance nor a certificate of noncompliance for the
39 purpose of transferring the ownership or the registration
40 of the vehicle. On or before the expiration date of the



1 economic hardship extension, the vehicle shall be
2 brought fully into compliance with all appropriate
3 emission standards as determined by a test in accordance
4 with Section 44012 at a test-only station. The emission cost
5 waiver provisions shall not apply to those vehicles.

6 ~~SEC. 6.—~~

7 *SEC. 7.* Section 44017.3 of the Health and Safety Code
8 is amended to read:

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

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

23 (c) The sign shall include language, as determined by
24 the department, to warn consumers of the penalties for
25 obtaining a certificate or economic hardship extension by
26 means of fraud.

27 ~~SEC. 7.—~~

28 *SEC. 8.* Section 44020 of the Health and Safety Code
29 is amended to read:

30 44020. Notwithstanding any other provision of this
31 chapter, the department may license any registered
32 owner of a fleet of 10 or more motor vehicles subject to
33 this chapter, who so elects, to implement and conduct the
34 tests and to perform necessary service and adjustment on
35 the fleet’s vehicles under this chapter, subject to all of the
36 following conditions:

37 (a) The registered owner’s facilities or personnel, or
38 both, or a designated contractor of the registered owner,
39 shall be licensed by the department as a fleet smog check
40 station, and the test and repair system shall conform, in



1 the department's determination, with all provisions of
2 this chapter and all rules and regulations adopted by the
3 department. The regulations shall provide for adequate
4 onsite inspection by the department. Mobile testing
5 equipment certified by the department may be used in
6 accordance with procedures established by the
7 department. The department may prohibit the use of
8 mobile testing equipment if violations occur.

9 (b) A license issued under this section is subject to
10 Sections 44035, 44050, and 44072.10, and may be
11 suspended or revoked by the department whenever the
12 department determines, on the basis of random periodic
13 spot checks of the owner's inspection system and fleet
14 vehicles, that the system fails to conform or that
15 certificates of compliance have been issued by the owner
16 in violation of regulations adopted by the department.
17 Any person licensed to conduct tests and service and
18 adjustments under this section is deemed to have
19 consented to provide the department with whatever
20 access, information, and other cooperation the
21 department reasonably determines are necessary to
22 facilitate the random periodic spot checks.

23 (c) The department or its contractor, on a random
24 periodic basis, shall inspect or observe the inspections
25 performed by licensed fleet smog check stations on not
26 less than 2 percent of the total business fleet vehicles
27 subject to this chapter.

28 (d) A fleet owner licensed to conduct tests or make
29 repairs pursuant to this chapter shall issue certificates of
30 compliance for motor vehicles. The cost limits in Section
31 44017 and the economic hardship extension provisions in
32 this chapter shall not apply to any motor vehicle owned
33 by a fleet owner licensed pursuant to this section.

34 (e) Notwithstanding subdivision (d), certificates of
35 compliance or noncompliance prepared solely for the
36 disposal or sale of motor vehicles owned by a fleet owner
37 licensed pursuant to this section shall be subject to the
38 cost limits in Section 44017.



1 (f) The department shall establish initial and renewal
 2 license fees, which shall not exceed the reasonable costs
 3 of administering this section.

4 (g) Notwithstanding any other provision of this
 5 section, fleets consisting of vehicles for hire or vehicles
 6 which accumulate high mileage, as defined by the
 7 department, shall go to a test-only station when a smog
 8 check certificate of compliance is required. Initially, high
 9 mileage vehicles shall be defined as vehicles which
 10 accumulate 50,000 miles or more each year. In addition,
 11 fleets which do not operate high mileage vehicles may be
 12 required to obtain certificates of compliance from the
 13 test-only station if they fail to comply with this chapter.

14 (h) Notwithstanding any other provision of this
 15 chapter, the department shall have the authority, by
 16 regulation, to require testing of vehicle fleets consistent
 17 with regulations adopted by the Environmental
 18 Protection Agency, if necessary to meet the emission
 19 reduction performance standard established by the
 20 agency, as determined by the department.

21 ~~SEC. 8.—~~

22 *SEC. 9.* Section 44040 of the Health and Safety Code
 23 is amended to read:

24 44040. The department may require certificates of
 25 compliance, certificates of noncompliance, ~~and—emission~~
 26 *cost waivers, and an* economic hardship extension
 27 ~~certificates~~ to contain a unique number encoded in bar
 28 code. These certificates may be sold to licensed smog
 29 check stations by the department, printed by test
 30 analyzer systems, or transmitted by electronic means.
 31 The department, with the cooperation of the
 32 Department of Motor Vehicles, shall periodically check
 33 certificates to determine their validity.

34 ~~SEC. 9.—~~

35 *SEC. 10.* Section 44051 of the Health and Safety Code
 36 is amended to read:

37 44051. The civil penalty for a violation of the specified
 38 provisions of this chapter is as follows:

39



Section	Short Description of Violation	Civil Penalty	
		Minimum	Maximum
44002	Smog check estimates and invoices	\$ 50	\$ 500
44012	No emission control system inspection, no emissions test, or inspection test procedures	250	1,500
44014	Unlicensed smog check station	250	1,500
44015	Improper issuance of certificate, including economic hardship extension certificate	150	1,000
44016	Failure to follow established repair procedures	150	1,000
44017	Cost limit or economic hardship extension requirement	150	1,000
44031.5	Test/repair by unlicensed smog check station or nonqualified smog check technician	250	1,500
44032	Qualified smog check technician required	250	500
44033	Smog check station requirement, test on condition of mandatory repair, written estimate requirements	250	1,500
44036	Smog check station certified equipment requirement	150	1,500
44060	Sale, transfer, or purchase of certificate, including economic hardship extension certificate, and certificate or economic hardship extension charges	250	1,500



1 ~~SEC. 10.~~—

2 *SEC. 11.* Section 44056 of the Health and Safety Code
3 is amended to read:

4 44056. (a) Except as otherwise provided in Sections
5 44051 and 44051.5, any person who violates this chapter,
6 or any order, rule, or regulation of the department
7 adopted pursuant to this chapter, is liable for a civil
8 penalty of not less than one hundred fifty dollars (\$150)
9 and not more than two thousand five hundred dollars
10 (\$2,500) for each day in which each violation occurs. Any
11 action to recover civil penalties shall be brought by the
12 Attorney General in the name of the state on behalf of the
13 department, or may be brought by any district attorney,
14 city attorney, or attorney for a district.

15 (b) The penalties specified in subdivision (a) do not
16 apply to an owner or operator of a motor vehicle, except
17 an owner or operator who does any of the following:

18 (1) Obtains, or who attempts to obtain, a certificate of
19 compliance or noncompliance, *an emission cost waiver*,
20 or an economic hardship extension—~~certificate~~, without
21 complying with Section 44015.

22 (2) Obtains, or attempts to obtain, a certificate of
23 compliance, *an emission cost waiver*, or an economic
24 hardship extension ~~certificate~~ by means of fraud,
25 including, but not limited to, offering or giving any form
26 of financial or other inducement to any person for the
27 purpose of obtaining a certificate of compliance or an
28 economic hardship extension certificate for a vehicle
29 which has not been tested or has been tested improperly.

30 (3) Registers a motor vehicle at an address other than
31 the owner’s or operator’s residence address for the
32 purpose of avoiding the requirements of this chapter.

33 (4) Obtains, or attempts to obtain, a certificate of
34 compliance by other means when required to report to
35 the test-only facility after being identified as a tampered
36 vehicle or gross polluter pursuant to Section 44015 or
37 44081.

38 ~~SEC. 11.~~—

39 *SEC. 12.* Section 44060 of the Health and Safety Code
40 is amended to read:



1 44060. (a) The department shall prescribe the form
2 of the certificate of compliance or noncompliance, *the*
3 *emission cost waiver*, and the economic hardship
4 extension-~~certificate~~.

5 (b) Effective not later than January 1, 1996, the
6 certificates, *emission cost waivers*, and *economic*
7 *hardship extensions* shall be in the form of an electronic
8 entry filed with the department, the Department of
9 Motor Vehicles, and any other person designated by the
10 department. In meeting the January 1, 1996, deadline, the
11 department shall ensure that adequate lead time is
12 provided for conversion to an electronic entry type of
13 certificate, *emission cost waiver*, and *economic hardship*
14 *extension*. The department shall ensure that the vehicle
15 owner or operator is provided with a written report,
16 signed by the licensed technician who performed the
17 inspection, of any test performed by a smog check station,
18 including a pass or fail indication, and written
19 confirmation of the issuance of the certificate.

20 (c) (1) The department shall charge a fee to a smog
21 check station, including a test-only station, and a station
22 providing referee functions, for a vehicle inspected at
23 that station which meets the requirements of this chapter
24 and is issued a certificate of compliance, a certificate of
25 noncompliance, an economic hardship extension
26 ~~certificate~~, or an emission cost waiver.

27 (2) The fee charged pursuant to paragraph (1) shall be
28 calculated to recover the costs of the department and any
29 other state agency directly involved in the
30 implementation, administration, or enforcement of the
31 motor vehicle inspection and maintenance program, and
32 shall not exceed the amount reasonably necessary to fund
33 the operation of the program, including all
34 responsibilities, requirements, and obligations imposed
35 upon the department or any of those state agencies by this
36 chapter, which are not otherwise recoverable by fees
37 received pursuant to Section 44034.

38 (3) Except for adjustments to reflect changes in the
39 Consumer Price Index, as published by the United States
40 Bureau of Labor Statistics, the fee for each certificate-~~or~~



1 ~~waiver~~, *waiver, or extension* shall not exceed seven
 2 dollars (\$7).

3 (4) Fees collected by the department pursuant to this
 4 subdivision shall be deposited in the Vehicle Inspection
 5 and Repair Fund. It is the intent of the Legislature that
 6 a prudent surplus be maintained in the Vehicle
 7 Inspection and Repair Fund. If the surplus exceeds the
 8 reasonable costs of administration of the programs
 9 specified in this chapter and in Chapter 20.3
 10 (commencing with Section 9880) of Division 3 of the
 11 Business and Professions Code, the department shall, by
 12 regulation, prescribe a lower fee for the certificates ~~and~~
 13 ~~waivers, waivers, and extensions~~.

14 (d) The sale or transfer of the certificate ~~or waiver~~,
 15 ~~waiver, or extension~~, by a licensed smog check station or
 16 test-only station to any other licensed smog check station
 17 or to any other person, and the purchase or acquisition of
 18 the certificate ~~or waiver~~, *waiver, or extension*, by any
 19 person, other than from the department, the
 20 department's designee, or pursuant to a vehicle's
 21 inspection or repair conducted pursuant to this chapter,
 22 is prohibited.

23 (e) Following implementation of the electronic entry
 24 certificate under subdivision (b), the department may
 25 require the modification of the analyzers and other
 26 equipment required at smog check stations to prevent
 27 the entry of a certificate which has not been issued or
 28 validated through prepayment of the fee authorized by
 29 subdivision (c).

30 (f) The fee charged by licensed smog check stations to
 31 consumers for a certificate ~~or waiver~~, *waiver, or*
 32 *extension*, shall be the same amount that is charged by the
 33 department.

34 ~~SEC. 12.—~~

35 *SEC. 13.* Section 44062.1 of the Health and Safety
 36 Code, as amended by Chapter 27 of the Statutes of 1994,
 37 is amended to read:

38 44062.1. (a) The department shall develop and
 39 implement either a repair subsidy program or an
 40 economic hardship extension program at the same time



1 that the four hundred fifty dollar (\$450) minimum cost
2 limit for repairs becomes operative pursuant to
3 subdivisions (a) and (b) of Section 44017.

4 (b) The department may develop and implement the
5 repair subsidy program as a component of the high
6 polluter repair or removal program pursuant to Article 9
7 (commencing with Section 44090).

8 (c) (1) If the repair subsidy program or component is
9 implemented, the department shall not implement the
10 economic hardship extension program pursuant to
11 subdivision (c) of Section 44015 and subdivision (e) of
12 Section 44017.

13 (2) If the department develops and implements the
14 economic hardship extension program, the department
15 shall not implement the repair subsidy program or
16 component.

17 ~~SEC. 13.—~~

18 *SEC. 14.* Section 44062.1 of the Health and Safety
19 Code, as amended by Section 26 of Chapter 1192 of the
20 Statutes of 1994, is amended to read:

21 44062.1. (a) The department shall develop and
22 implement either a repair subsidy program or an
23 economic hardship extension program at the same time
24 that the four hundred fifty dollar (\$450) minimum cost
25 limit for repairs becomes operative pursuant to
26 subdivisions (a) and (b) of Section 44017.

27 (b) The department may develop and implement the
28 repair subsidy program as a component of the high
29 polluter repair or removal program pursuant to Article 9
30 (commencing with Section 44090).

31 (c) (1) If the repair subsidy program or component is
32 implemented, the department shall not implement the
33 economic hardship extension program pursuant to
34 subdivision (c) of Section 44015 and subdivision (e) of
35 Section 44017.

36 (2) If the department develops and implements the
37 economic hardship extension program, the department
38 shall not implement the repair subsidy program or
39 component.



1 (d) The department shall develop and implement a
2 vehicle retrofit subsidy program not later than one year
3 from the operative date specified in Section 32 of the act
4 adding this subdivision.

5 (e) This section shall become inoperative five years
6 from the date determined pursuant to Section 32 of the
7 act adding this subdivision, and on the January 1 following
8 that date is repealed.

9 ~~SEC. 14.~~

10 *SEC. 15.* Section 44062.1 of the Health and Safety
11 Code, as amended by Section 27 of Chapter 1192 of the
12 Statutes of 1994, is amended to read:

13 44062.1. (a) The department shall develop and
14 implement either a repair subsidy program or an
15 economic hardship extension program at the same time
16 that the four hundred fifty dollar (\$450) minimum cost
17 limit for repairs becomes operative pursuant to
18 subdivisions (a) and (b) of Section 44017.

19 (b) The department may develop and implement the
20 repair subsidy program as a component of the high
21 polluter repair or removal program pursuant to Article 9
22 (commencing with Section 44090).

23 (c) (1) If the repair subsidy program or component is
24 implemented, the department shall not implement the
25 economic hardship extension program pursuant to
26 subdivision (c) of Section 44015 and subdivision (e) of
27 Section 44017.

28 (2) If the department develops and implements the
29 economic hardship extension program, the department
30 shall not implement the repair subsidy program or
31 component.

32 (d) This section shall become operative five years
33 from the date determined pursuant to Section 32 of the
34 act adding this section.

35 ~~SEC. 15.~~

36 *SEC. 16.* No reimbursement is required by this act
37 pursuant to Section 6 of Article XIII B of the California
38 Constitution because the only costs that may be incurred
39 by a local agency or school district will be incurred
40 because this act creates a new crime or infraction,



1 eliminates a crime or infraction, or changes the penalty
2 for a crime or infraction, within the meaning of Section
3 17556 of the Government Code, or changes the definition
4 of a crime within the meaning of Section 6 of Article
5 XIII B of the California Constitution.

6 Notwithstanding Section 17580 of the Government
7 Code, unless otherwise specified, the provisions of this act
8 shall become operative on the same date that the act
9 takes effect pursuant to the California Constitution.

10 SEC. 16. This act is an urgency statute necessary for
11 the immediate preservation of the public peace, health,
12 or safety within the meaning of Article IV of the
13 Constitution and shall go into immediate effect. The facts
14 constituting the necessity are:

15 In order to protect the public health from excess
16 vehicular emissions occurring because the high polluter
17 repair and removal program created pursuant to Chapter
18 28 of the Statutes of 1994 has not received sufficient
19 funding to substantially mitigate the imposition of the
20 higher emission repair cost minimum established
21 pursuant to Chapter 27 of the Statutes of 1994, it is
22 necessary that this act take effect immediately.

O

