

AMENDED IN ASSEMBLY APRIL 23, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 2515

Introduced by Assembly Member Bowler

February 21, 1996

An act to amend Sections ~~44003, 44010.5, 44014.5, 44015.3, 44017, and 44081.6~~ of, to add Section 44000.5 to, and to repeal Section ~~44014.7~~ of 44010.5, 44014.5, and 44033 of, and to add Sections 44000.5, 44014.2 and 44014.4 to, the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 2515, as amended, Bowler. Vehicle inspection and maintenance.

Existing law establishes a motor vehicle inspection and maintenance program in which vehicles are tested and repaired by licensed smog check stations. Existing law requires the Department of Consumer Affairs to establish a network of test-only stations pursuant to contract, and to require a specified percentage of vehicles to be tested at test-only stations.

This bill would ~~delete the provisions that require the establishment of, and testing at, test-only stations, except as specified~~ require the department, if it increases the capacity of the program for testing at test-only stations, to afford licensed stations the opportunity to perform the required inspections. The bill would require initial contracts for the establishment of test-only stations to terminate 7 years from

the date of execution. The bill would require the department to develop a program for the voluntary certification of licensed smog check stations pursuant to which consumers, whose vehicles fail an emissions test at a test-only station, would be given the option of repair services at a single location and would prescribe related matters.

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 44000.5 is added to the Health
2 and Safety Code, to read:

3 44000.5. (a) The Legislature further finds and
4 declares that the motor vehicle inspection and
5 maintenance program implemented under this chapter
6 has, since 1984, provided beneficial emission reductions
7 without undue inconvenience to California vehicle
8 owners, and vehicle owners will benefit from the
9 maintenance by the state of a totally decentralized
10 program giving them a choice among thousands of
11 independent licensed stations able to perform both
12 inspection and repair of vehicles.

13 ~~SEC. 2.—Section 44003 of the Health and Safety Code~~

14 (b) *With the enactment of this chapter, the*
15 *Legislature does not intend to create a statutory*
16 *presumption that any motor vehicle, solely by virtue of*
17 *make, model, or year of manufacture, shall be classified*
18 *or categorized as a “gross polluter” or a “gross polluting*
19 *vehicle.”*

20 (c) (1) *With the enactment of this chapter, the*
21 *Legislature does not intend to place an unreasonable*
22 *burden on fleet vehicles with respect to compliance with*
23 *smog inspection and maintenance regulations.*

24 (2) *In accordance with subdivision (g) of Section*
25 *44020, vehicles for hire and vehicles with high mileage,*
26 *defined as vehicles that incur 50,000 miles or more each*
27 *year, shall be the only fleet vehicles subject to centralized*
28 *testing.*



1 SEC. 2. Section 44010.5 of the Health and Safety Code
2 is amended to read:

3 44010.5. (a) The department shall implement a
4 program with the capacity to commence, by January 1,
5 1995, the testing at test-only stations, in accordance with
6 this chapter, of 15 percent of that portion of the total state
7 vehicle fleet consisting of vehicles subject to inspection
8 each year in the biennial program and that are registered
9 in the enhanced program area, as established pursuant to
10 paragraph (1) of subdivision (a) of Section 44003.

11 (b) (1) The department shall increase the capacity of
12 the program so that the capacity exists to commence, by
13 January 1, 1996, the testing at test-only stations of that
14 portion of the state vehicle fleet that is subject to
15 inspection and is registered in the enhanced program
16 area, which is sufficient to meet the emission reduction
17 performance standards established by the
18 Environmental Protection Agency in regulations
19 adopted pursuant to the Clean Air Act Amendments of
20 1990, taking into account the results of the pilot
21 demonstration program established pursuant to Section
22 44081.6.

23 (2) Upon increasing the capacity of the program
24 pursuant to paragraph (1), the department shall afford
25 smog check stations that are licensed as test-only stations
26 the initial opportunity to perform the required
27 inspections. The department shall adopt, by regulation,
28 the methodology to provide that initial opportunity.

29 (3) If the department determines that there is an
30 insufficient number of licensed test-only smog check
31 stations operating in an enhanced area to meet the
32 increased demand for test-only inspections, the
33 department may increase the capacity of the program by
34 utilizing existing contracts.

35 (c) The program shall utilize loaded mode
36 dynamometer test equipment, as determined through
37 the pilot demonstration program.

38 (d) Vehicles in the enhanced program area which are
39 not subjected to the program established by this section



1 may be tested at smog check stations licensed pursuant to
2 Section 44014 that use loaded mode dynamometers.

3 (e) (1) The department shall implement the
4 program established pursuant to subdivision (a) through
5 a network of privately operated test-only stations
6 established pursuant to contracts to be awarded pursuant
7 to this section.

8 (2) *The initial contracts awarded pursuant to this*
9 *section shall terminate seven years from the date that the*
10 *contracts were executed.*

11 (f) No person shall be a contractor of the department
12 for test-only stations in all air basins, exclusively, where
13 the enhanced program is in effect unless the department
14 determines, after a public hearing, that there is not more
15 than one qualified contractor. The South Coast Air Basin
16 shall have at least two contractors, and the combined
17 enhanced program area that includes Bakersfield,
18 Fresno, and Sacramento shall have at least two
19 contractors. The department may operate test-only
20 stations on an interim basis while contractors are being
21 sought.

22 (g) (1) In awarding contracts under this section, the
23 department shall request bids through the issuance of a
24 request for proposal.

25 (2) The department shall first determine which
26 bidders are qualified, and then award the contract to the
27 qualified bidder, giving priority to the test cost and
28 convenience to motorists.

29 (3) The department shall provide a contractual
30 preference, as determined by the department, not to
31 exceed 10 percent of the total proposal evaluation score,
32 based on the following factors:

33 (A) Up to 5 percent to bidders providing firm
34 commitments to employ businesses that are licensed or
35 otherwise substantially participating in the smog check
36 program after January 1, 1994.

37 (B) Up to 5 percent to bidders based on the extent to
38 which bidders maximize the potential economic benefit
39 of the smog check program on this state over the term of
40 the contract. That potential economic benefit shall



1 include the percentage of work performed by
2 California-based firms, the potential of the total project
3 ~~workforce~~—*work force* who will be California residents,
4 and the percentage of subcontracts that will be awarded
5 to California-based firms.

6 (4) Any contract executed by the department for the
7 operation of a test-only station shall expressly require
8 compliance with this chapter and any regulations
9 adopted by the department pursuant to this chapter.

10 (h) The department shall ensure that there is a
11 sufficient number of test-only stations, and that they are
12 properly located, to ensure reasonable accessibility and
13 convenience to all persons within an enhanced program
14 area, and that the waiting time for consumers is
15 minimized. The department may operate test-only
16 stations on an interim basis to ensure convenience to
17 consumers. The department shall specify in the request
18 for proposal the minimum number of test-only stations
19 that are required for the program. Any contracts initially
20 awarded pursuant to this section shall ensure that the
21 contractors are capable of fulfilling the requirements of
22 subdivision (a).

23 (i) Any data generated at a test-only station shall be
24 the property of the state, and shall be fully accessible to
25 the department at any time. The department may set
26 contract specifications for the storage of that data in a
27 central data storage system or facility designated by the
28 department.

29 (j) The department shall ensure an effective transition
30 to the new program by implementing an effective public
31 education program and may specify in the request for
32 proposal a dollar amount that bidders are required to
33 include in their bids for public education activities, to be
34 implemented pursuant to Section 44070.5.

35 (k) The department shall ensure the effective
36 management of the test-only stations and shall specify in
37 the request for proposal that a manager be present during
38 all hours of station operation.

39 (l) The department shall ensure and facilitate the
40 effective transition of employees of businesses that are



1 licensed or otherwise substantially participating in the
2 smog check program and may specify in the request for
3 proposal that test-only station management be
4 Automotive Service Excellence (ASE) certified, or be
5 certified by a comparable program as determined by the
6 department.

7 (m) As part of the contracts to be awarded pursuant
8 to subdivision (e), the department may require
9 contractors to perform functions previously undertaken
10 by referee stations throughout the state, as determined by
11 the department, at some or all of the affected stations in
12 enhanced areas, and at additional stations outside
13 enhanced areas only to the extent necessary to provide
14 appropriate access to referee functions.

15 (n) Notwithstanding any other provision of law, to
16 avoid delays to the program implementation timeline
17 required by this chapter or the Clean Air Act, the
18 Department of General Services, at the request of the
19 department, may exempt contracts awarded pursuant to
20 this section from existing laws, rules, resolutions, or
21 procedures that are otherwise applicable, including, but
22 not limited to, restrictions on awarding contracts for
23 more than three years. The department shall identify any
24 exemptions requested and granted pursuant to this
25 subdivision and report thereon to the Legislature.

26 (o) This section shall not be implemented unless the
27 memorandum of agreement described in Section 44081.6
28 is signed by both the California Environmental
29 Protection Agency and the Environmental Protection
30 Agency.

31 (p) The department shall implement the program
32 established in this section only in urbanized areas
33 classified by the Environmental Protection Agency as a
34 serious, severe, or extreme nonattainment area for ozone
35 or a moderate or serious nonattainment area for carbon
36 monoxide with a design value greater than 12.7 ppm, and
37 shall not implement the program in any other area.

38 (q) If existing smog check stations, in order to
39 participate in the enhanced program, have been
40 required to make additional investments of more than



1 ten thousand dollars (\$10,000), the department shall
2 submit recommendations to the Governor and the
3 Legislature for any appropriate mitigation measures.

4 *SEC. 3. Section 44014.2 is added to the Health and
5 Safety Code, to read:*

6 *44014.2. The department shall develop a program for
7 the voluntary certification of licensed smog check
8 stations, or the department may recognize a certification
9 program administered by an accredited industry
10 association. Such a certification program, which may be
11 called a "gold shield" program, shall be for the purpose
12 of providing consumers, whose vehicles fail an emissions
13 test at a test-only station, an option of repair services at a
14 single location to prevent the necessity for additional
15 trips back to the test-only center for vehicle certification.*

16 *SEC. 4. Section 44014.4 is added to the Health and
17 Safety Code, to read:*

18 *44014.4. (a) A licensed smog check station that has
19 been certified pursuant to Section 44014.2 may advertise
20 that fact, and the advertisement may include the scope of
21 work established by the program.*

22 *(b) It is an unfair business practice and a violation of
23 Section 17500 of the Business and Professions Code for
24 any licensed smog check station that is not so certified to
25 advertise as having obtained certification or as complying
26 with the scope of work, code of ethics, or certification
27 standards established by the certification program.*

28 *SEC. 5. Section 44014.5 of the Health and Safety Code
29 is amended to read:*

30 *44014.5. (a) The enhanced program shall provide for
31 the testing and retesting of vehicles in accordance with
32 ~~Section~~ Sections 44010.5, 44014.2, and this section.*

33 *(b) The repair of vehicles at test-only stations shall be
34 prohibited, except that the minor repair of components
35 damaged by station personnel during inspection at the
36 station, any minor repair which is necessary for the safe
37 operation of a vehicle while at a station, or other minor
38 repairs, such as the reconnection of hoses or vacuum lines,
39 may be undertaken at no charge to the vehicle owner or*



1 operator if authorized in advance in writing by the
2 department.

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

9 (d) The department shall establish standards for
10 training, equipment, performance, or data collection for
11 test-only facilities.

12 (e) The department, by regulation, shall prohibit
13 test-only stations from engaging in other business
14 activities that represent a conflict of interest, as
15 determined by the department.

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

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

26 (1) All vehicles identified and confirmed as gross
27 polluters pursuant to Section 44081 and Section 27156 of
28 the Vehicle Code.

29 (2) All vehicles identified by a smog check station
30 prior to repairs as ~~gross polluters~~ or as having been
31 tampered with.

32 (3) *Vehicles initially identified as gross polluters by a*
33 *smog check station licensed as a test-and-repair station*
34 *and certified pursuant to Section 44014.2 may be*
35 *inspected prior to repairs for purposes of emissions*
36 *testing at a test-only facility or at the licensed smog check*
37 *station certified pursuant to Section 44014.2 at which they*
38 *were initially identified as a gross polluter.*

39 (4) All vehicles designated by the department
40 pursuant to Sections 44014.7 and 44020.



1 ~~(4)~~

2 (5) Vehicles issued an economic hardship extension in
3 the previous biennial inspection of that vehicle.

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

10 (1) All vehicles seeking to utilize state-operated
11 financial assistance or inclusion in authorized scrap
12 programs.

13 (2) All vehicles unable to obtain a certificate of
14 compliance from a licensed smog check station pursuant
15 to subdivision (c) of Section 44015.

16 (3) Any other vehicles that may be designated by the
17 department.

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

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

35 *SEC. 6. Section 44033 of the Health and Safety Code*
36 *is amended to read:*

37 44033. (a) (1) Any facility meeting the
38 requirements established by the department pursuant to
39 this chapter may be licensed as a test-only, test and repair,
40 or repair-only smog check station. A licensed smog check



1 station shall display an identifying sign prescribed by the
2 department in a manner conspicuous to the public.

3 (2) *A licensed smog check station certified pursuant to*
4 *Section 44014.2 shall display an identifying sign*
5 *prescribed by the department.*

6 (b) No licensed *or certified* smog check station shall
7 require, as a condition of performing the test, that any
8 needed repairs or adjustment be done by the person, or
9 at the facility of the person, performing the test.

10 (c) If a motor vehicle, including a commercial vehicle,
11 is tested at a facility licensed to perform tests and repairs
12 pursuant to this chapter, the facility shall provide the
13 customer with a written estimate pursuant to Section
14 9884.9 of the Business and Professions Code. The written
15 estimate shall contain a notice to the customer stating
16 that the customer may choose another smog check station
17 to perform needed repairs, installations, adjustments, or
18 subsequent tests.

19 (d) Charges for testing or repair, or both, shall be
20 separately stated.

21 (e) The department shall require the posting of station
22 licenses and qualified technicians' certificates
23 prominently in each place of business so as to be readily
24 visible to the public.

25 ~~is amended to read:~~

26 ~~44003. (a) (1) An enhanced vehicle inspection and~~
27 ~~maintenance program is established in each urbanized~~
28 ~~area of the state, any part of which is classified by the~~
29 ~~Environmental Protection Agency as a serious, severe, or~~
30 ~~extreme nonattainment area for ozone or a moderate or~~
31 ~~serious nonattainment area for carbon monoxide with a~~
32 ~~design value greater than 12.7 ppm, and in other areas of~~
33 ~~the state as provided in this chapter.~~

34 ~~(2) A basic vehicle inspection and maintenance~~
35 ~~program shall be continued in all other areas of the state~~
36 ~~where a program was in existence under this chapter as~~
37 ~~of March 30, 1994.~~

38 ~~(b) The department may prescribe different test~~
39 ~~procedures and equipment requirements for those areas~~
40 ~~described in subdivision (a). Program components shall~~



1 ~~be operated in all program areas unless otherwise~~
2 ~~indicated, as determined by the department. In those~~
3 ~~areas where the biennial program is not implemented~~
4 ~~and smog check inspections are required to complete the~~
5 ~~requirements set forth in Sections 4000.1 and 4000.2 of the~~
6 ~~Vehicle Code, program elements that apply in basic~~
7 ~~areas, including test equipment requirements for smog~~
8 ~~check stations, shall apply.~~

9 ~~(c) (1) Districts classified as attainment areas may~~
10 ~~request the department to implement all or part of the~~
11 ~~program elements defined in this chapter.~~

12 ~~(2) Districts that include areas classified as basic~~
13 ~~program nonattainment areas pursuant to subdivision (a)~~
14 ~~may, except as provided in paragraph (1), request the~~
15 ~~implementation in those areas of test procedures and~~
16 ~~equipment required for enhanced program areas and any~~
17 ~~other program requirement specified for enhanced~~
18 ~~program areas.~~

19 ~~SEC. 3. Section 44010.5 of the Health and Safety Code~~
20 ~~is amended to read:~~

21 ~~44010.5. If existing smog check stations, to participate~~
22 ~~in the enhanced program, have been required to make~~
23 ~~additional investments of more than ten thousand dollars~~
24 ~~(\$10,000), the department shall submit~~
25 ~~recommendations to the Governor and the Legislature~~
26 ~~for any appropriate mitigation measures.~~

27 ~~SEC. 4. Section 44014.5 of the Health and Safety Code~~
28 ~~is amended to read:~~

29 ~~44014.5. (a) The enhanced program shall provide for~~
30 ~~the testing and retesting of vehicles in accordance with~~
31 ~~this section.~~

32 ~~(b) The repair of vehicles at test-only stations shall be~~
33 ~~prohibited, except that the minor repair of components~~
34 ~~damaged by station personnel during inspection at the~~
35 ~~station, any minor repair that is necessary for the safe~~
36 ~~operation of a vehicle while at a station, or other minor~~
37 ~~repairs, such as the reconnection of hoses or vacuum lines,~~
38 ~~may be undertaken at no charge to the vehicle owner or~~
39 ~~operator if authorized in advance in writing by the~~
40 ~~department.~~



1 ~~(c) The department shall provide for the distribution~~
2 ~~to consumers by test only stations of a list, compiled by~~
3 ~~region, of smog check stations licensed to make repairs of~~
4 ~~vehicular emission control systems. A test only station~~
5 ~~shall not refer a vehicle owner to any particular provider~~
6 ~~of vehicle repair services.~~

7 ~~(d) The department shall establish standards for~~
8 ~~training, equipment, performance, or data collection for~~
9 ~~test only facilities.~~

10 ~~(e) The department, by regulation, shall prohibit~~
11 ~~test only stations from engaging in other business~~
12 ~~activities that represent a conflict of interest, as~~
13 ~~determined by the department.~~

14 ~~(f) The test only station may charge a fee, established~~
15 ~~by the department, sufficient to cover the station's cost to~~
16 ~~perform the tests required by this chapter. In addition,~~
17 ~~the station shall charge and collect the certificate fee~~
18 ~~established pursuant to Section 44060. This subdivision~~
19 ~~shall apply only to stations contracted for pursuant to~~
20 ~~subdivision (e) of Section 44010.5.~~

21 ~~(g) The department shall ensure that there is a~~
22 ~~sufficient number of test only facilities to provide~~
23 ~~convenient testing for the following vehicles:~~

24 ~~(1) All vehicles identified and confirmed as gross~~
25 ~~polluters pursuant to Section 44081 and Section 27156 of~~
26 ~~the Vehicle Code.~~

27 ~~(2) All vehicles identified by a smog check station~~
28 ~~prior to repairs as gross polluters or as having been~~
29 ~~tampered with.~~

30 ~~(3) All vehicles designated by the department~~
31 ~~pursuant to Section 44020.~~

32 ~~(4) Vehicles issued an economic hardship extension in~~
33 ~~the previous biennial inspection of that vehicle.~~

34 ~~(h) The department shall provide a sufficient number~~
35 ~~of test only facilities authorized to perform referee~~
36 ~~functions to provide convenient testing for those vehicles~~
37 ~~that are required to report to, and receive a certificate of~~
38 ~~compliance from, a test only station by this chapter,~~
39 ~~including all of the following:~~



1 ~~(1) All vehicles seeking to utilize state-operated~~
2 ~~financial assistance or inclusion in authorized scrap~~
3 ~~programs.~~

4 ~~(2) All vehicles unable to obtain a certificate of~~
5 ~~compliance from a licensed smog check station pursuant~~
6 ~~to subdivision (c) of Section 44015.~~

7 ~~(3) Any other vehicles that may be designated by the~~
8 ~~department.~~

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

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

26 ~~SEC. 5. Section 44014.7 of the Health and Safety Code~~
27 ~~is repealed.~~

28 ~~SEC. 6. Section 44015.3 of the Health and Safety Code~~
29 ~~is amended to read:~~

30 ~~44015.3. (a) The department may develop and~~
31 ~~implement the economic hardship extension program~~
32 ~~specified in paragraph (2) of subdivision (c) of Section~~
33 ~~44015 and subdivision (e) of Section 44017. That program~~
34 ~~shall not become operative until the department issues a~~
35 ~~public notice declaring that testing in the relevant~~
36 ~~geographical areas of the state is operational using~~
37 ~~loaded-mode test equipment, as defined in this article.~~

38 ~~(b) The department shall administer the economic~~
39 ~~hardship extension program in accordance with~~
40 ~~regulations adopted by the department.~~



1 ~~SEC. 7. Section 44017 of the Health and Safety Code~~
2 ~~is amended to read:~~

3 ~~44017. (a) Except as otherwise provided in this~~
4 ~~section, the cost limit for repairs under the program,~~
5 ~~including parts and labor, shall be a minimum of four~~
6 ~~hundred fifty dollars (\$450) in all areas where the~~
7 ~~program operates.~~

8 ~~(b) The limit established pursuant to subdivision (a)~~
9 ~~shall not become operative until the department issues a~~
10 ~~public notice which declares that testing is operational in~~
11 ~~the relevant geographical areas of the state using loaded~~
12 ~~mode test equipment, as defined in this article. Prior to~~
13 ~~that time, the following cost limits shall remain in effect:~~

14 ~~(1) For motor vehicles of 1971 and earlier model years,~~
15 ~~fifty dollars (\$50).~~

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

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

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

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

24 ~~(c) The department shall periodically revise the cost~~
25 ~~limits specified in subdivisions (a) and (b) in accordance~~
26 ~~with changes in the Consumer Price Index, as published~~
27 ~~by the United States Bureau of Labor Statistics.~~

28 ~~(d) No cost limit shall be imposed in those cases where~~
29 ~~emissions control equipment is missing or is partially or~~
30 ~~totally inoperative as a result of being tampered with or~~
31 ~~when the vehicle has been identified as a gross polluter~~
32 ~~pursuant to Section 44081 and verified as a gross polluter~~
33 ~~at a smog check station. The cost limits prescribed~~
34 ~~pursuant to this section, when implemented, shall not be~~
35 ~~imposed on vehicles identified as gross polluters prior to~~
36 ~~repairs at a smog check station. However, if there is no~~
37 ~~evidence of tampering and the vehicle owner has had~~
38 ~~repairs performed as necessary to bring the vehicle's~~
39 ~~emissions below the appropriate threshold established for~~



1 ~~gross polluters, the emission cost waiver provisions shall~~
2 ~~apply.~~

3 ~~(e) A one-time 12-month economic hardship~~
4 ~~extension from the biennial certificate of compliance~~
5 ~~requirement may be granted, pursuant to the program~~
6 ~~established by the department pursuant to Section~~
7 ~~44015.3, to consumers who would be subject to repair~~
8 ~~costs in excess of the extension limit established by the~~
9 ~~department if the requirements specified in paragraph~~
10 ~~(2) of subdivision (e) of Section 44015 are met. The~~
11 ~~economic hardship extension shall constitute neither a~~
12 ~~certificate of compliance nor a certificate of~~
13 ~~noncompliance for the purpose of transferring the~~
14 ~~ownership or the registration of the vehicle. On or before~~
15 ~~the expiration date of the economic hardship extension,~~
16 ~~the vehicle shall be brought fully into compliance with all~~
17 ~~appropriate emission standards as determined by a test in~~
18 ~~accordance with Section 44012. The emission cost waiver~~
19 ~~provisions shall not apply to those vehicles.~~

20 ~~SEC. 8. Section 44081.6 of the Health and Safety Code~~
21 ~~is amended to read:~~

22 ~~44081.6. (a) The California Environmental~~
23 ~~Protection Agency, the state board, and the department,~~
24 ~~in cooperation with, and with the participation of, the~~
25 ~~Environmental Protection Agency, shall jointly~~
26 ~~undertake a pilot demonstration program to do all of the~~
27 ~~following:~~

28 ~~(1) Determine the emission reduction effectiveness of~~
29 ~~alternative loaded mode emission tests compared to the~~
30 ~~IM240 test.~~

31 ~~(2) Quantify the emission reductions, above and~~
32 ~~beyond those required by Environmental Protection~~
33 ~~Agency regulation or by the biennial test requirement,~~
34 ~~achievable from a remote sensing-based program that~~
35 ~~identifies gross polluting and other vehicles and requires~~
36 ~~the immediate repair and retest of those gross polluting~~
37 ~~vehicles at a test-only station established by this chapter.~~

38 ~~(3) Qualify emission reductions above and beyond~~
39 ~~those that are required by the regulations of the~~



1 Environmental Protection Agency, achievable from
2 other program enhancements pursuant to this chapter.

3 (b) The California Environmental Protection Agency
4 shall enter into a memorandum of agreement with the
5 Environmental Protection Agency to establish the
6 protocol for the pilot demonstration program. The
7 memorandum of agreement shall ensure, to the extent
8 possible, that the Environmental Protection Agency will
9 accept the results of the pilot demonstration program as
10 the findings of the Administrator of the Environmental
11 Protection Agency. The pilot demonstration program
12 shall be conducted pursuant to the memorandum of
13 agreement.

14 (c) The review committee established pursuant to
15 Section 44021 shall review the protocol for the pilot
16 demonstration program, as established in the signed
17 memorandum of agreement, and recommend any
18 modification that the review committee finds to be
19 appropriate for the pilot demonstration program. Any
20 such modification shall become effective only upon the
21 written agreement of the California Environmental
22 Protection Agency and the Environmental Protection
23 Agency.

24 (d) The department shall contract, on behalf of the
25 committee, with an independent entity to ensure quality
26 control in the collection of data pursuant to the pilot
27 demonstration program. The department shall also
28 contract, on behalf of the committee, for an independent
29 analysis of the data produced by the pilot demonstration
30 program.

31 (e) Any contract entered into pursuant to this section
32 shall not be subject to any restrictions that are applicable
33 to contracts in the Government Code or in the Public
34 Contract Code. The department shall report to the
35 Legislature any action that is taken in accordance with
36 this subdivision.

37 (f) To the extent possible, the pilot demonstration
38 program shall be conducted using equipment, facilities,
39 and staff of the state board, the department, and the
40 Environmental Protection Agency.



1 ~~(g) The pilot demonstration program shall provide~~
2 ~~for, but not be limited to, all of the following:~~

3 ~~(1) For the purposes of this section, any vehicle subject~~
4 ~~to the inspection and maintenance program may be~~
5 ~~selected to participate in the pilot demonstration~~
6 ~~program regardless of when last inspected pursuant to~~
7 ~~this chapter.~~

8 ~~(2) Registered owners of vehicles selected to~~
9 ~~participate in the pilot demonstration program shall~~
10 ~~make the vehicle available for testing within a time~~
11 ~~period and at a testing facility designated by the~~
12 ~~department. If necessary, the department shall increase~~
13 ~~the capacity of the existing referee network in the area or~~
14 ~~areas where the pilot demonstration program will be~~
15 ~~operating, in order to accommodate the convenient~~
16 ~~testing of selected vehicles.~~

17 ~~(3) If the department finds that a vehicle is emitting~~
18 ~~excessive emissions, the vehicle owner shall be required~~
19 ~~to make necessary repairs within the existing cost limits~~
20 ~~and return to a testing facility designated by the~~
21 ~~department. The vehicle owner shall have additional~~
22 ~~repairs made if the repairs are requested and funded by~~
23 ~~the department. The department shall also fund the cost~~
24 ~~of any necessary repairs if the owner of the vehicle has,~~
25 ~~within the last two years, already paid for~~
26 ~~emissions-related repairs to the same vehicle in an~~
27 ~~amount at least equal to the existing cost limits, in order~~
28 ~~to obtain a certificate of compliance or an emission cost~~
29 ~~waiver.~~

30 ~~(4) Vehicle owners who fail to bring the vehicle in for~~
31 ~~inspection or fail to have repairs made pursuant to this~~
32 ~~section shall be issued notices of noncompliance. The~~
33 ~~notice shall provide that, unless the vehicle is brought to~~
34 ~~a designated testing facility for testing, or repair facility~~
35 ~~for repairs, within 15 days of notice of the requirement,~~
36 ~~the owner will be required to pay an administrative fee~~
37 ~~of not more than five dollars (\$5) a day, not to exceed two~~
38 ~~hundred fifty dollars (\$250), to be collected by the~~
39 ~~Department of Motor Vehicles at the next annual~~
40 ~~registration renewal or the next change of ownership of~~



1 the vehicle, whichever occurs first. Commencing on the
2 31st day after issuance of the notice of noncompliance, the
3 fee shall accrue at the rate of five dollars (\$5) per day up
4 to the two hundred fifty dollars (\$250) maximum. Except
5 as provided in subdivision (b) of Section 9250.18 of the
6 Vehicle Code, any revenues collected by the Department
7 of Motor Vehicles pursuant to this subdivision and Section
8 9250.18 of the Vehicle Code shall be deposited into the
9 Vehicle Inspection and Repair Fund by the Department
10 of Motor Vehicles.

11 (h) The Department of Motor Vehicles, the
12 Department of Transportation, local agencies, and the
13 state board shall provide necessary support for the
14 program established pursuant to this section.

15 (i) As soon as possible after March 30, 1994, the
16 department and the state board shall develop,
17 implement, and revise as needed, emissions test
18 procedures and emissions standards necessary to conduct
19 the pilot demonstration program.

