

AMENDED IN ASSEMBLY SEPTEMBER 5, 1997

AMENDED IN SENATE FEBRUARY 13, 1997

SENATE BILL

No. 42

Introduced by Senator Kopp
(Coauthors: Senators Knight and Mountjoy)
(Coauthor: Assembly Member Cunneen)

December 2, 1996

An act to amend Section 44011 of the Health and Safety Code, and to amend Section 4000.1 of the Vehicle Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 42, as amended, Kopp. Air pollution: vehicles: *inspection and maintenance*.

Existing law exempts any motor vehicle manufactured prior to the 1966 model-year from provisions requiring vehicles powered by internal combustion engines in certain areas of the state to obtain a smog check certificate of compliance or noncompliance biennially, upon transfer of ownership, or upon registration of a vehicle previously registered outside the state.

This bill would, instead, exempt from those requirements any motor vehicle—~~which~~ *manufactured prior to the 1974 model year or, beginning January 1, 2003, that is 25 30 or more model-years old.*

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
2 Code is amended to read:

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

8 (1) Every motorcycle, and every diesel-powered
9 vehicle, until the department, pursuant to Section 44012,
10 implements test procedures applicable to motorcycles or
11 to diesel-powered vehicles, or both.

12 (2) Any motor vehicle which has been issued a
13 certificate of compliance or noncompliance or an
14 emission cost waiver upon a change of ownership or initial
15 registration in this state during the preceding six months,
16 or which has been issued a certificate of exemption
17 pursuant to Section 4000.6 or 4000.7 of the Vehicle Code.

18 ~~(3) Any motor vehicle which is 25 or more model years~~
19 ~~old.~~

20 ~~(4) Any other motor vehicle which~~

21 ~~(3) Prior to January 1, 2003, any motor vehicle~~
22 ~~manufactured prior to the 1974 model-year.~~

23 ~~(4) Beginning January 1, 2003, any motor vehicle that~~
24 ~~is 30 or more model-years old.~~

25 ~~(5) Any other motor vehicle that the department~~
26 ~~determines would present prohibitive inspection or~~
27 ~~repair problems.~~

28 ~~(5)~~

29 (6) Any vehicle registered to the owner of a fleet
30 licensed pursuant to Section 44020 if the vehicle is
31 garaged exclusively outside the area included in program
32 coverage, and is not primarily operated inside the area
33 included in program coverage.

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



1 SEC. 2. Section 4000.1 of the Vehicle Code is amended
2 to read:

3 4000.1. (a) Except as otherwise provided in
4 subdivision (b), (c), or (d) of this section, or subdivision
5 (b) of Section 43654 of the Health and Safety Code, the
6 department shall require upon initial registration, and
7 upon transfer of ownership and registration, of any motor
8 vehicle subject to Part 5 (commencing with Section
9 43000) of Division 26 of the Health and Safety Code, and
10 upon registration of a motor vehicle previously registered
11 outside this state which is subject to those provisions of
12 the Health and Safety Code, a valid certificate of
13 compliance or a certificate of noncompliance, as
14 appropriate, issued in accordance with Section 44015 of
15 the Health and Safety Code.

16 (b) With respect to new vehicles certified pursuant to
17 Chapter 2 (commencing with Section 43100) of Part 5 of
18 Division 26 of the Health and Safety Code, the
19 department shall accept a statement completed pursuant
20 to subdivision (b) of Section 24007 in lieu of the certificate
21 of compliance.

22 (c) For purposes of determining the validity of a
23 certificate of compliance or noncompliance submitted in
24 compliance with the requirements of this section, the
25 definitions of new and used motor vehicle contained in
26 Chapter 2 (commencing with Section 39010) of Part 1 of
27 Division 26 of the Health and Safety Code shall control.

28 (d) Subdivision (a) does not apply to a transfer of
29 ownership and registration under any of the following
30 circumstances:

31 (1) In any district in which biennial certification is
32 required and a valid certificate was issued in connection
33 with the most recent renewal of registration of the
34 vehicle, and the transfer occurred not more than 60 days
35 following the date by which that renewal of registration
36 was required.

37 (2) The transferor is either the parent, grandparent,
38 sibling, child, grandchild, or spouse of the transferee.

39 (3) A vehicle registered to a sole proprietorship is
40 transferred to the proprietor as owner.



1 (4) The transfer is between companies whose
2 principal business is leasing vehicles, if there is no change
3 in the lessee or operator of the vehicle or between the
4 lessor and the person who has been, for at least one year,
5 the lessee's operator of the vehicle.

6 (5) The transfer is between the lessor and lessee of the
7 vehicle, if there is no change in the lessee or operator of
8 the vehicle.

9 ~~(6) The motor vehicle is 25 or more model-years old.~~

10 (6) *Prior to January 1, 2003, the motor vehicle was*
11 *manufactured prior to the 1974 model year.*

12 (7) *Beginning January 1, 2003, the motor vehicle is 30*
13 *or more model-years old.*

14 (e) The State Air Resources Board, under Part 5
15 (commencing with Section 43000) of Division 26 of the
16 Health and Safety Code, may exempt designated
17 classifications of motor vehicles from subdivision (a) as it
18 deems necessary, and shall notify the department of that
19 action.

20 (f) Subdivision (a) does not apply to a motor vehicle
21 when an additional individual is added as a registered
22 owner of the vehicle.

