

**ASSEMBLY BILL**

**No. 158**

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**Introduced by Assembly Member Oller**

January 15, 1999

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An act to amend Sections 44000.5, 44011, 44012, 44013.5, 44014, 44015, 44017, 44020, 44021, 44024.5, 44033, 44036, 44045.5, 44050, 44056, 44060, 44062.1, 44081, and 44081.6 of, and to repeal Sections 44003, 44010.5, 44014.2, 44014.4, 44014.5, and 44014.7 of, the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 158, as introduced, Oller. Motor vehicles: smog check program.

(1) Existing law establishes a motor vehicle inspection and maintenance (smog check) program, administered by the Department of Consumer Affairs; requires inspection of motor vehicles upon initial registration, biennially upon renewal of registration, upon transfer of ownership, and in certain other circumstances; and requires all motor vehicles that are registered in designated areas of the state to biennially obtain a certificate of compliance or noncompliance with motor vehicle emission standards, except for certain exempted motor vehicles. Existing law also provides for an enhanced motor vehicle inspection and maintenance program in each urbanized area of the state, any part of which is classified by the United States Environmental Protection Agency as a serious, severe, or extreme nonattainment area for carbon monoxide with a design value

greater than 12.7 ppm, and in other areas of the state, as specified.

This bill would repeal those provisions providing for an enhanced program and would make related changes.

(2) The bill would require the Bureau of Automotive Repair to provide reimbursement to eligible smog check station owners for certain costs incurred to comply with the enhanced smog check program from specified funds appropriated in the Budget Act of 1999.

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

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

23 ~~(2) Fleet vehicles shall not be included in the~~  
24 ~~certification requirements established pursuant to~~  
25 ~~Section 44014.7.~~



1 SEC. 2. Section 44003 of the Health and Safety Code  
2 is repealed.

3 ~~44003. (a) (1) An enhanced motor vehicle~~  
4 ~~inspection and maintenance program is established in~~  
5 ~~each urbanized area of the state, any part of which is~~  
6 ~~classified by the Environmental Protection Agency as a~~  
7 ~~serious, severe, or extreme nonattainment area for ozone~~  
8 ~~or a moderate or serious nonattainment area for carbon~~  
9 ~~monoxide with a design value greater than 12.7 ppm, and~~  
10 ~~in other areas of the state as provided in this chapter.~~

11 ~~(2) The enhanced motor vehicle inspection and~~  
12 ~~maintenance program established pursuant to paragraph~~  
13 ~~(1) shall be assessed jointly by the department and the~~  
14 ~~state board periodically to determine whether changes in~~  
15 ~~the program may be warranted. On or before January 1,~~  
16 ~~2003, the department and the state board shall jointly~~  
17 ~~issue a report to the Legislature based on those periodic~~  
18 ~~assessments, recommending any modifications to the~~  
19 ~~enhanced program to improve its operations and lessen~~  
20 ~~its impact on consumers while still achieving the~~  
21 ~~necessary emission reductions to attain air quality~~  
22 ~~standards.~~

23 ~~(3) A basic vehicle inspection and maintenance~~  
24 ~~program shall be continued in all other areas of the state~~  
25 ~~where a program was in existence under this chapter as~~  
26 ~~of the effective date of this paragraph.~~

27 ~~(b) The department may prescribe different test~~  
28 ~~procedures and equipment requirements for those areas~~  
29 ~~described in subdivision (a). Program components shall~~  
30 ~~be operated in all program areas unless otherwise~~  
31 ~~indicated, as determined by the department. In those~~  
32 ~~areas where the biennial program is not implemented~~  
33 ~~and smog check inspections are required to complete the~~  
34 ~~requirements set forth in Sections 4000.1 and 4000.2 of the~~  
35 ~~Vehicle Code, program elements that apply in basic~~  
36 ~~areas, including test equipment requirements for smog~~  
37 ~~check stations, shall apply.~~

38 ~~(c) (1) Districts classified as attainment areas may~~  
39 ~~request the department to implement all or part of the~~  
40 ~~program elements defined in this chapter. However, the~~



~~1 department shall not implement the program established  
2 by Section 44010.5 in any area other than an urbanized  
3 area, any part of which is classified by the Environmental  
4 Protection Agency as a serious, severe, or extreme  
5 nonattainment area for ozone or a moderate or serious  
6 nonattainment area for carbon monoxide with a design  
7 value greater than 12.7 ppm.~~

~~8 (2) Districts that include areas classified as basic  
9 program nonattainment areas pursuant to subdivision (a)  
10 may, except as provided in paragraph (1), request the  
11 implementation in those areas of test procedures and  
12 equipment required for enhanced program areas and any  
13 other program requirement specified for enhanced  
14 program areas.~~

15 SEC. 3. Section 44010.5 of the Health and Safety Code  
16 is repealed.

~~17 44010.5. (a) The department shall implement a  
18 program with the capacity to commence, by January 1,  
19 1995, the testing at test-only facilities, in accordance with  
20 this chapter, of 15 percent of that portion of the total state  
21 vehicle fleet consisting of vehicles subject to inspection  
22 each year in the biennial program and that are registered  
23 in the enhanced program area, as established pursuant to  
24 paragraph (1) of subdivision (a) of Section 44003.~~

~~25 (b) (1) The department shall increase the capacity of  
26 the program so that the capacity exists to commence, by  
27 January 1, 1996, the testing at test-only facilities of that  
28 portion of the state vehicle fleet that is subject to  
29 inspection and is registered in the enhanced program  
30 area, which is sufficient to meet the emission reduction  
31 performance standards established by the  
32 Environmental Protection Agency in regulations  
33 adopted pursuant to the Clean Air Act Amendments of  
34 1990, taking into account the results of the pilot  
35 demonstration program established pursuant to Section  
36 44081.6.~~

~~37 (2) Upon increasing the capacity of the program  
38 pursuant to paragraph (1), the department shall afford  
39 smog check stations that are licensed and certified  
40 pursuant to Sections 44014 and 44014.2 the initial~~



1 opportunity to perform the required inspections. The  
2 department shall adopt, by regulation, the requirements  
3 to provide that initial opportunity.

4 (3) If the department determines that there is an  
5 insufficient number of licensed test-only smog check  
6 stations operating in an enhanced area to meet the  
7 increased demand for test-only inspections, the  
8 department may increase the capacity of the program by  
9 utilizing existing contracts.

10 (e) The program shall utilize loaded mode  
11 dynamometer test equipment, as determined through  
12 the pilot demonstration program.

13 (d) Vehicles in the enhanced program area which are  
14 not subjected to the program established by this section  
15 may be tested at smog check stations licensed pursuant to  
16 Section 44014 that use loaded mode dynamometers.

17 (e) (1) The department may implement the program  
18 established pursuant to subdivision (a) through a  
19 network of privately operated test-only facilities  
20 established pursuant to contracts to be awarded pursuant  
21 to this section.

22 (2) The initial contracts awarded pursuant to this  
23 section shall terminate not later than seven years from  
24 the date that the contracts were executed.

25 (f) No person shall be a contractor of the department  
26 for test-only facilities in all air basins, exclusively, where  
27 the enhanced program is in effect unless the department  
28 determines, after a public hearing, that there is not more  
29 than one qualified contractor. The South Coast Air Basin  
30 shall have at least two contractors, and the combined  
31 enhanced program area that includes Bakersfield,  
32 Fresno, and Sacramento shall have at least two  
33 contractors. The department may operate test-only  
34 facilities on an interim basis while contractors are being  
35 sought.

36 (g) (1) In awarding contracts under this section, the  
37 department shall request bids through the issuance of a  
38 request for proposal.

39 (2) The department shall first determine which  
40 bidders are qualified, and then award the contract to the



1 ~~qualified bidder, giving priority to the test cost and~~  
2 ~~convenience to motorists.~~

3 ~~(3) The department shall provide a contractual~~  
4 ~~preference, as determined by the department, not to~~  
5 ~~exceed 10 percent of the total proposal evaluation score,~~  
6 ~~based on the following factors:~~

7 ~~(A) Up to 5 percent to bidders providing firm~~  
8 ~~commitments to employ businesses that are licensed or~~  
9 ~~otherwise substantially participating in the smog check~~  
10 ~~program after January 1, 1994.~~

11 ~~(B) Up to 5 percent to bidders based on the extent to~~  
12 ~~which bidders maximize the potential economic benefit~~  
13 ~~of the smog check program on this state over the term of~~  
14 ~~the contract. That potential economic benefit shall~~  
15 ~~include the percentage of work performed by~~  
16 ~~California-based firms, the potential of the total project~~  
17 ~~work force who will be California residents, and the~~  
18 ~~percentage of subcontracts that will be awarded to~~  
19 ~~California-based firms.~~

20 ~~(4) Any contract executed by the department for the~~  
21 ~~operation of a test-only facility shall expressly require~~  
22 ~~compliance with this chapter and any regulations~~  
23 ~~adopted by the department pursuant to this chapter.~~

24 ~~(h) The department shall ensure that there is a~~  
25 ~~sufficient number of test-only facilities, and that they are~~  
26 ~~properly located, to ensure reasonable accessibility and~~  
27 ~~convenience to all persons within an enhanced program~~  
28 ~~area, and that the waiting time for consumers is~~  
29 ~~minimized. The department may operate test-only~~  
30 ~~facilities on an interim basis to ensure convenience to~~  
31 ~~consumers. The department shall specify in the request~~  
32 ~~for proposal the minimum number of test-only facilities~~  
33 ~~that are required for the program. Any contracts initially~~  
34 ~~awarded pursuant to this section shall ensure that the~~  
35 ~~contractors are capable of fulfilling the requirements of~~  
36 ~~subdivision (a).~~

37 ~~(i) Any data generated at a test-only facility shall be~~  
38 ~~the property of the state, and shall be fully accessible to~~  
39 ~~the department at any time. The department may set~~  
40 ~~contract specifications for the storage of that data in a~~



1 ~~central data storage system or facility designated by the~~  
2 ~~department.~~

3 ~~(j) The department shall ensure an effective transition~~  
4 ~~to the new program by implementing an effective public~~  
5 ~~education program and may specify in the request for~~  
6 ~~proposal a dollar amount that bidders are required to~~  
7 ~~include in their bids for public education activities, to be~~  
8 ~~implemented pursuant to Section 44070.5.~~

9 ~~(k) The department shall ensure the effective~~  
10 ~~management of the test-only facilities and shall specify in~~  
11 ~~the request for proposal that a manager be present during~~  
12 ~~all hours of station operation.~~

13 ~~(l) The department shall ensure and facilitate the~~  
14 ~~effective transition of employees of businesses that are~~  
15 ~~licensed or otherwise substantially participating in the~~  
16 ~~smog check program and may specify in the request for~~  
17 ~~proposal that test-only facility management be~~  
18 ~~Automotive Service Excellence (ASE) certified, or be~~  
19 ~~certified by a comparable program as determined by the~~  
20 ~~department.~~

21 ~~(m) As part of the contracts to be awarded pursuant~~  
22 ~~to subdivision (e), the department may require~~  
23 ~~contractors to perform functions previously undertaken~~  
24 ~~by referee stations throughout the state, as determined by~~  
25 ~~the department, at some or all of the affected stations in~~  
26 ~~enhanced areas, and at additional stations outside~~  
27 ~~enhanced areas only to the extent necessary to provide~~  
28 ~~appropriate access to referee functions.~~

29 ~~(n) Notwithstanding any other provision of law, to~~  
30 ~~avoid delays to the program implementation timeline~~  
31 ~~required by this chapter or the Clean Air Act, the~~  
32 ~~Department of General Services, at the request of the~~  
33 ~~department, may exempt contracts awarded pursuant to~~  
34 ~~this section from existing laws, rules, resolutions, or~~  
35 ~~procedures that are otherwise applicable, including, but~~  
36 ~~not limited to, restrictions on awarding contracts for~~  
37 ~~more than three years. The department shall identify any~~  
38 ~~exemptions requested and granted pursuant to this~~  
39 ~~subdivision and report thereon to the Legislature.~~



1 ~~(o) This section shall not be implemented unless the~~  
2 ~~memorandum of agreement described in Section 44081.6~~  
3 ~~is signed by both the California Environmental~~  
4 ~~Protection Agency and the Environmental Protection~~  
5 ~~Agency.~~

6 ~~(p) The department shall implement the program~~  
7 ~~established in this section only in urbanized areas~~  
8 ~~classified by the Environmental Protection Agency as a~~  
9 ~~serious, severe, or extreme nonattainment area for ozone~~  
10 ~~or a moderate or serious nonattainment area for carbon~~  
11 ~~monoxide with a design value greater than 12.7 ppm, and~~  
12 ~~shall not implement the program in any other area.~~

13 ~~(q) If existing smog check stations, in order to~~  
14 ~~participate in the enhanced program, have been~~  
15 ~~required to make additional investments of more than~~  
16 ~~ten thousand dollars (\$10,000), the department shall~~  
17 ~~submit recommendations to the Governor and the~~  
18 ~~Legislature for any appropriate mitigation measures.~~

19 SEC. 4. Section 44011 of the Health and Safety Code  
20 is amended to read:

21 44011. ~~(a)~~ All motor vehicles powered by internal  
22 combustion engines that are registered within an area  
23 designated for program coverage shall be required  
24 biennially to obtain a certificate of compliance or  
25 noncompliance, except for all of the following:

26 ~~(1)~~

27 (a) Every motorcycle, and every diesel-powered  
28 vehicle, until the department, pursuant to Section 44012,  
29 implements test procedures applicable to motorcycles or  
30 to diesel-powered vehicles, or both.

31 ~~(2)~~

32 (b) Any motor vehicle that has been issued a  
33 certificate of compliance or noncompliance or a repair  
34 cost waiver upon a change of ownership or initial  
35 registration in this state during the preceding six months.

36 ~~(3)(A)~~

37 (c) (1) Prior to January 1, 2003, any motor vehicle  
38 manufactured prior to the 1974 model-year.

39 ~~(B)~~



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

3 ~~(4) (A)~~

4 (d) (1) Any motor vehicle four or less model-years  
5 old.

6 ~~(B)~~

7 (2) Any motor vehicle excepted by this paragraph  
8 subdivision shall be subject to testing and to certification  
9 requirements as determined by the department, if any of  
10 the following apply:

11 ~~(i)~~

12 (A) The department determines through remote  
13 sensing activities or other means that there is a substantial  
14 probability that the vehicle has a tampered emission  
15 control system or would fail for other cause a smog check  
16 test as specified in Section 44012.

17 ~~(ii)~~

18 (B) The vehicle was previously registered outside this  
19 state and is undergoing initial registration in this state.

20 ~~(iii)~~

21 (C) The vehicle is being registered as a specially  
22 constructed vehicle.

23 ~~(iv)~~

24 (D) The vehicle has been selected for testing pursuant  
25 to ~~Section 44014.7~~ or any other provision of this chapter  
26 authorizing out-of-cycle testing.

27 ~~(5)~~

28 (e) Any motor vehicle or class of motor vehicles  
29 exempted pursuant to subdivision (b) of Section 44024.5.

30 ~~(6)~~

31 (f) Any motor vehicle that the department  
32 determines would present prohibitive inspection or  
33 repair problems.

34 ~~(7)~~

35 (g) Any vehicle registered to the owner of a fleet  
36 licensed pursuant to Section 44020 if the vehicle is  
37 garaged exclusively outside the area included in program  
38 coverage, and is not primarily operated inside the area  
39 included in program coverage.

1 ~~(b) Vehicles designated for program coverage in~~  
2 ~~enhanced areas shall be required to obtain inspections~~  
3 ~~from appropriate smog check stations operating in~~  
4 ~~enhanced areas.~~

5 SEC. 5. Section 44012 of the Health and Safety Code  
6 is amended to read:

7 44012. The test at the smog check stations shall be  
8 performed in accordance with procedures prescribed by  
9 the department, pursuant to Section 44013, shall require,  
10 ~~at a minimum, loaded mode dynamometer testing in~~  
11 ~~enhanced areas, and two-speed testing in all other~~  
12 ~~two-speed testing in all~~ program areas, and shall ensure  
13 all of the following:

14 (a) Emission control systems required by state and  
15 federal law are reducing excess emissions in accordance  
16 with the standards adopted pursuant to subdivisions (a)  
17 and (c) of Section 44013.

18 (b) Motor vehicles are preconditioned to ensure  
19 representative and stabilized operation of the vehicle's  
20 emission control system.

21 (c) For other than diesel-powered vehicles, the  
22 vehicle's exhaust emissions of hydrocarbons, carbon  
23 monoxide, carbon dioxide, and oxides of nitrogen in an  
24 idle mode or loaded mode are tested in accordance with  
25 procedures prescribed by the department. ~~In~~  
26 ~~determining how loaded mode and evaporative~~  
27 ~~emissions testing shall be conducted, the department~~  
28 ~~shall ensure that the emission reduction targets for the~~  
29 ~~enhanced program are met.~~

30 (d) For other than diesel-powered vehicles, the  
31 vehicle's fuel evaporative system and crankcase  
32 ventilation system are tested to reduce any nonexhaust  
33 sources of volatile organic compound emissions, in  
34 accordance with procedures prescribed by the  
35 department.

36 (e) For diesel-powered vehicles, if the department  
37 determines that the inclusion of those vehicles is  
38 technologically and economically feasible, a visual  
39 inspection is made of emission control devices and the  
40 vehicle's exhaust emissions in an idle ~~mode or loaded~~



1 mode are tested in accordance with procedures  
2 prescribed by the department. The test may include  
3 testing of emissions of any or all of the pollutants specified  
4 in subdivision (c) and, upon the adoption of applicable  
5 standards, measurement of emissions of smoke or  
6 particulates, or both.

7 (f) A visual or functional check is made of emission  
8 control devices specified by the department, including  
9 the catalytic converter in those instances in which the  
10 department determines it to be necessary to meet the  
11 findings of Section 44001. The visual or functional check  
12 shall be performed in accordance with procedures  
13 prescribed by the department.

14 (g) A determination as to whether the motor vehicle  
15 complies with the emission standards for that vehicle's  
16 class and model-year as prescribed by the department.

17 (h) The test procedures may authorize smog check  
18 stations to refuse the testing of a vehicle that would be  
19 unsafe to test, or that cannot physically be inspected, as  
20 specified by the department by regulation. The refusal to  
21 test a vehicle for those reasons shall not excuse or exempt  
22 the vehicle from compliance with all applicable  
23 requirements of this chapter.

24 SEC. 6. Section 44013.5 of the Health and Safety Code  
25 is amended to read:

26 44013.5. (a) If the department, in consultation with  
27 the state board, determines that substantial demand for  
28 emission retrofit devices exists, the department shall  
29 develop a program for the certification of emissions  
30 retrofit device installations by licensed installers. The  
31 department may require installers of emissions retrofit  
32 devices to be qualified pursuant to this chapter. The  
33 department may assess biennial license fees upon those  
34 installers in an amount not to exceed the reasonable cost  
35 of administering the emissions retrofit device  
36 certification program.

37 (b) The certification shall be performed at a referee ~~or~~  
38 ~~test-only~~ station and shall be based on a visual inspection  
39 of the emissions retrofit device and its installation, and  
40 verification of the proper operation of any new or



1 modified components that are a part of the emissions  
2 retrofit device, and not on the results of an emissions test.

3 (c) The department shall develop a program for the  
4 identification of retrofitted vehicles at smog check  
5 stations and for providing information required for the  
6 inspection of those systems to smog check stations.

7 (d) This section shall become inoperative pursuant to  
8 Section 33 of the act adding this section or, in any case,  
9 five years from the date determined pursuant to Section  
10 32 of the act adding this section, and on the January 1  
11 following the date upon which this section becomes  
12 inoperative, is repealed.

13 SEC. 7. Section 44014 of the Health and Safety Code  
14 is amended to read:

15 44014. (a) Except as otherwise provided in this  
16 chapter, the testing and repair portion of the program  
17 shall be conducted by smog check stations licensed by the  
18 department, and by smog check technicians who have  
19 qualified pursuant to this chapter.

20 ~~(b) (1) A smog check station may be licensed by the~~  
21 ~~department as a smog check test-only station and, when~~  
22 ~~so licensed, need not comply with the requirement for~~  
23 ~~onsite availability of current service and adjustment~~  
24 ~~procedures specified in paragraph (3) of subdivision (b)~~  
25 ~~of Section 44030. A smog check technician employed by~~  
26 ~~a smog check test-only station shall be qualified in~~  
27 ~~accordance with this section.~~

28 ~~(2) The department may authorize the placement of~~  
29 ~~referees in qualified —test-only smog check stations to~~  
30 ~~provide referee services as a matter of convenience to the~~  
31 ~~public. The department shall supply those referees~~  
32 ~~directly or through a contractor. A referee shall have no~~  
33 ~~ownership interest in the facility at which the referee is~~  
34 ~~located. Referees shall be solely responsible for issuing~~  
35 ~~repair cost waivers, certificates of compliance or~~  
36 ~~noncompliance, and hardship extensions, in accordance~~  
37 ~~with regulations adopted by the department.~~

38 The department may adopt regulations to establish  
39 qualification standards and any special administrative,  
40 operational, and licensure standards that the department



1 determines to be necessary for ~~test-only~~ smog check  
2 stations that perform referee services.

3 (c) A smog check station may also be licensed as a  
4 repair-only station, and if so licensed, may perform  
5 repairs to reduce excessive emissions on vehicles ~~which~~  
6 *that* have failed the smog check test. Repair procedures  
7 and equipment requirements shall be established by the  
8 department. Technicians employed by a smog check  
9 repair-only station shall be qualified in accordance with  
10 this section.

11 (d) Smog check technicians are qualified to test and  
12 repair only those classes and categories of vehicles for  
13 which they have passed a qualification test administered  
14 by the department. The department shall provide for  
15 smog check technicians to be qualified for different  
16 categories of motor vehicle inspection based on vehicle  
17 classification and model-year.

18 (e) The consumer protection-oriented quality  
19 assurance portion of the program may be conducted by  
20 one or more private entities pursuant to contracts with  
21 the department.

22 SEC. 8. Section 44014.2 of the Health and Safety Code  
23 is repealed.

24 ~~44014.2. The department shall develop a program for  
25 the voluntary certification of licensed smog check  
26 stations, or the department may accept a smog check  
27 station certification program proposed by accredited  
28 industry representatives. Such a certification program,  
29 which may be called a "gold shield" program, shall be for  
30 the purpose of providing consumers, whose vehicles fail  
31 an emissions test at a test-only facility, an option of  
32 services at a single location to prevent the necessity for  
33 additional trips back to the test-only facility for vehicle  
34 certification.~~

35 SEC. 9. Section 44014.4 of the Health and Safety Code  
36 is repealed.

37 ~~44014.4. (a) A licensed smog check station that has  
38 been certified pursuant to Section 44014.2 may advertise  
39 that fact, and the advertisement may include the scope of  
40 work established by the program.~~



1 ~~(b) It is an unfair business practice and a violation of~~  
2 ~~Section 17500 of the Business and Professions Code for~~  
3 ~~any licensed smog check station that is not so certified to~~  
4 ~~advertise as having obtained certification or as complying~~  
5 ~~with the scope of work, code of ethics, or certification~~  
6 ~~standards established by the certification program.~~

7 SEC. 10. Section 44014.5 of the Health and Safety  
8 Code is repealed.

9 ~~44014.5. (a) The enhanced program shall provide for~~  
10 ~~the testing and retesting of vehicles in accordance with~~  
11 ~~Sections 44010.5 and 44014.2 and this section.~~

12 ~~(b) The repair of vehicles at test-only facilities shall be~~  
13 ~~prohibited, except that the minor repair of components~~  
14 ~~damaged by station personnel during inspection at the~~  
15 ~~station, any minor repair that is necessary for the safe~~  
16 ~~operation of a vehicle while at a station, or other minor~~  
17 ~~repairs, such as the reconnection of hoses or vacuum lines,~~  
18 ~~may be undertaken at no charge to the vehicle owner or~~  
19 ~~operator if authorized in advance in writing by the~~  
20 ~~department.~~

21 ~~(c) The department shall provide for the distribution~~  
22 ~~to consumers by test-only facilities of a list, compiled by~~  
23 ~~region, of smog check stations licensed to make repairs of~~  
24 ~~vehicular emission control systems. A test-only facility~~  
25 ~~shall not refer a vehicle owner to any particular provider~~  
26 ~~of vehicle repair services.~~

27 ~~(d) The department shall establish standards for~~  
28 ~~training, equipment, performance, or data collection for~~  
29 ~~test-only facilities.~~

30 ~~(e) The department shall prohibit test-only facilities~~  
31 ~~from engaging in other business activities that represent~~  
32 ~~a conflict of interest, as determined by the department.~~

33 ~~(f) The test-only facility may charge a fee, established~~  
34 ~~by the department, sufficient to cover the facility's cost~~  
35 ~~to perform the tests or services, including, but not limited~~  
36 ~~to, referee services and the issuance of waivers and~~  
37 ~~hardship extensions required by this chapter. In addition,~~  
38 ~~the station shall charge and collect the certificate fee~~  
39 ~~established pursuant to Section 44060. This subdivision~~



1 shall apply only to facilities contracted for pursuant to  
2 subdivision (e) of Section 44010.5.

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

6 (1) All vehicles identified and confirmed as gross  
7 polluters pursuant to Section 44081 and Section 27156 of  
8 the Vehicle Code.

9 (2) (A) Vehicles initially identified as gross polluters  
10 by a smog check station licensed as a test-and-repair  
11 station and certified pursuant to Section 44014.2 may be  
12 issued a certificate of compliance by a test-only facility or  
13 by the licensed smog check station certified pursuant to  
14 Section 44014.2 at which they were initially identified as  
15 a gross polluter.

16 (B) For purposes of this section, the department may  
17 conduct a pilot program to allow vehicles initially  
18 identified as gross polluters to be repaired and issued a  
19 certificate of compliance by a facility licensed and  
20 certified pursuant to Section 44014.2. For the purposes of  
21 this pilot program, the department may adopt  
22 regulations imposing additional station requirements.

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

25 (4) Vehicles issued an economic hardship extension in  
26 the previous biennial inspection of the vehicle.

27 (h) The department shall provide a sufficient number  
28 of test-only facilities authorized to perform referee  
29 functions to provide convenient testing for those vehicles  
30 that are required to report to, and receive a certificate of  
31 compliance from, a test-only facility by this chapter,  
32 including all of the following:

33 (1) All vehicles seeking to utilize state-operated  
34 financial assistance or inclusion in authorized scrap  
35 programs.

36 (2) All vehicles unable to obtain a certificate of  
37 compliance from a licensed smog check station pursuant  
38 to subdivision (c) of Section 44015.

39 (3) Any other vehicles that may be designated by the  
40 department.



1 ~~(i) Gross polluters shall be referred to a test-only~~  
2 ~~facility, or a test and repair station that is both licensed~~  
3 ~~and certified pursuant to Sections 44014 and 44014.2 and~~  
4 ~~is participating in the pilot program pursuant to~~  
5 ~~subparagraph (B) of paragraph (2) of subdivision (g), for~~  
6 ~~a postrepair inspection and retest pursuant to subdivision~~  
7 ~~(g). Simply passing the emissions test shall not be a~~  
8 ~~sufficient condition for receiving a certificate of~~  
9 ~~compliance. A certificate of compliance shall only be~~  
10 ~~issued to a vehicle that does not have any defects with its~~  
11 ~~emission control system or any defects that could lead to~~  
12 ~~damage of its emission control system, as provided in~~  
13 ~~regulations adopted by the department.~~

14 SEC. 11. Section 44014.7 of the Health and Safety  
15 Code is repealed.

16 ~~44014.7. (a) The department shall require 2 percent~~  
17 ~~of the vehicles required to obtain a certificate of~~  
18 ~~compliance each year in enhanced program areas to~~  
19 ~~receive their certificate from a test-only facility.~~

20 ~~(b) The department may require a number not to~~  
21 ~~exceed 2 percent of the vehicles required to obtain a~~  
22 ~~certificate of compliance each year in basic program~~  
23 ~~areas to receive their certificate from a test-only facility.~~

24 ~~(c) The vehicles specified in subdivisions (a) and (b)~~  
25 ~~shall be selected at random. The vehicles may be included~~  
26 ~~among the vehicles subject to subdivision (d) of Section~~  
27 ~~44010.5, to the extent that the vehicles are registered in~~  
28 ~~enhanced program areas. The review committee may~~  
29 ~~review the selection process to ensure that it is a~~  
30 ~~statistically significant representation of the vehicles~~  
31 ~~subject to the basic and enhanced programs. The~~  
32 ~~department shall select the vehicles and the Department~~  
33 ~~of Motor Vehicles shall notify the owners of their~~  
34 ~~obligation under this section pursuant to Section 4000.3 of~~  
35 ~~the Vehicle Code. Selection shall be made from vehicles~~  
36 ~~in an area where a test-only facility is located.~~

37 SEC. 12. Section 44015 of the Health and Safety Code  
38 is amended to read:

39 44015. (a) A licensed smog check station shall not  
40 issue a certificate of compliance, except as authorized by



1 this chapter, to any vehicle that meets the following  
2 criteria:

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

4 (2) A vehicle that, prior to repairs, has been initially  
5 identified by the smog check station as a gross polluter.  
6 ~~Certification of a gross polluting vehicle shall be~~  
7 ~~conducted by a designated test only facility, or a~~  
8 ~~test and repair station that is both licensed and certified~~  
9 ~~pursuant to Section 44014 and 44014.2 and is participating~~  
10 ~~in the pilot program pursuant to subparagraph (B) of~~  
11 ~~paragraph (2) of subdivision (g) of Section 44014.5.~~

12 (3) A vehicle described in subdivision (c).

13 (b) If a vehicle meets the requirements of Section  
14 44012, a smog check station licensed to issue certificates  
15 shall issue a certificate of compliance or a certificate of  
16 noncompliance.

17 (c) (1) A repair cost waiver shall be issued, upon  
18 request of the vehicle owner, by an entity authorized to  
19 perform referee functions for a vehicle that has been  
20 properly tested but does not meet the applicable emission  
21 standards when it is determined that no adjustment or  
22 repair can be made that will reduce emissions from the  
23 inspected motor vehicle without exceeding the  
24 applicable repair cost limit established under Section  
25 44017 and that every defect specified by paragraph (2) of  
26 subdivision (a) of Section 43204, and by paragraphs (2)  
27 and (3) of subdivision (a) of Section 43205, has been  
28 corrected. A repair cost waiver issued pursuant to this  
29 paragraph shall be accepted in lieu of a certificate of  
30 compliance for the purposes of compliance with Section  
31 4000.3 of the Vehicle Code. No repair cost waiver shall  
32 exceed two years' duration. No repair cost waiver shall be  
33 issued until the vehicle owner has expended an amount  
34 equal to the applicable repair cost limit specified in  
35 Section 44017.

36 (2) An economic hardship extension shall be issued,  
37 upon request of a qualified low-income motor vehicle  
38 owner, by an entity authorized to perform referee  
39 functions, for a motor vehicle that has been properly  
40 tested but does not meet the applicable emission



1 standards when it is determined that no adjustment or  
2 repair can be made that will reduce emissions from the  
3 inspected motor vehicle without exceeding the  
4 applicable repair cost limit, as established pursuant to  
5 Section 44017.1, 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, that the low-income vehicle owner would  
9 suffer an economic hardship if the extension is not issued,  
10 and that all appropriate emissions-related repairs up to  
11 the amount of the applicable repair cost limit in Section  
12 44017.1 have been performed.

13 (d) No repair cost waiver or economic hardship  
14 extension shall be issued under any of the following  
15 circumstances:

16 (1) If a motor vehicle was issued a repair cost waiver  
17 or economic hardship extension in the previous biennial  
18 inspection of that vehicle. A repair cost waiver or  
19 economic hardship extension may be issued to a motor  
20 vehicle owner only once for a particular motor vehicle  
21 belonging to that owner. However, a repair cost waiver  
22 or economic hardship extension may be issued for a motor  
23 vehicle that participated in a previous waiver or  
24 extension program prior to January 1, 1998, as determined  
25 by the department. For waivers or extensions issued in  
26 the program operative on or after January 1, 1998, a  
27 waiver or extension may be issued for a motor vehicle  
28 only once per owner.

29 (2) Upon initial registration of all of the following: a  
30 direct import motor vehicle, a motor vehicle previously  
31 registered outside this state, a dismantled motor vehicle  
32 pursuant to Section 11519 of the Vehicle Code, a motor  
33 vehicle that has had an engine change, an alternate fuel  
34 vehicle, and a specially constructed vehicle.

35 (e) Unless the certificate is issued to a licensed  
36 automobile dealer, a certificate of compliance or  
37 noncompliance shall be valid for 90 days. If the certificate  
38 is issued to a licensed automobile dealer, the certificate  
39 shall be valid for 180 days.



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

3 SEC. 13. Section 44017 of the Health and Safety Code  
4 is amended to read:

5 44017. (a) ~~Except as otherwise provided in this~~  
6 ~~section or Section 44017.1, a~~ A motor vehicle owner shall  
7 qualify for a repair cost waiver only after expenditure of  
8 ~~not less than four hundred fifty dollars (\$450) an amount~~  
9 for repairs, including parts and labor: *as follow:*

10 ~~(b) The limit established pursuant to subdivision (a)~~  
11 ~~shall not become operative until the department issues a~~  
12 ~~public notice declaring that the program established~~  
13 ~~pursuant to Section 44010.5 is operational in the relevant~~  
14 ~~geographical areas of the state, or until the date that~~  
15 ~~testing in those geographic areas is operative using loaded~~  
16 ~~mode test equipment, as defined in this article,~~  
17 ~~whichever occurs first. Prior to that time, the following~~  
18 ~~cost limits shall remain in effect:~~

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

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

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

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

27 (5) For motor vehicles of 1990 to 1995, inclusive, model  
28 years, three hundred dollars (\$300).

29 (6) For motor vehicles of 1996 and later model years,  
30 four hundred fifty dollars (\$450).

31 ~~(e)~~

32 (b) The department shall periodically revise the  
33 repair cost limits specified in ~~subdivisions~~ *subdivision* (a)  
34 ~~and (b)~~ in accordance with changes in the Consumer  
35 Price Index, as published by the United States Bureau of  
36 Labor Statistics.

37 ~~(d)~~

38 (c) No repair cost limit shall be imposed in those cases  
39 where emissions control equipment is missing or is



1 partially or totally inoperative as a result of being  
2 tampered with.

3 SEC. 14. Section 44020 of the Health and Safety Code  
4 is amended to read:

5 44020. Notwithstanding any other provision of this  
6 chapter, the department may license any registered  
7 owner of a fleet of 10 or more motor vehicles subject to  
8 this chapter, who so elects, to implement and conduct the  
9 tests and to perform necessary service and adjustment on  
10 the fleet's vehicles under this chapter, subject to all of the  
11 following conditions:

12 (a) The registered owner's facilities or personnel, or  
13 both, or a designated contractor of the registered owner,  
14 shall be licensed by the department as a fleet smog check  
15 station, and the test and repair system shall conform, in  
16 the department's determination, with all provisions of  
17 this chapter and all rules and regulations adopted by the  
18 department. The regulations shall provide for adequate  
19 onsite inspection by the department. Mobile testing  
20 equipment certified by the department may be used in  
21 accordance with procedures established by the  
22 department. The department may prohibit the use of  
23 mobile testing equipment if violations occur.

24 (b) A license issued under this section is subject to  
25 Sections 44035, 44050, and 44072.10, and may be  
26 suspended or revoked by the department whenever the  
27 department determines, on the basis of random periodic  
28 spot checks of the owner's inspection system and fleet  
29 vehicles, that the system fails to conform or that  
30 certificates of compliance have been issued by the owner  
31 in violation of regulations adopted by the department.  
32 Any person licensed to conduct tests and service and  
33 adjustments under this section is deemed to have  
34 consented to provide the department with whatever  
35 access, information, and other cooperation the  
36 department reasonably determines are necessary to  
37 facilitate the random periodic spot checks.

38 (c) The department or its contractor, on a random  
39 periodic basis, shall inspect or observe the inspections  
40 performed by licensed fleet smog check stations on not



1 less than 2 percent of the total business fleet vehicles  
2 subject to this chapter.

3 (d) A fleet owner licensed to conduct tests or make  
4 repairs pursuant to this chapter shall issue certificates of  
5 compliance for motor vehicles. The cost limits in Section  
6 44017 and the economic hardship extension provisions in  
7 this chapter shall not apply to any motor vehicle owned  
8 by a fleet owner licensed pursuant to this section.

9 (e) Notwithstanding subdivision (d), certificates of  
10 compliance or noncompliance prepared solely for the  
11 disposal or sale of motor vehicles owned by a fleet owner  
12 licensed pursuant to this section shall be subject to the  
13 cost limits in Section 44017.

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

17 ~~(g) Notwithstanding any other provision of this  
18 section, fleets consisting of vehicles for hire or vehicles  
19 which accumulate high mileage, as defined by the  
20 department, shall go to a test only station when a smog  
21 check certificate of compliance is required. Initially, high  
22 mileage vehicles shall be defined as vehicles which  
23 accumulate 50,000 miles or more each year. In addition,  
24 fleets which do not operate high mileage vehicles may be  
25 required to obtain certificates of compliance from the  
26 test only station if they fail to comply with this chapter.~~

27 ~~(h) Notwithstanding any other provision of this~~  
28 chapter, the department shall have the authority, by  
29 regulation, to require testing of vehicle fleets consistent  
30 with regulations adopted by the Environmental  
31 Protection Agency, if necessary to meet the emission  
32 reduction performance standard established by the  
33 agency, as determined by the department.

34 SEC. 15. Section 44021 of the Health and Safety Code  
35 is amended to read:

36 44021. (a) (1) The Inspection and Maintenance  
37 Review Committee is hereby created to analyze the  
38 effect of the improved inspection and maintenance  
39 program established by this chapter on motor vehicle  
40 emissions and air quality. The functions of the review



1 committee shall be advisory in nature and primarily  
2 pertain to the gathering, analysis, and evaluation of  
3 information.

4 (2) The members of the review committee shall  
5 receive no compensation, but shall be reimbursed by the  
6 department for their reasonable expenses in performing  
7 committee duties. The state board and the department  
8 shall provide the review committee with any necessary  
9 technical and clerical support in its evaluation and study.

10 (3) (A) The review committee shall consist of 13  
11 members, nine to be appointed by the Governor, two by  
12 the Senate Committee on Rules, and two by the Speaker  
13 of the Assembly. All members shall be appointed to  
14 four-year terms, and the Governor shall appoint from  
15 among his or her appointees the chairperson of the  
16 review committee.

17 (B) The appointees of the Governor shall include an  
18 air pollution control officer from ~~an enhanced~~ a program  
19 nonattainment area, three public members, an expert in  
20 air quality, an economist, a social scientist, a  
21 representative of the inspection and maintenance  
22 industry, and a representative of stationary source  
23 emissions organizations.

24 (C) The appointees of the Senate Committee on Rules  
25 shall include an environmental member with expertise in  
26 air quality, and a representative from the inspection and  
27 maintenance industry.

28 (D) The appointees of the Speaker of the Assembly  
29 shall include an environmental member with expertise in  
30 air quality, and a representative of a local law  
31 enforcement agency charged with prosecuting violations  
32 of this chapter in ~~an enhanced~~ a program nonattainment  
33 area.

34 (4) In preparing its evaluations of program  
35 effectiveness as provided in paragraph (1), the review  
36 committee shall consult with the Department of the  
37 California Highway Patrol, the Department of Motor  
38 Vehicles, and any other appropriate agencies, as well as  
39 the department and the state board, shall schedule and  
40 conduct periodic meetings in the performance of its



1 duties, and shall meet and consult with local, state, and  
2 federal officials involved in the evaluation of motor  
3 vehicle inspection and maintenance programs. At the  
4 request of the committee, the department or the state  
5 board may, on behalf of the committee, contract with  
6 independent entities to assist in the committee's  
7 evaluations.

8 (b) The review committee shall submit periodic  
9 written reports to the Legislature and the Governor on  
10 the performance of the program and make  
11 recommendations on program improvements at least  
12 every 12 months. The review committee's reports shall  
13 quantify the reduction in emissions and improvement in  
14 air quality attributed to the program. Any reports, other  
15 than those required by this section, that the review  
16 committee is required to provide pursuant to this chapter  
17 shall also be transmitted to the Secretary for  
18 Environmental Protection and the Secretary for State  
19 and Consumer Services.

20 (c) The review committee shall work closely with all  
21 interested parties in preparing the information required  
22 by subdivisions (a) and (b) and shall consider the reports  
23 provided pursuant to subdivision (e). The review  
24 committee shall hold at least one public hearing on its  
25 findings and recommendations prior to submitting its  
26 reports. The reports shall include statutory language to  
27 implement its recommendations, and shall recommend  
28 the timeframe for making any changes to the program.  
29 The review committee shall seek comments from the  
30 department, the Department of Motor Vehicles, the  
31 Department of the California Highway Patrol, and the  
32 state board prior to submitting its reports, and those  
33 comments shall be published as an appendix to the report.

34 (d) The review committee shall participate in the  
35 demonstration program authorized by Section 44081.6, as  
36 provided by that section.

37 (e) The state board, in cooperation with the  
38 department, shall periodically submit reports to the  
39 review committee. The reports shall include an  
40 assessment of the impact on emissions of continuing the



1 exemption from inspection of motor vehicles newer than  
2 five years old; a comparison of the actual mass emission  
3 reductions being achieved by the enhanced program to  
4 those required by the State Implementation Plan; and  
5 recommendations to improve the effectiveness and  
6 cost-effectiveness of the program, including specific  
7 recommendations addressing any discrepancy between  
8 emissions achieved and those in the State  
9 Implementation Plan. The first report shall be submitted  
10 not later than January 1, 2000, and reports shall be  
11 submitted triennially thereafter. In preparing the  
12 reports, the state board shall use data collected during  
13 inspections and repair, and data collected using roadside  
14 measurements, and may conduct additional testing, as  
15 determined to be necessary, to accurately quantify the  
16 mass emissions reduced.

17 SEC. 16. Section 44024.5 of the Health and Safety  
18 Code is amended to read:

19 44024.5. (a) The department shall compile and  
20 maintain statistical and emissions profiles of motor  
21 vehicles that are subject to the motor vehicle inspection  
22 program. The department may use data from any source,  
23 including remote sensing data and other motor vehicle  
24 inspection program data, to develop and confirm the  
25 validity of the profiles.

26 (b) The department, in cooperation with the state  
27 board, shall perform periodic analyses of the statistical  
28 and emissions profiles created pursuant to subdivision  
29 (a). The department and the state board, in consultation  
30 with the Inspection and Maintenance Review  
31 Committee, may determine that, in addition to the  
32 vehicles excepted pursuant to Section 44011, certain  
33 other motor vehicles may be excepted from the biennial  
34 certification requirements of this chapter without  
35 significantly compromising the emission reduction  
36 objectives set forth in the State Implementation Plan  
37 (SIP).

38 (c) The department may conduct a pilot program to  
39 except from the biennial certification requirement those  
40 vehicles that may be jointly determined by the



1 department and the state board, after consultation with  
2 the Inspection and Maintenance Review Committee, to  
3 warrant exception. The department shall provide written  
4 notification to the Legislature specifying the number of  
5 vehicles to be exempted as well as the geographic location  
6 and duration of the pilot program not less than 30 days  
7 prior to the implementation of the pilot program. The  
8 department shall submit the results of the pilot program  
9 to the state board and the Inspection and Maintenance  
10 Review Committee for review. Subject to the approval of  
11 the Environmental Protection Agency as an amendment  
12 to the SIP, the department may establish the exception  
13 program as a permanent program.

14 (d) For vehicles four model years old or less, the  
15 department shall ~~use test data generated pursuant to~~  
16 ~~Section 44014.7 to~~ develop statistical and emissions  
17 profiles. The department may use data from any source,  
18 including remote sensing data, warranty repair and recall  
19 data, and other motor vehicle inspection program data,  
20 to develop and confirm the validity of the data. If the  
21 department and state board jointly determine that the  
22 emissions from a class of motor vehicles would potentially  
23 compromise the emission reduction objectives set forth in  
24 the SIP, the state board shall consider appropriate  
25 corrective action, including, but not limited to, recall  
26 pursuant to Section 43105.

27 SEC. 17. Section 44033 of the Health and Safety Code  
28 is amended to read:

29 44033. (a) ~~(1)~~ Any facility meeting the  
30 requirements established by the department pursuant to  
31 this chapter may be licensed as a ~~test-only,~~ test and  
32 repair; or repair-only smog check station. A licensed smog  
33 check station shall display an identifying sign prescribed  
34 by the department in a manner conspicuous to the public.

35 ~~(2) A licensed smog check station certified pursuant to~~  
36 ~~Section 44014.2 shall display an identifying sign~~  
37 ~~prescribed by the department.~~

38 (b) No licensed or certified smog check station shall  
39 require, as a condition of performing the test, that any



1 needed repairs or adjustment be done by the person, or  
2 at the facility of the person, performing the test.

3 (c) If a motor vehicle, including a commercial vehicle,  
4 is tested at a facility licensed to perform tests and repairs  
5 pursuant to this chapter, the facility shall provide the  
6 customer with a written estimate pursuant to Section  
7 9884.9 of the Business and Professions Code. The written  
8 estimate shall contain a notice to the customer stating  
9 that the customer may choose another smog check station  
10 to perform needed repairs, installations, adjustments, or  
11 subsequent tests.

12 (d) Charges for testing or repair, or both, shall be  
13 separately stated.

14 (e) The department shall require the posting of station  
15 licenses and qualified technicians' certificates  
16 prominently in each place of business so as to be readily  
17 visible to the public.

18 SEC. 18. Section 44036 of the Health and Safety Code  
19 is amended to read:

20 44036. (a) The consumer protection-oriented quality  
21 assurance portion of the motor vehicle inspection  
22 program shall ensure uniform and consistent tests and  
23 repairs by all qualified smog check technicians and  
24 licensed smog check stations throughout the state, and  
25 shall include a number of stations providing referee  
26 functions available to consumers.

27 (b) All licensed smog check stations shall utilize  
28 original equipment and replacement parts that are  
29 certified by the department. The department shall  
30 charge a fee for certification testing of the equipment or  
31 the replacement parts. The fee for certification testing of  
32 equipment shall be fixed by the department based upon  
33 its actual costs of certification testing, shall be calculated  
34 from the time that the equipment is submitted for  
35 certification testing until the time that the certification  
36 testing is complete, and shall not exceed ten thousand  
37 dollars (\$10,000). The fee for certification testing of  
38 replacement parts shall be determined by the  
39 department based upon its actual costs of certification  
40 testing, shall be calculated from the time that the



1 replacement part is submitted for certification testing  
2 until the time that the certification testing is complete,  
3 and shall not exceed two thousand five hundred dollars  
4 (\$2,500). The department shall adopt, and may revise,  
5 standards for certification and decertification of the  
6 equipment, which may include a device for testing of  
7 emissions of oxides of nitrogen. As expeditiously as  
8 possible, the department shall adopt equipment  
9 standards that include a test analyzer system containing  
10 all of the following:

11 (1) A microprocessor to control test sequencing,  
12 selection of proper test standards, the automatic pass or  
13 fail decision, and the format for the test report and the  
14 recorded data file. The microprocessor shall be capable of  
15 using a standardized programming language specified by  
16 the department.

17 (2) An exhaust gas analysis portion with an analyzer  
18 for hydrocarbons, carbon monoxide, and carbon dioxide  
19 that is designed to accommodate an optional oxides of  
20 nitrogen analyzer. ~~An oxides of nitrogen analyzer shall be~~  
21 ~~required in the enhanced program areas.~~

22 (3) Equipment necessary to perform visual and  
23 functional tests of emission control devices required by  
24 the department.

25 (4) A device to accept and record motor vehicle  
26 identification information, including a device capable of  
27 reading bar code information pursuant to regulations of  
28 the state board. The device shall have the ability to  
29 identify, with the cooperation of the Department of  
30 Motor Vehicles, smog inspections performed on vehicles  
31 sold by used car dealers.

32 (5) A device to provide a printed record of the test  
33 process and diagnostic information for the motorist.

34 (6) A mass storage device capable of storing not less  
35 than the minimum amount of program software and data  
36 specified by the department.

37 (7) A device to provide for the periodic modification  
38 of all program and data files contained on the mass  
39 storage device, using a standardized form of removable  
40 media conforming to specifications of the department.



1 (8) A device that provides for the storage of test  
2 records on a standardized form of removable media  
3 conforming to specifications of the department.

4 (9) One or more communications ports conforming to  
5 the specifications established by the department as  
6 necessary to provide real time communication, or  
7 communication that is consistent with maintaining a  
8 superior quality assurance program and efficient  
9 information transfer, between the test equipment and  
10 the centralized computer data base through the  
11 computer network maintained by the department  
12 pursuant to Section 44037.1.

13 (10) An interface capable of monitoring equipment  
14 used with loaded mode testing, idle testing, on board  
15 diagnostic testing, or other tests prescribed by the  
16 department.

17 (11) Any other features that the department  
18 determines are necessary to increase the effectiveness of  
19 the program, including, but not limited to, a loaded mode  
20 dynamometer for purposes of oxides of nitrogen  
21 detection, and other equipment necessary to detect  
22 nonexhaust-related volatile organic compound emissions,  
23 such as found in fuel system evaporative emissions and  
24 crankcase ventilation emissions.

25 (c) The department shall require all smog check  
26 stations to use equipment meeting the requirements of  
27 subdivision (b) ~~as soon as possible, but not later than~~  
28 ~~January 1, 1996~~. However, the department may defer the  
29 requirement for any equipment, external to the chassis of  
30 the test analyzer system, needed to read bar code  
31 information, until a substantial portion of the vehicles  
32 subject to this chapter are equipped with bar code labels.  
33 Prior to the imposition of a requirement for equipment  
34 meeting the requirements of subdivision (b), every smog  
35 check station shall use equipment meeting the  
36 specifications of the department in effect on January 1,  
37 1988.

38 (d) The quality assurance portion shall provide for  
39 inspections of licensed smog check stations, data  
40 collection and forwarding, equipment accuracy checks,



1 operation of referee stations, and other necessary  
2 functions. If the services are contracted for pursuant to  
3 subdivision (e) of Section 44014, the department shall  
4 prepare detailed specifications and solicit bids from  
5 private entities for the implementation of the quality  
6 assurance functions.

7 (e) The department may revise the specifications for  
8 equipment annually if the cost thereof is less than 20  
9 percent of the total system cost. A more comprehensive  
10 revision to the specifications may be required not more  
11 often than every five years.

12 (f) (1) Equipment manufacturers shall furnish to the  
13 department, and shall install, software updates as  
14 specified by the department. The department shall allow  
15 equipment manufacturers six months, from the date the  
16 department issues its proposed specifications for periodic  
17 software updates, to obtain department approval that the  
18 updates meet the proposed specifications and to install  
19 the updates in all equipment subject to the updates.  
20 During the first 30 days of the six-month period, the  
21 manufacturers shall be permitted to review and to  
22 comment upon the proposed specifications. However,  
23 notwithstanding any other provision of this section, the  
24 department may order manufacturers to install software  
25 changes in a shorter period of time upon a finding by the  
26 department that a previously installed update does not  
27 meet current specifications. A manufacturer's failure to  
28 furnish or install software updates as so specified is cause  
29 for the department to decertify the manufacturer's test  
30 analyzer system or to issue a citation to the manufacturer.  
31 The citation shall specify the nature of the violation and  
32 may specify a civil penalty not to exceed one thousand  
33 dollars (\$1,000) for each day the manufacturer fails to  
34 furnish or install the specified software updates by the  
35 specified period. In assessing a civil penalty pursuant to  
36 this subdivision, the department shall give due  
37 consideration, in determining the appropriateness of the  
38 amount of the civil penalty, to factors such as the gravity  
39 of the violation, the good faith of the manufacturer, and  
40 the history of previous violations.



1 (2) The citations shall be served pursuant to  
2 subdivision (c) of Section 11505 of the Government Code.  
3 The manufacturer may request a hearing in accordance  
4 with Chapter 5 (commencing with Section 11500) of Part  
5 1 of Division 3 of Title 2 of the Government Code. A  
6 request for a hearing shall be submitted in writing within  
7 30 days of service of the citation, and shall be delivered to  
8 the office of the department in Sacramento. Hearings and  
9 related procedures under this subdivision shall be  
10 conducted in the same manner as proceedings for  
11 adjudication of an accusation under ~~that~~ Chapter 5  
12 *(commencing with Section 11500) of Part 1 of Division 3*  
13 *of Title 2 of the Government Code*, except as otherwise  
14 specified in this article.

15 (3) If within 30 days from the date of service of the  
16 citation, the manufacturer fails to request a hearing, the  
17 citation shall be deemed the final order of the  
18 department.

19 (4) Any failure to comply with the final order of the  
20 department for payment of a civil penalty, or to pay the  
21 amount specified in any settlement executed by the  
22 licensee and the Director of Consumer Affairs, is cause for  
23 decertification of the manufacturer's test analyzer  
24 system.

25 SEC. 19. Section 44045.5 of the Health and Safety  
26 Code is amended to read:

27 44045.5. (a) This section describes the qualifications  
28 to be met by smog check technician applicants effective  
29 January 1, 1995. The department shall, by regulation,  
30 establish requirements for the licensure of smog check  
31 technicians ~~which~~ *that* are necessary to enable the  
32 program to meet the applicable emission reduction  
33 performance standards, to include, at a minimum:

34 (1) Either of the following:

35 (A) Certification standards for all technicians in the  
36 program ~~which~~ *that* are equivalent or superior to the  
37 standards applicable for certification by an established  
38 national certification or accrediting institution to  
39 perform service on automotive engines and electrical  
40 systems.



1 (B) Successful completion of a training program  
2 certified by the department under Section 44045.6.

3 (2) In addition to the requirement in paragraph (1),  
4 a minimum of two years' experience performing repairs  
5 to motor vehicle emission control systems or experience  
6 approved by the department, or an associate degree in an  
7 automotive technology curriculum or an equivalent  
8 degree as determined by the department.

9 (3) An examination process that effectively  
10 determines whether applicants are all of the following:

11 (A) Knowledgeable regarding the visual, functional,  
12 and exhaust and evaporative emissions inspection and  
13 testing procedures specified by the department,  
14 including a demonstrated understanding of loaded mode  
15 testing principles, purpose, procedures and equipment.

16 (B) Knowledgeable regarding misfire detection, air  
17 injection testing, closed-loop system testing, and generic  
18 idle adjustment procedures specified by the department.

19 ~~(C) Capable of using emissions manuals and tuneup  
20 labels to properly identify required emission control  
21 systems and components on any vehicle subject to the  
22 enhanced program.~~

23 (4) ~~Not later than July 1, 1995, the~~ *The* examination  
24 shall use state-of-the-art technology, which may include  
25 computer simulations or other computer-based  
26 examination formats to determine whether applicants  
27 can properly identify, diagnose, and repair  
28 emission-related problems. The department may  
29 contract for the development and administration of this  
30 examination.

31 (b) The department shall not license any technician  
32 unless the department has determined that the person is  
33 able to perform the inspection, testing, and repair tasks  
34 required under the program on all vehicles subject to the  
35 program, except that the department may limit this  
36 requirement to specified makes or models of vehicles if  
37 a technician requests licensing limited to specified makes  
38 or models of vehicles.

39 (c) The department may establish more than one  
40 category or level of licensure, and may provide for the



1 licensing of interns or trainees if those persons do all of  
2 their test and repair work under the supervision of a  
3 licensed technician.

4 (d) The department shall require the renewal of smog  
5 check technician licenses every two years, and shall  
6 establish any necessary and appropriate requirements for  
7 renewal.

8 SEC. 20. Section 44050 of the Health and Safety Code  
9 is amended to read:

10 44050. (a) If, upon investigation, the department has  
11 probable cause to believe that a licensed smog check  
12 station, ~~a test-only station contractor~~, or a fleet owner  
13 licensed under Section 44020 has violated this chapter, or  
14 any regulation adopted pursuant to this chapter, the  
15 department may issue a citation to the licensee,  
16 ~~contractor~~, or fleet owner. The citation shall specify the  
17 nature of the violation and may specify a civil penalty  
18 assessed by the department pursuant to Section 44051 or  
19 44051.5.

20 (b) If, upon investigation, the department has  
21 probable cause to believe that a qualified smog check  
22 technician has violated Section 44012, 44015, 44016, or  
23 44032, or any regulation of the department adopted  
24 pursuant to this chapter, the department may issue a  
25 citation to the technician. The citation shall specify the  
26 nature of the violation and, in addition, whichever of the  
27 following applies:

28 (1) For a first citation, the smog check technician shall  
29 successfully complete one or more retraining courses  
30 prescribed by the department pursuant to subdivision (c)  
31 of Section 44031.5.

32 (2) For a second citation, the smog check technician  
33 shall successfully complete one or more retraining  
34 courses prescribed by the department pursuant to  
35 subdivision (c) of Section 44031.5 and the technician shall  
36 perform inspections or repairs pursuant to this chapter  
37 under the direction of a technician in good standing, as  
38 defined by the department.

39 (3) For a third citation, the smog check technician  
40 shall successfully complete an advanced retraining course



1 prescribed by the department and shall perform no  
2 inspection or repair pursuant to this chapter until that  
3 completion.

4 (4) For a fourth citation, the smog check technician's  
5 qualification may be permanently revoked.

6 (c) The citation shall be served pursuant to subdivision  
7 (c) of Section 11505 of the Government Code.

8 SEC. 21. Section 44056 of the Health and Safety Code  
9 is amended to read:

10 44056. (a) Except as otherwise provided in Sections  
11 44051 and 44051.5, any person who violates this chapter,  
12 or any order, rule, or regulation of the department  
13 adopted pursuant to this chapter, is liable for a civil  
14 penalty of not less than one hundred fifty dollars (\$150)  
15 and not more than two thousand five hundred dollars  
16 (\$2,500) for each day in which each violation occurs. Any  
17 action to recover civil penalties shall be brought by the  
18 Attorney General in the name of the state on behalf of the  
19 department, or may be brought by any district attorney,  
20 city attorney, or attorney for a district.

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

24 (1) Obtains, or who attempts to obtain, a certificate of  
25 compliance or noncompliance, a repair cost waiver, or an  
26 economic hardship extension without complying with  
27 Section 44015.

28 (2) Obtains, or attempts to obtain, a certificate of  
29 compliance, a repair cost waiver, or an economic  
30 hardship extension by means of fraud, including, but not  
31 limited to, offering or giving any form of financial or other  
32 inducement to any person for the purpose of obtaining a  
33 certificate of compliance for a vehicle that has not been  
34 tested or has been tested improperly.

35 (3) Registers a motor vehicle at an address other than  
36 the owner's or operator's residence address for the  
37 purpose of avoiding the requirements of this chapter.

38 (4) Obtains, or attempts to obtain, a certificate of  
39 compliance ~~by other means when required to report to~~  
40 ~~the test-only facility~~ *without complying with this chapter*



1 after being identified as a tampered vehicle or gross  
2 polluter pursuant to Section 44015 or 44081.

3 (c) Any person who obtains or attempts to obtain a  
4 repair cost waiver, or economic hardship extension  
5 pursuant to this chapter by falsifying information shall be  
6 subject to a civil penalty of not less than one hundred fifty  
7 dollars (\$150) and not more than one thousand dollars  
8 (\$1,000), and shall be made ineligible for receiving any  
9 repair assistance of any kind pursuant to this chapter.

10 SEC. 22. Section 44060 of the Health and Safety Code  
11 is amended to read:

12 44060. (a) The department shall prescribe the form  
13 of the certificate of compliance or noncompliance, repair  
14 cost waivers, and economic hardship extensions.

15 (b) The certificates, repair cost waivers, and economic  
16 hardship extensions shall be in the form of an electronic  
17 entry filed with the department, the Department of  
18 Motor Vehicles, and any other person designated by the  
19 department. The department shall ensure that the motor  
20 vehicle owner or operator is provided with a written  
21 report, signed by the licensed technician who performed  
22 the inspection, of any test performed by a smog check  
23 station, including a pass or fail indication, and written  
24 confirmation of the issuance of the certificate.

25 (c) (1) The department shall charge a fee to a smog  
26 check station, including a ~~test-only station, and a~~ station  
27 providing referee functions, for a motor vehicle  
28 inspected at that station that meets the requirements of  
29 this chapter and is issued a certificate of compliance, a  
30 certificate of noncompliance, repair cost waiver, or  
31 economic hardship extension.

32 (2) The fee charged pursuant to paragraph (1) shall be  
33 calculated to recover the costs of the department and any  
34 other state agency directly involved in the  
35 implementation, administration, or enforcement of the  
36 motor vehicle inspection and maintenance program, and  
37 shall not exceed the amount reasonably necessary to fund  
38 the operation of the program, including all  
39 responsibilities, requirements, and obligations imposed  
40 upon the department or any of those state agencies by this



1 chapter, that are not otherwise recoverable by fees  
2 received pursuant to Section 44034.

3 (3) Except for adjustments to reflect changes in the  
4 Consumer Price Index, as published by the United States  
5 Bureau of Labor Statistics, the fee for each certificate,  
6 waiver, or extension shall not exceed seven dollars (\$7).

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

18 (d) (1) Motor vehicles exempted under paragraph  
19 (4) of subdivision (a) of Section 44011 shall be subject to  
20 an annual smog abatement fee of four dollars (\$4).  
21 Payment of this fee shall be made to the Department of  
22 Motor Vehicles at the time of registration of the motor  
23 vehicle.

24 (2) Fees collected pursuant to this subdivision shall be  
25 deposited on a daily basis into the Vehicle Inspection and  
26 Repair Fund.

27 (e) The sale or transfer of the certificate, waiver, or  
28 extension by a licensed smog check station ~~or test-only~~  
29 ~~station~~ to any other licensed smog check station or to any  
30 other person, and the purchase or acquisition of the  
31 certificate, waiver, or extension, by any person, other  
32 than from the department, the department's designee, or  
33 pursuant to a vehicle's inspection or repair conducted  
34 pursuant to this chapter, is prohibited.

35 (f) Following implementation of the electronic entry  
36 certificate under subdivision (b), the department may  
37 require the modification of the analyzers and other  
38 equipment required at smog check stations to prevent  
39 the entry of a certificate that has not been issued or



1 validated through prepayment of the fee authorized by  
2 subdivision (c).

3 (g) The fee charged by licensed smog check stations  
4 to consumers for a certificate, waiver, or extension shall  
5 be the same amount that is charged by the department.

6 SEC. 23. Section 44062.1 of the Health and Safety  
7 Code is amended to read:

8 44062.1. (a) The department shall offer a low-income  
9 repair assistance program beginning March 1, 1998,  
10 through entities authorized to perform referee functions.

11 (b) (1) The repair assistance program shall be  
12 available to eligible individuals based on a maximum  
13 income level of 175 percent of the federal poverty level,  
14 as published quarterly in the Federal Register by the  
15 Department of Health and Human Services.

16 (2) The department shall offer low-income repair cost  
17 assistance, funded by the High Polluter Repair or  
18 Removal Account in the Vehicle Inspection and Repair  
19 Fund created pursuant to subdivision (a) of Section 44091  
20 and revenues generated by the smog impact fee pursuant  
21 to Section 6262 of the Revenue and Taxation Code, to  
22 individuals who obtain an economic hardship extension,  
23 based on the cost-effectiveness and air quality benefit of  
24 the needed repair. Repair assistance may include  
25 retesting costs.

26 (3) An applicant for low-income repair assistance shall  
27 file an application on a form prescribed by the  
28 department and shall certify under penalty of perjury  
29 that the applicant meets the applicable eligibility  
30 standards.

31 (4) Verification of low-income eligibility shall be based  
32 on at least one form of documentation, as determined by  
33 the department, including, but not limited to, (A) an  
34 income tax return, (B) an employment warrant, or (C)  
35 a form of public assistance verification.

36 ~~(c) The low-income repair assistance program shall be~~  
37 ~~funded by the High Polluter Repair or Removal Account~~  
38 ~~until June 30, 1998. Thereafter, a~~ A minimum of twenty  
39 million dollars (\$20,000,000) shall be made available  
40 annually for the *low-income repair assistance* program



1 through funding provided by revenues generated by the  
2 smog impact fee pursuant to Section 6262 of the Revenue  
3 and Taxation Code.

4 (d) All repairs subsidized by the state through the  
5 program shall be performed at a repair station licensed  
6 and certified pursuant to ~~Sections~~ *Section* 44014 and  
7 ~~44014.2~~ at the time of testing and application for an  
8 economic hardship extension. Repair shall be based upon  
9 a preapproved list of repairs for cost-effective emission  
10 reductions.

11 (e) The qualified low-income motor vehicle owner  
12 receiving repair assistance pursuant to this section shall  
13 contribute a copayment equivalent to the repair cost  
14 limit, as determined by the department as specified in  
15 Section 44017.1, either in cash, or in emissions-related  
16 partial repairs as verified by a ~~test-only~~ *licensed smog*  
17 *check* station pursuant to paragraph (2) of subdivision  
18 (c) of Section 44015, or a combination thereof. If the  
19 repair cost exceeds the applicable repair cost limit, the  
20 department shall inform a qualified low-income motor  
21 vehicle owner of all options for compliance at the time of  
22 testing and repair.

23 (f) The department shall collect data from the  
24 program to provide information on how to improve the  
25 program. Data collection shall include all of the following:

26 (1) The number of low-income motor vehicle owners  
27 that are eligible for repair assistance.

28 (2) The number of eligible motor vehicle owners that  
29 use repair assistance funds.

30 (3) The potential for fraud.

31 (4) The average repair bills.

32 (5) The types of repairs being done.

33 (6) The amount of partial repairs done prior to receipt  
34 of repair assistance.

35 (7) The emissions benefits of providing repair  
36 assistance.

37 (g) The department shall collect data and develop  
38 information and shall report to the Legislature on or  
39 before April 1, 1999, on eligibility criteria, program



1 participation, the cost of vehicle repairs, and the funding  
2 resources needed to implement the program.

3 (h) For purposes of this section, “low-income motor  
4 vehicle owner” means a person whose income does not  
5 exceed 175 percent of the federal poverty level.

6 SEC. 24. Section 44081 of the Health and Safety Code  
7 is amended to read:

8 44081. (a) (1) The department, in cooperation with  
9 the state board, shall institute procedures for auditing the  
10 emissions of vehicles while actually being driven on the  
11 streets and highways of the state. The department may  
12 undertake those procedures itself or seek a qualified  
13 vendor of these services. The primary object of the  
14 procedures shall be the detection of gross polluters. The  
15 procedures shall consist of techniques and technologies  
16 determined to be effective for that purpose by the  
17 department, including, but not limited to, remote  
18 sensing. The procedures may include pullovers for  
19 roadside emissions testing and inspection. The  
20 department shall consider the recommendations of the  
21 review committee based on the outcome of the pilot  
22 demonstration program conducted pursuant to Section  
23 44081.6.

24 (2) The department may additionally use other  
25 methods to identify gross polluting vehicles for  
26 out-of-cycle testing and repair.

27 (b) The department shall, by regulation, establish a  
28 program for the out-of-cycle testing and repair of motor  
29 vehicles found, through roadside auditing, to be emitting  
30 at levels that exceed specified standards. The program  
31 shall include all of the following elements:

32 (1) Emission standards, and test and inspection  
33 procedures and regulations, adopted in coordination with  
34 the state board, applicable to vehicles tested during  
35 roadside auditing. Emission standards for issuance of a  
36 notice of noncompliance to a gross polluter shall be  
37 designed to maximize the identification of vehicles with  
38 substantial excess emissions.

39 (2) Procedures for issuing notices of noncompliance to  
40 owners of gross polluters, either at the time of the



1 roadside audit, or subsequently by certified mail, or by  
2 obtaining a certificate of mailing as evidence of service,  
3 using technologies for recording license plate numbers.  
4 The notice of noncompliance shall provide that, unless  
5 the vehicle is brought to a ~~designated test-only facility,~~  
6 ~~or a test-and-repair station that is both licensed and~~  
7 ~~certified pursuant to Sections 44014 and 44014.2 and is~~  
8 ~~participating in the pilot program pursuant to~~  
9 ~~subparagraph (B) of paragraph (2) of subdivision (g) of~~  
10 ~~Section 44014.5, Section 44014~~ for emissions testing within  
11 30 days, the owner will be required to pay an  
12 administrative fee of five hundred dollars (\$500) to be  
13 collected by the Department of Motor Vehicles at the  
14 next annual registration renewal or the next change of  
15 ownership of the vehicle, whichever occurs first.  
16 Commencing on the 31st day after issuance of the notice  
17 of noncompliance, the fee shall accrue at the rate of five  
18 dollars (\$5) per day up to the five hundred dollars (\$500)  
19 maximum.

20 (3) Procedures for the testing of vehicles identified as  
21 gross polluters by a ~~designated test-only facility, or a~~  
22 ~~test-and-repair station that is both licensed and certified~~  
23 ~~pursuant to Sections 44014 and 44014.2 and is~~  
24 ~~participating in the pilot program pursuant to~~  
25 ~~subparagraph (B) of paragraph (2) of subdivision (g) of~~  
26 ~~Section 44014.5, Section 44014~~ to confirm that the vehicle  
27 exceeds the minimum emission standard for gross  
28 polluters set by the department.

29 (4) Procedures requiring owners of vehicles  
30 confirmed as gross polluters to have the vehicle repaired,  
31 resubmitted for testing, and obtain a certificate of  
32 compliance from a designated test-only facility or  
33 removed from service as attested by a certificate of  
34 nonoperation from the Department of Motor Vehicles  
35 within 30 days or be required to pay an administrative fee  
36 of not more than five hundred dollars (\$500), to be  
37 collected by the Department of Motor Vehicles at the  
38 next annual registration renewal or the next change of  
39 ownership, whichever occurs first. Commencing on the  
40 31st day after issuance of the notice of noncompliance, the



1 fee shall accrue at the rate of five dollars (\$5) per day up  
2 to the five hundred dollars (\$500) maximum. The  
3 registration of a vehicle shall not be issued or renewed if  
4 that vehicle has been identified as a gross polluter and has  
5 not been issued a certificate of compliance. Except as  
6 provided in subdivision (b) of Section 9250.18 of the  
7 Vehicle Code, any revenues collected by the Department  
8 of Motor Vehicles pursuant to this subdivision and Section  
9 9250.18 of the Vehicle Code shall be deposited in the  
10 Vehicle Inspection and Repair Fund. If the ownership of  
11 the vehicle is transferred, the administrative fee provided  
12 for in this subdivision shall be waived if the vehicle is  
13 brought into compliance.

14 (5) A procedure for notifying the Department of  
15 Motor Vehicles of notices of noncompliance issued, so  
16 that the Department of Motor Vehicles may provide  
17 effective collection of the administrative fee. The  
18 Department of Motor Vehicles shall cooperate with, and  
19 implement the requirements of, the department in that  
20 regard.

21 (c) The department may adopt any other regulations  
22 necessary for the effective implementation of this section,  
23 as determined by the department.

24 (d) Upon the request of the department, the  
25 Department of the California Highway Patrol shall  
26 provide assistance in conducting roadside auditing, to  
27 consist of (1) the stopping of vehicles and traffic  
28 management, and (2) the issuance of notices of  
29 noncompliance to gross polluters. The department shall  
30 reimburse the Department of the California Highway  
31 Patrol for its costs of providing those services. The  
32 Department of Transportation and affected local  
33 agencies shall provide necessary assistance and  
34 cooperation to the department in the operation of the  
35 program.

36 (e) There shall be no repair cost limit imposed  
37 pursuant to Section 44017 for any repairs that are  
38 required to be made under the roadside auditing  
39 program, except as provided in subdivision (c) of Section  
40 44017.



1 (f) This section does not apply to vehicles operating  
2 under a valid repair cost waiver or economic hardship  
3 extension issued pursuant to Section 44015.

4 SEC. 25. Section 44081.6 of the Health and Safety  
5 Code is amended to read:

6 44081.6. (a) The California Environmental  
7 Protection Agency, the state board, and the department,  
8 in cooperation with, and with the participation of, the  
9 Environmental Protection Agency, shall jointly  
10 undertake a pilot demonstration program to do all of the  
11 following:

12 (1) Determine the emission reduction effectiveness of  
13 alternative loaded mode emission tests compared to the  
14 IM240 test.

15 (2) Quantify the emission reductions, above and  
16 beyond those required by Environmental Protection  
17 Agency regulation or by the biennial test requirement,  
18 achievable from a remote sensing-based program that  
19 identifies gross polluting and other vehicles and requires  
20 the immediate repair and retest of those gross polluting  
21 vehicles at a test-only station established by this chapter.

22 ~~(3) Determine if high polluting vehicles can be  
23 identified and directed to test-only stations using criteria  
24 other than, or in addition to, age and model year, and  
25 whether this reduces the number of vehicles which would  
26 otherwise be subject to inspection at test-only stations.~~

27 ~~(4) Qualify emission reductions above and beyond  
28 those that are required by the regulations of the  
29 Environmental Protection Agency, achievable from  
30 other program enhancements pursuant to this chapter.~~

31 ~~(5) Determine the extent to which the capacity of the  
32 test-only station network established pursuant to Section  
33 44010.5 needs to be expanded to comply with  
34 Environmental Protection Agency performance  
35 standards.~~

36 (b) The California Environmental Protection Agency  
37 shall enter into a memorandum of agreement with the  
38 Environmental Protection Agency to establish the  
39 protocol for the pilot demonstration program. The  
40 memorandum of agreement shall ensure, to the extent



1 possible, that the Environmental Protection Agency will  
2 accept the results of the pilot demonstration program as  
3 the findings of the Administrator of the Environmental  
4 Protection Agency. The pilot demonstration program  
5 shall be conducted pursuant to the memorandum of  
6 agreement.

7 (c) The review committee established pursuant to  
8 Section 44021 shall review the protocol for the pilot  
9 demonstration program, as established in the signed  
10 memorandum of agreement, and recommend any  
11 modification that the review committee finds to be  
12 appropriate for the pilot demonstration program. Any  
13 such modification shall become effective only upon the  
14 written agreement of the California Environmental  
15 Protection Agency and the Environmental Protection  
16 Agency.

17 (d) The department shall contract, on behalf of the  
18 committee, with an independent entity to ensure quality  
19 control in the collection of data pursuant to the pilot  
20 demonstration program. The department shall also  
21 contract, on behalf of the committee, for an independent  
22 analysis of the data produced by the pilot demonstration  
23 program.

24 (e) Any contract entered into pursuant to this section  
25 shall not be subject to any restrictions that are applicable  
26 to contracts in the Government Code or in the Public  
27 Contract Code. The department shall report to the  
28 Legislature any action that is taken in accordance with  
29 this subdivision.

30 (f) To the extent possible, the pilot demonstration  
31 program shall be conducted using equipment, facilities,  
32 and staff of the state board, the department, and the  
33 Environmental Protection Agency.

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

36 (1) For the purposes of this section, any vehicle subject  
37 to the inspection and maintenance program may be  
38 selected to participate in the pilot demonstration  
39 program regardless of when last inspected pursuant to  
40 this chapter.



1 (2) Registered owners of vehicles selected to  
2 participate in the pilot demonstration program shall  
3 make the vehicle available for testing within a time  
4 period and at a testing facility designated by the  
5 department. If necessary, the department shall increase  
6 the capacity of the existing referee network in the area or  
7 areas where the pilot demonstration program will be  
8 operating, in order to accommodate the convenient  
9 testing of selected vehicles.

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

23 (4) Vehicle owners who fail to bring the vehicle in for  
24 inspection or fail to have repairs made pursuant to this  
25 section shall be issued notices of noncompliance. The  
26 notice shall provide that, unless the vehicle is brought to  
27 a designated testing facility for testing, or repair facility  
28 for repairs, within 15 days of notice of the requirement,  
29 the owner will be required to pay an administrative fee  
30 of not more than five dollars (\$5) a day, not to exceed two  
31 hundred fifty dollars (\$250), to be collected by the  
32 Department of Motor Vehicles at the next annual  
33 registration renewal or the next change of ownership of  
34 the vehicle, whichever occurs first. Commencing on the  
35 31st day after issuance of the notice of noncompliance, the  
36 fee shall accrue at the rate of five dollars (\$5) per day up  
37 to the two hundred fifty dollars (\$250) maximum. Except  
38 as provided in subdivision (b) of Section 9250.18 of the  
39 Vehicle Code, any revenues collected by the Department  
40 of Motor Vehicles pursuant to this subdivision and Section



1 9250.18 of the Vehicle Code shall be deposited into the  
2 Vehicle Inspection and Repair Fund by the Department  
3 of Motor Vehicles.

4 (h) The Department of Motor Vehicles, the  
5 Department of Transportation, local agencies, and the  
6 state board shall provide necessary support for the  
7 program established pursuant to this section.

8 (i) As soon as possible after ~~the effective date of this~~  
9 ~~section~~ *September 30, 1994*, the department and the state  
10 board shall develop, implement, and revise as needed,  
11 emissions test procedures and emissions standards  
12 necessary to conduct the pilot demonstration program.

13 SEC. 26. (a) It is the intent of the Legislature to  
14 reimburse smog check station owners for the reasonable  
15 costs incurred as a result of complying with the  
16 regulations for enhanced vehicle inspection and  
17 maintenance areas.

18 (b) The Bureau of Automotive Repair (BAR) shall,  
19 from funds appropriated in the Budget Act of 1999  
20 expressly for this purpose, reimburse eligible smog check  
21 station owners for appropriate costs including, but not  
22 limited to, both of the following:

23 (1) All reasonable equipment and installation costs  
24 associated with complying with BAR regulations for  
25 enhanced vehicle inspection and maintenance areas.

26 (2) Costs associated with reasonable structural  
27 building modifications made to accommodate the  
28 equipment.

29 (c) For purposes of implementing this section, the  
30 BAR shall determine all of the following:

31 (1) The proper documentation required to verify  
32 reimbursable expenses pursuant to subdivision (b).

33 (2) The scope of acceptable and reasonable  
34 reimbursement costs.

35 (3) A reasonable deadline for the submission of claims  
36 from affected smog check and test-only station owners.

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