

**ASSEMBLY BILL**

**No. 342**

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**Introduced by Assembly Member Cox**

February 11, 1999

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An act to amend Sections 221, 9564, and 40000.5 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 342, as introduced, Cox. Automobile dismantlers: definition.

Existing law makes it a crime for any person to act as an automobile dismantler without meeting specified license or permit requirements. By definition, the owner of any premises or property used in conjunction with any agricultural, farming, mining, ranching, or motor vehicle repair business is exempted from the definition of automobile dismantler.

This bill would limit that exemption from the definition of automobile dismantler to the owners or operators of the businesses listed above, as modified, if the businesses do not sell parts, except for use in dismantler or specified businesses that engage in reducing the vehicles to their component materials. By limiting the exemption, the bill would expand the scope of an existing crime, thereby imposing a state-mandated local program.

This bill would also make conforming changes.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs

mandated by the state. Statutory provisions establish procedures for making that reimbursement.

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

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Section 221 of the Vehicle Code is  
2 amended to read:

3 221. (a) The term “automobile dismantler” does not  
4 include any of the following:

5 (1) The owner *or operator* of any premises on which  
6 two or more unregistered and inoperable vehicles are  
7 held or stored, if the vehicles are used, ~~or intended to be~~  
8 ~~used~~, for restoration or as replacement parts or otherwise,  
9 in conjunction with any *of the following*:

10 (A) Any business of a licensed dealer, manufacturer,  
11 or transporter, ~~or in conjunction with the.~~

12 (B) The operation and maintenance of any fleet of  
13 motor vehicles used for the transportation of persons or  
14 property.

15 ~~(2) The owner of any premises or property used in~~  
16 ~~conjunction with any~~

17 (C) Any agricultural, farming, mining, *or ranching*, ~~or~~  
18 ~~motor vehicle repair~~ business *that does not sell parts of*  
19 *the vehicles, except for either of the following purposes*:

20 (i) *For use in repairs performed by that business.*

21 (ii) *For use by a licensed dismantler or an entity*  
22 *described in paragraph (3).*

23 (D) Any motor vehicle repair business registered with  
24 the Bureau of Automotive Repair, or those exempt from  
25 registration under the Business and Professions Code or  
26 applicable regulations, *that does not sell parts of the*  
27 *vehicles, except for either of the following purposes*:

28 (i) *For use in repairs performed by that business.*

29 (ii) *For use by a licensed dismantler or an entity*  
30 *described in paragraph (3).*

31 ~~(3)~~



1 (2) Any person engaged in the restoration of vehicles  
2 of the type described in Section 5004 or in the restoration  
3 of other vehicles having historic or classic significance.

4 ~~(4)~~

5 (3) The owner of a steel mill, scrap metal processing  
6 facility, or similar establishment purchasing vehicles of a  
7 type subject to registration, not for the purpose of selling  
8 the vehicles, in whole or in part, but exclusively for the  
9 purpose of reducing the vehicles to their component  
10 materials, if either the facility obtains, on a form approved  
11 or provided by the department, a certification by the  
12 person from whom the vehicles are obtained that each of  
13 the vehicles has, ~~except as provided in Section 9564,~~ been  
14 cleared for dismantling pursuant to Section 5500 or 11520,  
15 or the facility complies with Section 9564.

16 ~~(5)~~

17 (4) Any person who acquires used parts or  
18 components for resale from vehicles which have been  
19 previously cleared for dismantling pursuant to Section  
20 5500 or 11520.

21 Nothing in this paragraph permits a dismantler to  
22 acquire or sell used parts or components during the time  
23 the dismantler license is under suspension.

24 (b) Any vehicle acquired for the purpose specified in  
25 paragraph ~~(4)~~ (3) of subdivision (a) from other than a  
26 licensed dismantler, or from other than an independent  
27 hauler who obtained the vehicle, or parts thereof from a  
28 licensed dismantler, shall be accompanied by either a  
29 receipt issued by the department evidencing proof of  
30 clearance for dismantling under Section 5500, or a copy  
31 of the ordinance or order issued by a local authority for  
32 the abatement of the vehicle pursuant to Section 22660.  
33 The steel mill, scrap metal processing facility, or similar  
34 establishment acquiring the vehicle shall attach the form  
35 evidencing clearance or abatement to the certification  
36 required pursuant to this section.

37 All forms specified in paragraph ~~(4)~~ (3) of subdivision  
38 (a) and in this subdivision shall be available for inspection  
39 by a peace officer during business hours.



1 SEC. 2. Section 9564 of the Vehicle Code is amended  
2 to read:

3 9564. (a) A scrap metal processor, as described in  
4 paragraph ~~(4)~~ (3) of subdivision (a) of Section 221, who  
5 acquires a vehicle of a type subject to registration under  
6 this code, and who complies with all the provisions of this  
7 section, is not required to submit a certificate of  
8 nonoperation in lieu of fees or to pay fees that would  
9 otherwise be required if the vehicle were to be currently  
10 registered.

11 (b) A scrap metal processor who acquires a vehicle as  
12 provided in subdivision (a) shall submit either of the  
13 following to the department before reducing the vehicle  
14 to its component materials:

15 (1) Documentation that the vehicle was acquired  
16 pursuant to Section 22669 and disposed of in compliance  
17 with Article 2 (commencing with Section 22850) of  
18 Chapter 10 of Division 11.

19 (2) The properly endorsed certificate of title  
20 transferring title to the scrap iron processor and any  
21 available license plates or registration documents.

22 (c) A vehicle delivered to a scrap metal processor  
23 under subdivision (a) shall not be reconstructed or made  
24 operable, unless it is a vehicle which qualifies for either  
25 horseless carriage license plates or historical vehicle  
26 license plates pursuant to Section 5004, in which case the  
27 vehicle may be reconstructed or made operable.

28 SEC. 3. Section 40000.5 of the Vehicle Code is  
29 amended to read:

30 40000.5. A violation of any of the following provisions  
31 shall constitute a misdemeanor, and not an infraction:

32 Section 20, relating to false statements.

33 Section 27, relating to impersonating a member of the  
34 California Highway Patrol.

35 Section 31, relating to giving false information.

36 Paragraph ~~(4)~~ (3) of subdivision (a), or subdivision (b),  
37 or both, of Section 221, relating to proper evidence of  
38 clearance for dismantling.

39 SEC. 4. No reimbursement is required by this act  
40 pursuant to Section 6 of Article XIII B of the California



1 Constitution because the only costs that may be incurred  
2 by a local agency or school district will be incurred  
3 because this act creates a new crime or infraction,  
4 eliminates a crime or infraction, or changes the penalty  
5 for a crime or infraction, within the meaning of Section  
6 17556 of the Government Code, or changes the definition  
7 of a crime within the meaning of Section 6 of Article  
8 XIII B of the California Constitution.

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