

AMENDED IN ASSEMBLY JANUARY 3, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1175

Introduced by Assembly Member Frusetta

February 25, 1999

~~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, An act to repeal Section 44091.1 of the Health and Safety Code, relating to air pollution.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1175, as amended, Frusetta. Motor vehicle inspection and maintenance program: *smog abatement fee*.

~~Existing law 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 and make related changes.~~

Existing law imposes an annual smog abatement fee of \$4 for any motor vehicle that is 4 or less model-years old. Existing law also imposes a \$300 smog impact fee upon the registration of a vehicle that was previously registered outside the state.

Existing law provides that if the smog impact fee is ruled unconstitutional by an appellate court or the California Supreme Court, the annual smog abatement fee shall be increased to \$6. The 3rd District Court of Appeal ruled the smog impact fee unconstitutional on October 1, 1999, and as a result, the smog abatement fee was increased to \$6.

This bill would repeal that increase.

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 ~~SECTION 1. The Legislature finds and declares that~~
3 ~~there is a balance in the High Polluter Repair or Removal~~
4 ~~Account totaling approximately sixty million dollars~~
5 ~~(\$60,000,000), and that for this reason, it is not necessary~~
6 ~~to increase the smog abatement fee imposed by~~
7 ~~paragraph (1) of subdivision (d) of Section 44060 of the~~
8 ~~Health and Safety Code from four dollars (\$4) to six~~
9 ~~dollars (\$6), as required by Section 44091.1 of the Health~~
10 ~~and Safety Code.~~
11 ~~SEC. 2. Section 44091.1 of the Health and Safety Code~~
12 ~~is repealed.~~
13 ~~44091.1.—On or after July 1, 1998, in the event that the~~
14 ~~smog impact fee imposed pursuant to Section 6262 of the~~
15 ~~Revenue and Taxation Code is ruled unconstitutional by~~
16 ~~an appellate court or the California Supreme Court, or if~~
17 ~~the state is in any manner prevented by either of these~~
18 ~~courts from imposing or collecting the fee, all of the~~
19 ~~following actions shall immediately take place:~~
20 ~~(a) The fee specified in paragraph (1) of subdivision~~
21 ~~(d) of Section 44060 shall be six dollars (\$6). The revenues~~
22 ~~from that fee shall be allocated as follows:~~
23 ~~(1) Except as provided for in paragraph (2), the~~
24 ~~revenue generated by two dollars (\$2) of the fee shall be~~
25 ~~deposited in the account created by Section 44091, while~~
26 ~~the revenue generated by the remaining four dollars (\$4)~~
27 ~~shall continue to be deposited in the Vehicle Inspection~~
28 ~~and Repair Fund.~~



1 ~~(2) All revenue generated by the fee imposed at first~~
2 ~~registration of a motor vehicle exempted under~~
3 ~~paragraph (4) of subdivision (a) of Section 44011 shall be~~
4 ~~deposited in the account created by Section 44091.~~

5 ~~(b) (1) Except as specified in paragraph (2), this~~
6 ~~section shall remain in effect only until January 1, 2005,~~
7 ~~and as of that date shall become inoperative, unless a later~~
8 ~~enacted statute, that is enacted before June 30, 2004,~~
9 ~~deletes or extends that date.~~

10 ~~(2) With respect to motor vehicles registered in the~~
11 ~~south coast district, this section shall remain in effect until~~
12 ~~January 1, 2010, and as of that date is repealed, unless a~~
13 ~~later enacted statute, that is enacted before June 30, 2009,~~
14 ~~deletes or extends that date.~~

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**All matter omitted in this version of the
bill appears in the bill as introduced in the
Assembly, February 25, 1999 (JR 11)**

