

ASSEMBLY BILL

No. 2683

Introduced by Assembly Member Lieber

February 20, 2004

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2683, as introduced, Lieber. Air pollution: smog check.

(1) Existing law establishes a motor vehicle inspection and maintenance program (smog check), administered by the Department of Consumer Affairs and the State Air Resources Board, that provides for the inspection of all motor vehicles, except those specifically exempted from the program, upon registration, biennially upon renewal of registration, upon transfer of ownership, and in certain other circumstances. Existing law also establishes an enhanced motor vehicle inspection and maintenance program (smog check II) 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 specified air contaminants. Existing law also requires the smog tests to include, at minimum, loaded mode dynamometer testing in enhanced areas, and 2-speed testing in all other program areas, and a visual or functional check of emission control devices specified by the department. Existing law exempted from those requirements, until January 1, 2003, any motor vehicle manufactured prior to the 1974 model-year, and after that date, any motor vehicle that is 30 or more model-years old.

This bill would instead exempt from the smog check requirements any motor vehicle manufactured prior to the 1976 model-year.

(2) Existing law makes any violation of the smog check requirements a misdemeanor.

To the extent that the bill would impose the smog check requirements on additional vehicles on and after January 1, 2007, this bill would impose a state-mandated local program by expanding the scope of a crime.

(3) 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 44011 of the Health and Safety Code is
2 amended to read:

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

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

12 (2) Any motor vehicle that has been issued a certificate of
13 compliance or noncompliance or a repair cost waiver upon a
14 change of ownership or initial registration in this state during the
15 preceding six months.

16 (3) ~~(A) Prior to January 1, 2003, any~~ Any motor vehicle
17 manufactured prior to the ~~1974~~ 1976 model-year.

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

20 (4) (A) Any motor vehicle four or less model-years old.

21 (B) Beginning January 1, 2004, any motor vehicle up to six
22 model-years old, unless the state board finds that providing an
23 exception for these vehicles will prohibit the state from meeting



1 the requirements of Section 176(c) of the *federal* Clean Air Act (42
2 U.S.C. Sec. 7401 et seq.) or the state’s commitments with respect
3 to the state implementation plan required by the *federal* Clean Air
4 Act.

5 (C) Any motor vehicle excepted by this paragraph shall be
6 subject to testing and to certification requirements as determined
7 by the department, if any of the following apply:

8 (i) The department determines through remote sensing
9 activities or other means that there is a substantial probability that
10 the vehicle has a tampered emission control system or would fail
11 for other cause a smog check test as specified in Section 44012.

12 (ii) The vehicle was previously registered outside this state and
13 is undergoing initial registration in this state.

14 (iii) The vehicle is being registered as a specially constructed
15 vehicle.

16 (iv) The vehicle has been selected for testing pursuant to
17 Section 44014.7 or any other provision of this chapter authorizing
18 out-of-cycle testing.

19 (5) In addition to the vehicles exempted pursuant to paragraph
20 (4), any motor vehicle or class of motor vehicles exempted
21 pursuant to subdivision (b) of Section 44024.5. It is the intent of
22 the Legislature that the department, pursuant to the authority
23 granted by this paragraph, exempt at least 15 percent of the lowest
24 emitting motor vehicles from the biennial smog check inspection.

25 (6) Any motor vehicle that the department determines would
26 present prohibitive inspection or repair problems.

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

31 (b) Vehicles designated for program coverage in enhanced
32 areas shall be required to obtain inspections from appropriate
33 smog check stations operating in enhanced areas.

34 SEC. 2. No reimbursement is required by this act pursuant to
35 Section 6 of Article XIII B of the California Constitution because
36 the only costs that may be incurred by a local agency or school
37 district will be incurred because this act creates a new crime or
38 infraction, eliminates a crime or infraction, or changes the penalty
39 for a crime or infraction, within the meaning of Section 17556 of
40 the Government Code, or changes the definition of a crime within



1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

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