

AMENDED IN ASSEMBLY APRIL 20, 2009

AMENDED IN ASSEMBLY MARCH 31, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 823

Introduced by Assembly Member Hill
(Coauthors: Assembly Members Jeffries and Nestande, Nestande,
and Solorio)

February 26, 2009

An act to amend Sections 44062.1 and 44062.3 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 823, as amended, Hill. Smog check: vehicle repair assistance and retirement program.

(1) Existing law provides for a repair assistance program available to an individual whose maximum income level is 185% of the federal poverty level, or 225% of the federal poverty level if a certain determination is made, and who is the owner of a motor vehicle that has failed a smog check inspection or received a notice to correct, or an individual who has failed a smog check inspection and is directed to a test-only facility.

This bill would make the repair assistance program available only to low-income individuals whose income does not exceed 225% of the federal poverty level, as specified. The bill would make other conforming changes, and delete obsolete provisions of law.

(2) Existing law establishes a motor vehicle inspection and maintenance (smog check) program, developed, implemented, and administered by the Department of Consumer Affairs. The duty of

enforcing and administering the program is vested in the Chief of the Bureau of Automotive Repair within the department. The owner of a motor vehicle that has failed its most recent smog check inspection has the right to retire the vehicle from operation at a dismantler under contract with the Bureau of Automotive Repair, and the department is required to pay this person up to \$1,500, or more if cost effective.

This bill would increase this amount to \$2,000. The bill would authorize the department, *in lieu of this payment*, to offer transit vouchers to the owner of a motor vehicle who retires the vehicle from operation in accordance with the program.

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 44062.1 of the Health and Safety Code
- 2 is amended to read:
- 3 44062.1. (a) The department shall offer a repair assistance
- 4 program through entities authorized to perform referee functions.
- 5 (b) (1) The repair assistance program shall be available to an
- 6 individual who is a low-income motor vehicle owner, and who is
- 7 either or both of the following:
- 8 (A) The owner of a motor vehicle that has failed a smog check
- 9 inspection.
- 10 (B) The owner of a motor vehicle who was issued a notice to
- 11 correct for an alleged violation of Section 27153 or 27153.5 of the
- 12 Vehicle Code involving that vehicle, if the vehicle subject to that
- 13 notice has failed a smog check inspection subsequent to receiving
- 14 the notice.
- 15 (2) The department shall offer repair cost assistance to
- 16 individuals based on the cost-effectiveness and air quality benefit
- 17 of the needed repair. Repair assistance may include retesting costs
- 18 and the costs of repairs to remedy the violation of Section 27153
- 19 or 27153.5 of the Vehicle Code.
- 20 (3) An applicant for repair assistance shall file an application
- 21 on a form prescribed by the department, and shall certify under
- 22 penalty of perjury that the applicant meets the applicable eligibility
- 23 standards.
- 24 (4) Verification of income eligibility shall be based on at least
- 25 one form of documentation, as determined by the department,

1 including, but not limited to, (A) an income tax return, (B) an
2 employment warrant, or (C) a form of public assistance
3 verification.

4 (c) The repair assistance program shall be funded by the High
5 Polluter Repair or Removal Account.

6 (d) Repairs to motor vehicles that fail smog check inspections
7 and are subsidized by the state through the program shall be
8 performed at a repair station licensed and certified pursuant to
9 Sections 44014 and 44014.2. Repairs shall be based upon a
10 preapproved list of repairs for cost-effective emission reductions
11 or repairs to remedy a violation of Section 27153 or 27153.5 of
12 the Vehicle Code.

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

21 (f) The department may increase its contribution toward the
22 repair of a motor vehicle under this program in excess of the
23 amount authorized for the repair of a high polluter pursuant to
24 paragraph (1) of subdivision (b) of Section 44094, if the department
25 determines that the expenditure is cost effective. In determining
26 the cost effectiveness of the expenditure, the department shall
27 consider a failure of the visible smoke test, pursuant to Section
28 44012.1, and the costs associated with repairing a smoking vehicle.

29 (g) The department shall collect data from the program to
30 provide information to develop recommendations to improve the
31 program. Data collection shall include all of the following:

32 (1) The number of motor vehicle owners that are eligible for
33 repair assistance.

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

36 (3) The potential for fraud.

37 (4) The average repair bills.

38 (5) The types of repairs being done.

39 (6) The amount of partial repairs done prior to receipt of repair
40 assistance.

1 (7) The emissions benefits of providing repair assistance.

2 (h) For purposes of this section, “low-income motor vehicle
3 owner” means a person whose income does not exceed 225 percent
4 of the federal poverty level, as published quarterly in the Federal
5 Register by the United States Department of Health and Human
6 Services.

7 SEC. 2. Section 44062.3 of the Health and Safety Code is
8 amended to read:

9 44062.3. (a) The owner of a motor vehicle that has failed its
10 most recent smog check inspection may retire the vehicle from
11 operation at a dismantler under contract with the Bureau of
12 Automotive Repair. The department shall pay a person who retires
13 his or her vehicle under this section up to two thousand dollars
14 (\$2,000). The department may pay an owner of a motor vehicle
15 who elects to retire the vehicle more than two thousand dollars
16 (\$2,000), if the department determines that this payment is cost
17 effective.

18 ~~(b) The department may offer transit vouchers to the owner of~~
19 ~~a motor vehicle who retires a vehicle from operation in accordance~~
20 ~~with this section.~~

21 *(b) In lieu of the payment made pursuant to subdivision (a), the*
22 *department may offer a transit voucher with a value equivalent to*
23 *that amount, as that amount may be increased pursuant to*
24 *subdivision (a), to a motor vehicle owner that meets all of the*
25 *requirements of subdivision (a).*