

AMENDED IN ASSEMBLY JUNE 22, 2010

AMENDED IN ASSEMBLY JUNE 23, 2009

AMENDED IN SENATE MAY 26, 2009

AMENDED IN SENATE APRIL 14, 2009

**SENATE BILL**

**No. 165**

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**Introduced by Senator Lowenthal**

February 14, 2009

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~~An act to amend Section 40203.5 of the Vehicle Code, relating to vehicles.~~ *An act to amend Section 44017.4 of the Health and Safety Code, and to amend Section 4750.1 of the Vehicle Code, relating to vehicles.*

LEGISLATIVE COUNSEL'S DIGEST

SB 165, as amended, Lowenthal. Vehicles: ~~parking violation.~~ *specially constructed vehicles.*

*Existing law defines a specially constructed vehicle as a vehicle that is built for private use, not for resale, and is not constructed by a licensed manufacturer or remanufacturer. Existing law requires all specially constructed vehicles to be subject to the emission control system testing and certification requirements established by the Department of Consumer Affairs. Existing law requires a passenger vehicle or pickup truck that is a specially constructed vehicle to be inspected by stations authorized to perform referee functions, and requires the Department of Motor Vehicles, with regard to no more than the first 500 specially constructed vehicles that are presented to the department each year for registration, to provide a registration under which the owner may elect to have an inspection based on the engine model year used in the vehicle or the vehicle model-year.*

*This bill would recast these provisions, and in addition would provide that the registered owner of a specially constructed vehicle that is currently registered may apply to register the vehicle using a different model year in accordance with these provisions.*

~~Existing law makes it a violation for a person to park or leave standing a vehicle in a stall or space designated for disabled persons and disabled veterans unless the vehicle displays a special identification license plate or a distinguishing placard.~~

~~This bill would establish a schedule of penalties, which are collected as civil penalties, for the violation of the above provision.~~

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

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

1     SECTION 1. Section 44017.4 of the Health and Safety Code  
2     is amended to read:

3     44017.4. (a) Upon registration with the Department of Motor  
4     Vehicles, a passenger vehicle or pickup truck that is a specially  
5     constructed vehicle, as defined in Section 580 of the Vehicle Code,  
6     shall be inspected by stations authorized to perform referee  
7     functions. This inspection shall be for the purposes of determining  
8     the engine model-year used in the vehicle or the vehicle  
9     model-year, and the emission control system application. The  
10    owner shall have the option to choose whether the inspection is  
11    based on the engine model-year used in the vehicle or the vehicle  
12    model-year.

13    (1) In determining the engine model-year, the referee shall  
14    compare the engine to engines of the era that the engine most  
15    closely resembles. The referee shall assign the 1960 model-year  
16    to the engine in any specially constructed vehicle that does not  
17    sufficiently resemble a previously manufactured engine. The  
18    referee shall require only those emission control systems that are  
19    applicable to the established engine model-year and that the engine  
20    reasonably accommodates in its present form.

21    (2) In determining the vehicle model-year, the referee shall  
22    compare the vehicle to vehicles of the era that the vehicle most  
23    closely resembles. The referee shall assign the 1960 model-year  
24    to any specially constructed vehicle that does not sufficiently  
25    resemble a previously manufactured vehicle. The referee shall

1 require only those emission control systems that are applicable to  
2 the established model-year and that the vehicle reasonably  
3 accommodates in its present form.

4 (b) Upon the completion of the inspection, the referee shall  
5 affix a tamper-resistant label to the vehicle and issue a certificate  
6 that establishes the engine model-year or the vehicle model-year,  
7 and the emission control system application.

8 ~~(e) The Department of Motor Vehicles shall annually provide  
9 a registration to no more than the first 500 vehicles that meet the  
10 criteria described in subdivision (a) that are presented to that  
11 department for registration pursuant to this section. The 500-vehicle  
12 annual limitation does not apply to the renewal of registration of  
13 a vehicle registered pursuant to this section.~~

14 (c) (1) *The Bureau of Automotive Repair may charge the vehicle  
15 owner who applies to participate in the amnesty program,  
16 conducted pursuant to Section 9565 of the Vehicle Code, a fee for  
17 each referee station inspection conducted pursuant to Section 9565  
18 of the Vehicle Code. The fee shall be one hundred sixty dollars  
19 (\$160) and shall be collected by the referee station performing the  
20 inspection.*

21 (2) *A contract to perform referee services may authorize direct  
22 compensation to the referee contractor from the inspection fees  
23 collected pursuant to paragraph (1). The referee contractor shall  
24 deposit the inspection fees collected from the vehicle owner into  
25 a separate trust account that the referee contractor shall account  
26 for and manage in accordance with generally accepted accounting  
27 standards and principles. If the Department of Motor Vehicles  
28 conducts the inspections pursuant to Section 9565 of the Vehicle  
29 Code, the inspection fees collected by the department shall be  
30 deposited into the Vehicle Inspection and Repair Fund.*

31 SEC. 2. Section 4750.1 of the Vehicle Code is amended to read:

32 4750.1. (a) (1) *The department shall annually provide a  
33 registration or change of registration to no more than the first 500  
34 vehicles that have model years determined in accordance with the  
35 requirements of Section 44017.4 of the Health and Safety Code  
36 that apply to the department for registration or change of  
37 registration pursuant to this section.*

38 (2) *The 500-vehicle annual limitation does not apply to the  
39 renewal of registration of a specially constructed vehicle that was  
40 previously registered by the department.*

1 (b) *The registered owner of a specially constructed vehicle that*  
2 *is currently registered may apply to register the vehicle using a*  
3 *different model year determined in accordance with the*  
4 *requirements of Section 44017.4 of the Health and Safety Code.*

5 ~~(a)~~

6 (c) If the department receives an application for registration of  
7 a specially constructed passenger vehicle or pickup truck after it  
8 has registered 500 specially constructed vehicles during that  
9 calendar year ~~pursuant to~~ *in accordance with the requirements of*  
10 *Section 44017.4 of the Health and Safety Code, and the vehicle*  
11 *has not been previously registered, the vehicle shall be assigned*  
12 *the same model-year as the calendar year in which the application*  
13 *is submitted, for purposes of determining emissions inspection*  
14 *requirements for the vehicle.*

15 ~~(b)~~

16 (d) (1) If the department receives an application for registration  
17 of a specially constructed passenger vehicle or pickup truck that  
18 has been previously registered after it has registered 500 specially  
19 constructed vehicles during that calendar year ~~pursuant to~~ *in*  
20 *accordance with the requirements of Section 44017.4 of the Health*  
21 *and Safety Code, and the application requests a model-year*  
22 *determination different from the model-year assigned in the*  
23 *previous registration, the application for registration shall be denied*  
24 *and the vehicle owner is subject to the emission control and*  
25 *inspection requirements applicable to the model-year assigned in*  
26 *the previous registration.*

27 (2) For a vehicle participating in the amnesty program in effect  
28 from January 1, 2010, until December 31, 2010, pursuant to Section  
29 9565, the model-year of the previous registration shall be the  
30 calendar year of the year in which the vehicle owner applied for  
31 amnesty. However, a denial of an application for registration issued  
32 pursuant to this paragraph does not preclude the vehicle owner  
33 from applying for a different model-year determination and  
34 application for registration under Section 44017.4 of the Health  
35 and Safety Code in a subsequent calendar year.

36 ~~(e) (1) The Bureau of Automotive Repair may charge the~~  
37 ~~vehicle owner who applies to participate in the amnesty program~~  
38 ~~a fee for each referee station inspection conducted pursuant to~~  
39 ~~Section 9565. The fee shall be one hundred sixty dollars (\$160)~~

1 and shall be collected by the referee station performing the  
2 inspection.

3 (2) A contract to perform referee services may authorize direct  
4 compensation to the referee contractor from the inspection fees  
5 collected pursuant to paragraph (1). The referee contractor shall  
6 deposit the inspection fees collected from the vehicle owner into  
7 a separate trust account that the referee contractor shall account  
8 for and manage in accordance with generally accepted accounting  
9 standards and principles. Where the department conducts the  
10 inspections pursuant to Section 9565, the inspection fees collected  
11 by the department shall be deposited into the Vehicle Inspection  
12 and Repair Fund.

13 SECTION 1. Section 40203.5 of the Vehicle Code is amended  
14 to read:

15 40203.5. (a) The schedule of parking penalties for parking  
16 violations and late payment penalties shall be established by the  
17 governing body of the jurisdiction where the notice of violation is  
18 issued. To the extent possible, issuing agencies within the same  
19 county shall standardize parking penalties.

20 (b) Parking penalties under this article shall be collected as civil  
21 penalties.

22 (c) (1) The penalty for a violation of Section 22507.8 shall be  
23 as follows:

24 (A) Not less than two hundred fifty dollars (\$250) and not more  
25 than five hundred dollars (\$500) for the first offense.

26 (B) Not less than five hundred dollars (\$500) and not more than  
27 seven hundred fifty dollars (\$750) for the second offense.

28 (C) Not less than seven hundred fifty dollars (\$750) and not  
29 more than one thousand dollars (\$1,000) for three or more offenses.

30 (2) The issuing agency may suspend the imposition of the  
31 penalty in paragraph (1), if the violator, at the time of the offense,  
32 possessed but failed to display a valid special identification license  
33 plate issued pursuant to Section 5007 or a distinguishing placard  
34 issued pursuant to Section 22511.55 or 22511.59.

35 (3) A penalty imposed pursuant to this subdivision may be paid  
36 in installments if the issuing agency determines that the violator  
37 is unable to pay the entire amount in one payment.

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