

Introduced by Senator Emmerson

February 8, 2011

An act to amend Section 38580 of, and to add Section 38568 to, the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 211, as introduced, Emmerson. California Global Warming Solutions Act of 2006: tire inflation regulation: enforcement.

The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020, and to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions. A violation of a regulation adopted by the state board pursuant to the act is subject to specified civil and criminal penalties. Pursuant to the act, the state board adopted a regulation requiring automobile service providers, by September 1, 2010, among other things, to check and inflate vehicle tires to the recommended pressure rating when performing automobile maintenance or repair services.

This bill would require the state board to enforce and implement this regulation consistent with certain requirements. The bill would limit penalties for a violation of the requirements of this regulation to a civil penalty of not more than \$20 for the first offense and not more than \$50 for each subsequent offense. The bill would prohibit the imposition of a civil or criminal penalty upon a customer of an automobile service provider for a violation of the requirements of the regulation.

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 38568 is added to the Health and Safety
2 Code, to read:
3 38568. Notwithstanding Section 95550 of Title 17 of the
4 California Code of Regulations, the state board shall enforce and
5 implement Section 95550 of Title 17 of the California Code of
6 Regulations consistent with all of the following:
7 (a) A customer may verbally decline the tire inflation service
8 required by Section 95550 of Title 17 of the California Code of
9 Regulations without any written or oral explanation or affirmation.
10 (b) Tire pressure gauges used to meet the requirements of
11 Section 95550 of Title 17 of the California Code of Regulations
12 may be accurate within a range of plus or minus four pounds per
13 square inch of pressure (4 psi).
14 (c) An automotive service provider shall initiate inflation service
15 pursuant to Section 95550 of Title 17 of the California Code of
16 Regulations only if the tire pressure is five pounds per square inch
17 of pressure (5 psi) below the manufacturer's pressure
18 recommendations.
19 SEC. 2. Section 38580 of the Health and Safety Code is
20 amended to read:
21 38580. (a) The state board shall monitor compliance with and
22 enforce any rule, regulation, order, emission limitation, emissions
23 reduction measure, or market-based compliance mechanism
24 adopted by the state board pursuant to this division.
25 (b) (1) Any violation of any rule, regulation, order, emission
26 limitation, emissions reduction measure, or other measure adopted
27 by the state board pursuant to this division may be enjoined
28 pursuant to Section 41513, and, *except as provided in subdivision*
29 *(d)*, the violation is subject to those penalties set forth in Article 3
30 (commencing with Section 42400) of Chapter 4 of Part 4 of, and
31 Chapter 1.5 (commencing with Section 43025) of Part 5 of,
32 Division 26.
33 (2) ~~Any~~ *Except as provided in subdivision (d)*, any violation of
34 any rule, regulation, order, emission limitation, emissions reduction
35 measure, or other measure adopted by the state board pursuant to

1 this division shall be deemed to result in an emission of an air
2 contaminant for the purposes of the penalty provisions of Article
3 3 (commencing with Section 42400) of Chapter 4 of Part 4 of, and
4 Chapter 1.5 (commencing with Section 43025) of Part 5 of,
5 Division 26.

6 (3) The state board may develop a method to convert a violation
7 of any rule, regulation, order, emission limitation, or other
8 emissions reduction measure adopted by the state board pursuant
9 to this division into the number of days in violation, where
10 appropriate, for the purposes of the penalty provisions of Article
11 3 (commencing with Section 42400) of Chapter 4 of Part 4 of, and
12 Chapter 1.5 (commencing with Section 43025) of Part 5 of,
13 Division 26.

14 (c) Section 42407 and subdivision (i) of Section 42410 shall
15 not apply to this part.

16 (d) (1) *A violation of Section 95550 of Title 17 of the California*
17 *Code of Regulations is punishable solely by a civil penalty of not*
18 *more than twenty dollars (\$20) for the first offense and not more*
19 *than fifty dollars (\$50) for each subsequent offense.*

20 (2) *A customer of an automotive service provider is not subject*
21 *to civil or criminal penalties for a violation of Section 95550 of*
22 *Title 17 of the California Code of Regulations.*