

AMENDED IN ASSEMBLY JUNE 16, 2011

AMENDED IN SENATE MAY 10, 2011

AMENDED IN SENATE MARCH 14, 2011

SENATE BILL

No. 211

**Introduced by Senators Emmerson and Harman
(Coauthor: Senator Dutton)**

(Coauthors: Assembly Members Jeffries, Olsen, and Portantino)

February 8, 2011

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

LEGISLATIVE COUNSEL'S DIGEST

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

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, until January 1, 2017, would authorize a tire pressure gauge used to meet the requirements of this regulation to be accurate within a range of plus or minus 2 pounds per square inch of pressure (2 psi). *The bill, until January 1, 2017, would authorize automotive service providers to meet the requirements of the regulation without checking and inflating a vehicle's tire if that tire is determined to be an unsafe tire, as defined. The bill would limit penalties for a violation of the requirements of the 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. (a) Tire pressure gauges used to meet the requirements
- 4 of Section 95550 of Title 17 of the California Code of Regulations
- 5 may be accurate within a range of plus or minus two pounds per
- 6 square inch of pressure (2 psi).
- 7 (b) *For purposes of Section 95550 of Title 17 of the California*
- 8 *Code of Regulations, automotive service providers are not required*
- 9 *to check and inflate a vehicle's tire if that tire is determined to be*
- 10 *an unsafe tire. As used in this subdivision, "unsafe tire" means*
- 11 *any tire considered unsafe in accordance with standard industry*
- 12 *practices due to tire tread wear, tread irregularity, or damage.*
- 13 *Examples include any tire with exposed ply or cord, a sidewall*
- 14 *crack, a bulge, a knot, or ply separation.*
- 15 ~~(b)~~
- 16 (c) This section shall remain in effect only until January 1, 2017,
- 17 and as of that date is repealed, unless a later enacted statute, that
- 18 is enacted before January 1, 2017, deletes or extends that date.
- 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

1 reduction measure, or market-based compliance mechanism
2 adopted by the state board pursuant to this division.

3 (b) (1) Any violation of any rule, regulation, order, emission
4 limitation, emissions reduction measure, or other measure adopted
5 by the state board pursuant to this division may be enjoined
6 pursuant to Section 41513, and, *except as provided in subdivision*
7 *(d)*, the violation is subject to those penalties set forth in Article 3
8 (commencing with Section 42400) of Chapter 4 of Part 4 of, and
9 Chapter 1.5 (commencing with Section 43025) of Part 5 of,
10 Division 26.

11 (2) ~~Any~~ *Except as provided in subdivision (d)*, any violation of
12 any rule, regulation, order, emission limitation, emissions reduction
13 measure, or other measure adopted by the state board pursuant to
14 this division shall be deemed to result in an emission of an air
15 contaminant for the purposes of the penalty provisions of Article
16 3 (commencing with Section 42400) of Chapter 4 of Part 4 of, and
17 Chapter 1.5 (commencing with Section 43025) of Part 5 of,
18 Division 26.

19 (3) The state board may develop a method to convert a violation
20 of any rule, regulation, order, emission limitation, or other
21 emissions reduction measure adopted by the state board pursuant
22 to this division into the number of days in violation, where
23 appropriate, for the purposes of the penalty provisions of Article
24 3 (commencing with Section 42400) of Chapter 4 of Part 4 of, and
25 Chapter 1.5 (commencing with Section 43025) of Part 5 of,
26 Division 26.

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

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

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