

**Introduced by Senator Kuehl**

February 23, 2001

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An act to amend Section 44011 of the Health and Safety Code, and to amend Section 4000.1 of the Vehicle Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 1172, as introduced, Kuehl. Air pollution: vehicles.

Existing law establishes a motor vehicle inspection and maintenance program (smog check), administered by the Department of Consumer Affairs, that requires motor vehicles powered by internal combustion engines in certain areas of the state to obtain a smog check certificate of compliance or noncompliance biennially, upon transfer of ownership, or upon registration of a vehicle previously registered outside of the state. Existing law also exempts from that requirement, until January 1, 2003, any motor vehicle manufactured prior to the 1974 model-year, and beginning on that date, any motor vehicle that is 30 or more model-years old.

This bill would, instead exempt any motor vehicle manufactured prior to the 1974 model-year from the smog check certificate requirements.

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 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

1 for program coverage shall be required biennially to obtain a  
2 certificate of compliance or noncompliance, except for all of the  
3 following:

4 (1) Every motorcycle, and every diesel-powered vehicle, until  
5 the department, pursuant to Section 44012, implements test  
6 procedures applicable to motorcycles or to diesel-powered  
7 vehicles, or both.

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

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

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

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

17 (B) The department, by regulation, may increase the  
18 exemption provided by this paragraph to include any motor  
19 vehicle up to six or less model-years old.

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

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

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

29 (iii) The vehicle is being registered as a specially constructed  
30 vehicle.

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

34 (5) In addition to the vehicles exempted pursuant to paragraph  
35 (4), any motor vehicle or class of motor vehicles exempted  
36 pursuant to subdivision (b) of Section 44024.5. It is the intent of  
37 the Legislature that the department, pursuant to the authority  
38 granted by this paragraph, exempt at least 15 percent of the lowest  
39 emitting motor vehicles from the biennial smog check inspection.



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

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

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

10 SEC. 2. Section 4000.1 of the Vehicle Code is amended to  
11 read:

12 4000.1. (a) Except as otherwise provided in subdivision (b),  
13 (c), or (d) of this section, or subdivision (b) of Section 43654 of  
14 the Health and Safety Code, the department shall require upon  
15 initial registration, and upon transfer of ownership and  
16 registration, of any motor vehicle subject to Part 5 (commencing  
17 with Section 43000) of Division 26 of the Health and Safety Code,  
18 and upon registration of a motor vehicle previously registered  
19 outside this state which is subject to those provisions of the Health  
20 and Safety Code, a valid certificate of compliance or a certificate  
21 of noncompliance, as appropriate, issued in accordance with  
22 Section 44015 of the Health and Safety Code.

23 (b) With respect to new vehicles certified pursuant to Chapter  
24 2 (commencing with Section 43100) of Part 5 of Division 26 of the  
25 Health and Safety Code, the department shall accept a statement  
26 completed pursuant to subdivision (b) of Section 24007 in lieu of  
27 the certificate of compliance.

28 (c) For purposes of determining the validity of a certificate of  
29 compliance or noncompliance submitted in compliance with the  
30 requirements of this section, the definitions of new and used motor  
31 vehicle contained in Chapter 2 (commencing with Section 39010)  
32 of Part 1 of Division 26 of the Health and Safety Code shall  
33 control.

34 (d) Subdivision (a) does not apply to a transfer of ownership  
35 and registration under any of the following circumstances:

36 (1) In any district in which biennial certification is required and  
37 a valid certificate was issued in connection with the most recent  
38 renewal of registration of the vehicle, and the transfer occurred not  
39 more than 60 days following the date by which that renewal of  
40 registration was required.



- 1 (2) The transferor is either the parent, grandparent, sibling,  
2 child, grandchild, or spouse of the transferee.
- 3 (3) A vehicle registered to a sole proprietorship is transferred  
4 to the proprietor as owner.
- 5 (4) The transfer is between companies whose principal  
6 business is leasing vehicles, if there is no change in the lessee or  
7 operator of the vehicle or between the lessor and the person who  
8 has been, for at least one year, the lessee's operator of the vehicle.
- 9 (5) The transfer is between the lessor and lessee of the vehicle,  
10 if there is no change in the lessee or operator of the vehicle.
- 11 ~~(6) Prior to January 1, 2003, the~~ *The* motor vehicle was  
12 manufactured prior to the 1974 model-year.
- 13 ~~(7) Beginning January 1, 2003, the motor vehicle is 30 or more~~  
14 ~~model years old.~~
- 15 (e) The State Air Resources Board, under Part 5 (commencing  
16 with Section 43000) of Division 26 of the Health and Safety Code,  
17 may exempt designated classifications of motor vehicles from  
18 subdivision (a) as it deems necessary, and shall notify the  
19 department of that action.
- 20 (f) Subdivision (a) does not apply to a motor vehicle when an  
21 additional individual is added as a registered owner of the vehicle.

