

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 550

Introduced by Assembly Member Waldron

February 23, 2015

An act to ~~amend Section 44002 of~~ *add Section 44011.7* to the Health and Safety Code, relating to vehicular air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 550, as amended, Waldron. Smog ~~check~~. *check: exemption: fee.*

Existing law establishes a motor vehicle inspection and maintenance program, commonly known as smog check, that is administered by the Department of Consumer Affairs. The smog check program requires inspection of motor vehicles upon initial registration, biennially upon renewal of registration, upon transfer of ownership, and in certain other circumstances. Existing law exempts specified vehicles from being inspected biennially upon renewal of registration, including, among others, all motor vehicles manufactured prior to the 1976 model-year. Existing law establishes an annual smog abatement fee for specified motor vehicles exempt from being inspected biennially upon renewal of registration.

Existing law establishes the Air Quality Improvement Program that is administered by the State Air Resources Board for the purposes of funding projects related to, among other things, reduction of criteria air pollutants and improvement of air quality. Existing law requires, until January 1, 2024, that a portion of the registration fees for motor vehicles and vessels be deposited into the Air Quality Improvement Fund and, upon appropriation, be expended for the implementation of

the program. Existing law specifies the types of projects that are eligible to receive funding under the program.

This bill would allow an owner of a motor vehicle that is subject to the smog check program to pay a \$200 smog abatement fee in lieu of passing a smog test if the motor vehicle meets specified criteria. The bill would require the fee to be deposited in the Air Quality Improvement Fund.

~~Existing law establishes a motor vehicle inspection and maintenance (smog check) program that is administered by the Department of Consumer Affairs. The smog check program requires inspection of motor vehicles upon initial registration, biennially upon renewal of registration, upon transfer of ownership, and in certain other circumstances. Existing law vests with the department the sole and exclusive authority within the state for developing and implementing the smog check program, as specified.~~

~~This bill would make technical, nonsubstantive changes to this 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 44011.7 is added to the Health and Safety
- 2 Code, to read:
- 3 44011.7. (a) The owner of a motor vehicle that is required to
- 4 obtain a certificate of compliance pursuant to Section 44011 may
- 5 elect to pay a smog abatement fee of two hundred dollars (\$200)
- 6 if the motor vehicle meets all of the following criteria:
- 7 (1) Is 30 or more model-years old.
- 8 (2) Was manufactured during or after the 1976 model-year.
- 9 (3) Fails a smog test required pursuant to this chapter.
- 10 (4) Fails a subsequent smog test after necessary repairs were
- 11 made.
- 12 (b) Payment of the smog abatement fee established pursuant to
- 13 this section shall be made to the Department of Motor Vehicles at
- 14 the time of the registration of the motor vehicle.
- 15 (c) Fees collected pursuant to this section shall be deposited in
- 16 the Air Quality Improvement Fund created by Section 44274.5.
- 17 SECTION 1. ~~Section 44002 of the Health and Safety Code is~~
- 18 ~~amended to read:~~

1 ~~44002. (a) The department shall have the sole and exclusive~~
2 ~~authority within the state for developing and implementing the~~
3 ~~motor vehicle inspection program in accordance with this chapter.~~
4 ~~(b) For the purposes of the administration and enforcement of~~
5 ~~this chapter, the department, and the director, officers, and~~
6 ~~employees of the department, shall have all the powers and~~
7 ~~authority granted under Division 1 (commencing with Section~~
8 ~~100) and Division 1.5 (commencing with Section 475) and Chapter~~
9 ~~20.3 (commencing with Section 9880) of Division 3 of the Business~~
10 ~~and Professions Code and under Division 33 (commencing with~~
11 ~~Section 3300) of Title 16 of the California Code of Regulations.~~
12 ~~Inspections and repairs performed pursuant to this chapter, in~~
13 ~~addition to meeting the specific requirements imposed by this~~
14 ~~chapter, shall also comply with all requirements imposed pursuant~~
15 ~~to Division 1 (commencing with Section 100) and Division 1.5~~
16 ~~(commencing with Section 475) and Chapter 20.3 (commencing~~
17 ~~with Section 9880) of Division 3 of the Business and Professions~~
18 ~~Code and Division 33 (commencing with Section 3300) of Title~~
19 ~~16 of the California Code of Regulations.~~

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