

ASSEMBLY BILL

No. 1691

Introduced by Assembly Members Gipson and Cristina Garcia

January 21, 2016

An act to add and repeal Section 44125.5 of the Health and Safety Code, relating to vehicular air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1691, as introduced, Gipson. Vehicular air pollution: vehicle retirement.

Existing law creates an enhanced fleet modernization program for the retirement of high polluting vehicles to be administered by the Bureau of Automotive Repair pursuant to guidelines adopted by the State Air Resources Board. Existing law requires the program's guidelines to be updated no later than June 30, 2015. Existing law requires the updated guidelines to ensure vehicle replacement be an option for all motor vehicle owners and may be in addition to compensation for vehicles retired, as specified.

This bill would require the state board, in consultation with the bureau, to adopt, as a part of the program, an element of the program to commence on July 1, 2017, subject to appropriation by the Legislature, with a goal of annually replacing 10,000 vehicles from disadvantaged communities over a 5-year period.

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 44125.5 is added to the Health and Safety
2 Code, to read:

3 44125.5. (a) As a part of the program adopted pursuant to
4 Section 44125, the state board, in consultation with the bureau,
5 shall adopt an element of the program to commence on July 1,
6 2017, subject to appropriation by the Legislature, that allows for
7 the voluntary retirement of passenger vehicles and light-duty and
8 medium-duty trucks that are high polluters, focusing the program’s
9 efforts in disadvantaged communities identified pursuant to Section
10 39711.

11 (b) The goal of the element adopted pursuant to subdivision (a)
12 is to annually replace 10,000 vehicles from those disadvantaged
13 communities with the lowest income levels.

14 (c) No later than June 30, 2017, the state board shall update the
15 guidelines adopted pursuant to Section 44125 to implement this
16 section. In updating the guidelines for the purposes of this section,
17 the state board shall study and consider all of the following:

18 (1) Mandatory partnerships and a mandated minimum amount
19 of overall funding allocated to outreach with community-based
20 organizations to ensure program accessibility for the lowest income
21 disadvantaged communities in the state, with an outreach and
22 partnership report to be submitted to the state board every six
23 months after July 1, 2017.

24 (2) A “Primary Usage and Dependency” document attesting to
25 all of the following:

26 (A) The person receiving financial assistance from the program
27 is dependent on the vehicle being retired.

28 (B) The person cannot replace the vehicle without financial
29 assistance from the program.

30 (C) The loss of the vehicle would cause irreparable economic
31 harm to the person.

32 (d) This section shall become inoperative on July 1, 2022, and,
33 as of January 1, 2023, is repealed, unless a later enacted statute,
34 that becomes operative on or before January 1, 2023, deletes or
35 extends the dates on which it becomes inoperative and is repealed.

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