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**HEALTH AND SAFETY CODE - HSC**

**DIVISION 26. AIR RESOURCES [39000 - 44475.3]** ( *Division 26 repealed and added by Stats. 1975, Ch. 957.*  )

**PART 5. VEHICULAR AIR POLLUTION CONTROL [43000 - 44299.91]** ( *Part 5 added by Stats. 1975, Ch. 957.*  )

**CHAPTER 5.5. Heavy-Duty Vehicle Inspection and Maintenance Program [44150 - 44158]** ( *Chapter 5.5 added by Stats. 2019, Ch. 298, Sec. 2.*  )

**44150.** For purposes of this chapter, "program" means the Heavy-Duty Vehicle Inspection and Maintenance Program established pursuant to Section 44152.

(*Added by Stats. 2019, Ch. 298, Sec. 2. (SB 210) Effective January 1, 2020.*)

**44152.** (a) No later than two years after the completion of the pilot program required by Section 44156 and to the extent authorized by federal law, the state board, in consultation with the bureau and the Department of Motor Vehicles, shall adopt and implement a regulation for a Heavy-Duty Vehicle Inspection and Maintenance Program for nongasoline heavy-duty onroad motor vehicles with a gross vehicle weight rating of more than 14,000 pounds, as defined by the state board, including, but not limited to, single-vehicle fleets and other vehicles that are registered in another state but operate on California roads. In adopting a regulation implementing the program, the state board shall do all of the following:

(1) (A) Establish test procedures for different motor vehicle model years and emissions control technologies that measure the effectiveness of the control of emissions of oxides of nitrogen and particulate matter. The procedures may include, but are not limited to, procedures for the use of onboard diagnostics system data and test procedures that measure the effectiveness of the control of emissions of greenhouse gases.

(B) In establishing the test procedures pursuant to this paragraph, the state board shall ensure that at least one test procedure does not result in charges, in aggregate, including the compliance fee required pursuant to Section 44154, imposed on owners of vehicles subject to the program that exceed the maximum allowable amount of the compliance fee specified in Section 44154, except for the necessary repair costs to bring a vehicle into compliance with the program. The state board shall ensure that this testing procedure is reasonably accessible to those owners.

(2) Require a motor vehicle to pass the test procedures in order to register or operate in the state. The state board may establish in the regulation full or partial exemptions from the requirements of this section for categories of vehicles it determines on the basis of substantial evidence that the economic costs of compliance substantially outweigh the benefits of compliance, including public health benefits.

(3) Allow a streamlined process for the owner or operator of a vehicle fleet who has an established compliance history with the program, including, but not limited to, the use of the electronic transmission of emissions data in lieu of the annual physical testing of the vehicles as determined by the state board. The streamlined process shall not include an exemption from the requirements of paragraph (2).

(4) Establish program validation methods for evaluating program effectiveness, fraud investigation, and research purposes.

(5) Develop and implement enforcement methods to ensure continuing compliance with this section and Section 27153 of the Vehicle Code. The enforcement methods may include, but are not limited to, all of the following:

(A) Visual inspections.

(B) Functional inspections.

(C) Requiring emissions testing of vehicles.

(6) Develop, in coordination with the Department of Motor Vehicles, an information technology database to collect and track vehicle test data, assess the data to determine compliance, and regularly generate lists of compliant vehicle identification numbers and transmit them to the Department of Motor Vehicles in order for annual vehicle registration notices to be issued.

(7) Exempt all of the following:

(A) Zero-emission motor vehicles.

(B) A publicly owned authorized emergency vehicle operated by a peace officer, as defined in Section 830 of the Penal Code, only as necessary to ensure the ability to respond to emergencies.

(C) An authorized emergency vehicle, as defined in Section 165 of the Vehicle Code, and used for fighting fires or responding to emergency fire calls by entities described in paragraph (2) of subdivision (b) of, or subdivision (c) or (d) of, Section 165 of the Vehicle Code, only as necessary to ensure the ability to respond to emergencies.

(D) A publicly owned authorized emergency vehicle used by an emergency medical technician-paramedic, as defined in Section 1797.84, only as necessary to ensure the ability to respond to emergencies.

(E) A tactical vehicle operated by the military as necessary for testing or training purposes.

(F) New vehicles certified to meet the most stringent optional reduced emissions of oxides of nitrogen emission standard for four years from the time inspections begin under the program.

(b) The state board may establish licensing standards for persons engaged in the business of the inspection, diagnosis, and repair of heavy-duty motor vehicles. The board also may establish qualification standards or approval, operational, or licensure standards for testing equipment, including protocols, hardware, and software used for the submission of vehicle test data to the state board or its contractors.

(c) (1) As part of the program, the state board shall develop a Heavy-Duty Vehicle Inspection and Maintenance Compliance Certificate. The state board shall issue the certificate to the legal owner, registered owner, or designee of a vehicle that, at the discretion of the state board, meets the requirements of the program so that vehicle owners and operators may easily demonstrate proof of compliance, as required pursuant to Sections 27158.1 and 27158.2 of the Vehicle Code.

(2) The Heavy-Duty Vehicle Inspection and Maintenance Compliance Certificate shall contain information determined to be necessary by the state board that includes, but need not be limited to, all of the following:

(A) Date issued.

(B) Date of expiration.

(C) Name and residence or business address or mailing address of the legal owner or registered owner.

(D) Vehicle identification number assigned to the vehicle.

(E) Description of the vehicle that includes the year, make, and model of the vehicle.

(d) The Department of Transportation, the Department of Food and Agriculture, and the Department of the California Highway Patrol may provide any necessary information to help facilitate the installation of equipment necessary to implement the program.

(e) The state board, the Department of Motor Vehicles, and the Department of Food and Agriculture may develop initiatives for outreach and education to help ensure compliance with the program.

(f) (1) The state board shall request a permit to deploy equipment on the state highway system, as defined in Article 3 (commencing with Section 300) of Chapter 2 of Division 1 of the Streets and Highways Code, in accordance with Chapter 3 (commencing with Section 660) of Division 1 of the Streets and Highways Code and in cooperation with the Department of the California Highway Patrol.

(2) If the Department of Transportation denies a permit requested by the state board pursuant to paragraph (1), the Department of Transportation shall provide the state board the necessary information regarding how equipment can be deployed in a manner consistent with both the requirements of the program and other laws.

(g) The state board may inspect vehicles subject to this section in conjunction with the safety and weight enforcement activities of the Department of the California Highway Patrol or at other locations selected by the state board in consultation with the Department of the California Highway Patrol. Inspection locations may include in-state private facilities where fleet vehicles are serviced or maintained. The state board and the Department of the California Highway Patrol may conduct these inspections cooperatively or independently, and the state board may contract for assistance in the conduct of these inspections.

(h) (1) (A) The state board may issue a citation to the owner of a vehicle in violation of this section or a regulation promulgated pursuant to this section. The state board may require the operator of a vehicle to submit to a test procedure and may specify that refusal to submit is an admission constituting proof of a violation. The state board may require that, when a citation has been issued pursuant to this section, the owner of a vehicle in violation of the regulation shall be required to correct every deficiency specified in the citation within a timeframe determined by the state board, but that is not less than 45 days.

(B) A vehicle used exclusively in the conduct of agricultural operations shall be required to correct deficiencies specified in the citation within a timeframe determined by the state board that is not less than 75 days from the date of the citation.

(2) When deciding whether to issue a citation, the state board may take into account whether the owner of the vehicle has obtained a temporary permit to operate the vehicle pursuant to Section 4156.5 of the Vehicle Code.

(3) Except as provided in paragraph (4), a vehicle found in violation of this section or a regulation promulgated pursuant to this section shall not be prohibited from being used during this time.

(4) Notwithstanding paragraph (3), a vehicle found to have willfully tampered emission controls, including the vehicle's onboard diagnostics system, shall not be operated.

(i) The state board shall provide an owner cited as violating this section an opportunity for an administrative hearing consistent with the process established pursuant to Article 3 (commencing with Section 60065.1) and Article 4 (commencing with Section 60075.1) of Subchapter 1.25 of Chapter 1 of Division 3 of Title 17 of the California Code of Regulations. Following notice and an opportunity for an administrative hearing, the state board, at its discretion, may use the procedure set forth in subdivision (j) of Section 44011.6 for a vehicle owner cited pursuant to this section.

(j) After an order imposing an administrative penalty becomes final pursuant to the hearing procedures identified in subdivision (i) and no petition for a writ of mandate has been filed within the time allotted for seeking judicial review of the order, the state board may apply to the Superior Court for the County of Sacramento for a judgment in the amount of the administrative penalty. The application, which shall include a certified copy of the final order of the administrative hearing officer, shall constitute a sufficient showing to warrant the issuance of the judgment.

(k) Upon the implementation of the program, the state board shall provide mechanisms for out-of-state owners of heavy-duty vehicles to establish and verify compliance prior to entering the state, including attainment of a Heavy-Duty Vehicle Inspection and Maintenance Compliance Certificate.

(l) Upon the full implementation of the program, the state board shall sunset the requirements of the Periodic Smoke Inspection Program in Chapter 3.6 (commencing with Section 2190) of Division 3 of Title 13 of the California Code of Regulations.

(m) Within four years following the full implementation of the program, the state board shall provide two biennial reports on its internet website. This report shall include, but is not limited to, enforcement, operational downtime, and an estimate of emissions reduced and cost-effectiveness.

*(Added by Stats. 2019, Ch. 298, Sec. 2. (SB 210) Effective January 1, 2020.)*

**44154.** (a) (1) The state board shall assess a compliance fee, not to exceed thirty dollars (\$30), to fund the reasonable costs of implementing the program. A fee assessed pursuant to this section shall be limited exclusively to covering the costs of the program and shall be structured to ensure the equitable distribution of any costs among feepayers.

(2) The compliance fee and the maximum amount allowable shall be adjusted annually based on the California Consumer Price Index as compiled and reported by the Department of Labor Relations.

(b) All fees collected by the state board pursuant to this chapter shall be deposited in the Truck Emission Check (TEC) Fund, which is hereby created in the State Treasury. All moneys in the fund shall be available upon appropriation by the Legislature to the state board for the regulatory purposes of the program.

(c) All penalty moneys collected by the state board pursuant to this chapter shall be deposited in the Air Pollution Control Fund.

*(Added by Stats. 2019, Ch. 298, Sec. 2. (SB 210) Effective January 1, 2020.)*

**44156.** (a) In order to implement the program, the state board, in consultation with the bureau, the Department of Transportation, the Department of Motor Vehicles, the Department of the California Highway Patrol, other interested state agencies, and stakeholders as part of a public process, shall implement a pilot program that develops and demonstrates technologies that show potential for readily bringing vehicles into the program. The state board shall report the findings of the pilot program on its internet website.

(b) No later than two years following the completion of the pilot program required pursuant to this section, and before adopting and implementing the program, the state board shall report to the transportation and environmental committees of the Legislature on the following:

(1) A review of all investigated test procedures, hardware and software, and an assessment of which pathway was found to be the most cost effective, enforceable, and least burdensome for compliant truck operators, including, but not limited to, the estimated operational downtime associated with each test method.

(2) A comprehensive enforcement strategy to ensure the fair application of the program.

(3) A description of how the agency will harmonize the program with existing regulations to ensure stakeholders do not face duplicative requirements.

(4) Steps the state board will take to ensure emission reductions attributed to this program will be accounted for and credited in planning and technical documents including, but not limited to, the state implementation plan, scoping plans, and emissions models.

*(Added by Stats. 2019, Ch. 298, Sec. 2. (SB 210) Effective January 1, 2020.)*

**44158.** At least 60 days prior to the first hearing of the state board considering the adoption of any rules or regulations first implementing the program, the state board shall submit the then-current draft of those proposed rules and regulations to the Joint Legislative Budget Committee, the Senate Committee on Environmental Quality, the Senate Committee on Transportation, the Assembly Committee on Natural Resources, and the Assembly Committee on Transportation.

*(Added by Stats. 2019, Ch. 298, Sec. 2. (SB 210) Effective January 1, 2020.)*