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AB-2381 Vehicles: emissions: certification, auditing, and compliance. (2017-2018)

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Assembly Bill No. 2381

CHAPTER 713

An act to amend Section 43019.2 of, and to add Sections 43202.5 and 43202.6 to, the Health and Safety Code, relating to vehicular air pollution.

[Approved by Governor September 23, 2018. Filed with Secretary of State September 23, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2381, Carrillo. Vehicles: emissions: certification, auditing, and compliance.

Existing law requires a manufacturer of a new motor vehicle to allow the State Air Resources Board to conduct surveillance emissions testing at its assembly facilities or at any other location where the manufacturer's assembly line testing is performed and testing records are kept. Existing law authorizes the state board to impose a fee on the manufacturers of new motor vehicles to recover the state board's costs associated with this surveillance.

This bill would require the state board to enhance its certification, audit, and compliance activities for new motor vehicles to detect defeat devices or other software used to evade emissions testing, as specified. The bill would authorize the state board to impose a fee on the manufacturers of new motor vehicles to cover the state board's costs associated with the state board's certification, audit, and compliance activities, with those fees to be deposited in the Certification and Compliance Fund. The bill would authorize the state board to impose a penalty on the manufacturers of new motor vehicles relating to the state board's certification, audit, and compliance activities if specified conditions are met, with those penalty moneys to be deposited in the Air Pollution Control Fund.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 43019.2 of the Health and Safety Code is amended to read:

43019.2. The Certification and Compliance Fund is hereby created in the State Treasury. All moneys in the fund, upon appropriation by the Legislature, shall be expended by the state board for the activities described in Section 43019.1 and 43202.5, as appropriate.

SEC. 2. Section 43202.5 is added to the Health and Safety Code, to read:

43202.5. (a) For purposes of this section, "real-world conditions emissions testing" includes both new and used motor vehicles being driven on-road, outside of normal laboratory testing conditions.

(b) The state board shall enhance its certification, audit, and compliance activities for new motor vehicles to detect defeat devices or other software used to evade emissions testing. Those certification, audit, and compliance activities shall include, but need not be limited to, the increased utilization of in-use and real-world conditions emissions testing.

(c) To further the objectives of subdivision (b), the state board may consult or partner with academic institutions and their associated laboratories to do any of the following:

(1) Develop new surveillance methods and test cycles.

(2) Perform emissions testing on behalf of the state board.

(3) Conduct research on vehicle emissions testing.

SEC. 3. Section 43202.6 is added to the Health and Safety Code, to read:

43202.6. (a) The state board, by regulation, may impose fees on manufacturers of new motor vehicles to recover the state board's reasonable costs in implementing Section 43202.5. The total amount of fees collected pursuant to this section shall not exceed five million dollars (\$5,000,000) in the 2019–20 fiscal year, and in any subsequent year shall not increase by an amount greater than the annual increase in the California Consumer Price Index.

(b) A manufacturer that fails to pay a fee imposed pursuant to subdivision (a) within 60 days after receiving an invoice shall pay the state board an additional charge equal to 10 percent of the fee specified in subdivision (a). If the manufacturer notifies the state board within 60 days after receiving the invoice that additional information is needed to honor the invoice, the state board shall grant an additional 90 days for payment without the imposition of an additional charge. An additional interest fee equal to the rate of interest earned by the Pooled Money Investment Account shall be imposed upon the fee specified in subdivision (a) and the additional charges specified in this subdivision and subdivision (c) for each 30-day period for which they remain unpaid, commencing 60 days after the receipt of the original invoice.

(c) A manufacturer that fails to pay all the fees imposed pursuant to this section within one year from the date of receipt of the original invoice shall pay a charge equal to 100 percent of the fees imposed pursuant to subdivision (a). A manufacturer who fails to pay all the charges imposed pursuant to this section within two years from the date of receipt of the original invoice shall pay a penalty equal to 100 percent of the charges imposed pursuant to subdivision (a) and this subdivision for each one-year period for which they remain unpaid.

(d) (1) All moneys collected pursuant to subdivision (a) shall be deposited in the Certification and Compliance Fund, created pursuant to Section 43019.2.

(2) All moneys collected pursuant to subdivisions (b) and (c) shall be deposited in the Air Pollution Control Fund, created pursuant to Section 43015.