

Introduced by Senator GroveFebruary 21, 2025

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

LEGISLATIVE COUNSEL'S DIGEST

SB 712, as introduced, Grove. Smog check: exemption.

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 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 also exempts from specified portions of the smog test a collector motor vehicle that is insured as a collector motor vehicle, is at least 35 model years old, complies with the exhaust emissions standards for that motor vehicle's class and model year as prescribed by the department, and that passes a functional inspection of the fuel cap and a visual inspection for liquid fuel leaks.

This bill would delete the above partial smog check exemption for collector motor vehicles from existing law. Instead, the bill would fully exempt a collector motor vehicle from the smog check requirement if the vehicle is at least 35 model years old and proof is submitted that the motor vehicle is insured as a collector motor vehicle, as specified.

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 combustion
4 engines that are registered within an area designated for program
5 coverage shall be required biennially to obtain a certificate of
6 compliance or noncompliance, except for the following:

7 (1) All motorcycles until the department, pursuant to Section
8 44012, implements test procedures applicable to motorcycles.

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

13 (3) All motor vehicles manufactured prior to the 1976
14 ~~model-year~~ *model year*.

15 (4) (A) Except as provided in subparagraph (B), all motor
16 vehicles four or less ~~model-years~~ *model years* old.

17 (B) (i) Beginning January 1, 2005, all motor vehicles six or
18 less ~~model-years~~ *model years* old, unless the state board finds that
19 providing an exception for these vehicles will prohibit the state
20 from meeting the requirements of Section 176(c) of the federal
21 Clean Air Act (42 U.S.C. Sec. 7401 et seq.) or the state's
22 commitments with respect to the state implementation plan required
23 by the federal Clean Air Act.

24 (ii) Notwithstanding clause (i), beginning January 1, 2019, all
25 motor vehicles eight or less ~~model-years~~ *model years* old, unless
26 the state board finds that providing an exception for these vehicles
27 will prohibit the state from meeting the requirements of Section
28 176(c) of the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.)
29 or the state's commitments with respect to the state implementation
30 plan required by the federal Clean Air Act.

31 (iii) Clause (ii) does not apply to a motor vehicle that is seven
32 ~~model-years~~ *model years* old in year 2018 for which a certificate
33 of compliance has been obtained.

34 (C) All motor vehicles excepted by this paragraph shall be
35 subject to testing and to certification requirements as determined
36 by the department, if any of the following apply:

37 (i) The department determines through remote sensing activities
38 or other means that there is a substantial probability that the vehicle

1 has a tampered emission control system or would fail for other
2 cause a smog check test as specified in Section 44012.

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

5 (iii) The vehicle is being registered as a specially constructed
6 vehicle.

7 (iv) The vehicle has been selected for testing pursuant to Section
8 44014.7 or any other provision of this chapter authorizing
9 out-of-cycle testing.

10 (D) This paragraph does not apply to diesel-powered vehicles.

11 (5) In addition to the vehicles exempted pursuant to paragraph
12 (4), any motor vehicle or class of motor vehicles exempted pursuant
13 to subdivision (c) of Section 44024.5. It is the intent of the
14 Legislature that the department, pursuant to the authority granted
15 by this paragraph, exempt at least 15 percent of the lowest emitting
16 motor vehicles from the biennial smog check inspection.

17 (6) All motor vehicles that the department determines would
18 present prohibitive inspection or repair problems.

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

23 (8) (A) All diesel-powered vehicles manufactured prior to the
24 1998 ~~model-year~~ *model year*.

25 (B) All diesel-powered vehicles that have a gross vehicle weight
26 rating of 8,501 to 10,000 pounds, inclusive, until the department,
27 in consultation with the state board, pursuant to Section 44012,
28 implements test procedures applicable to these vehicles.

29 (C) All diesel-powered vehicles that have a gross vehicle weight
30 rating from 10,001 pounds to 14,000 pounds, inclusive, until the
31 state board and the Department of Motor Vehicles determine the
32 best method for identifying these vehicles, and until the department,
33 in consultation with the state board, pursuant to Section 44012,
34 implements test procedures applicable to these vehicles.

35 (D) All diesel-powered vehicles that have a gross vehicle weight
36 rating of 14,001 pounds or greater.

37 (9) *A collector motor vehicle, as defined in Section 259 of the*
38 *Vehicle Code, if the motor vehicle meets all of the following*
39 *criteria:*

1 (A) *Submission of proof that the motor vehicle is insured as a*
2 *collector motor vehicle, as shall be required by regulation of the*
3 *bureau.*

4 (B) *The motor vehicle is at least 35 model years old.*

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

8 ~~(c) For purposes of subdivision (a), a collector motor vehicle,~~
9 ~~as defined in Section 259 of the Vehicle Code, is exempt from~~
10 ~~those portions of the test required by subdivision (f) of Section~~
11 ~~44012 if the collector motor vehicle meets all of the following~~
12 ~~criteria:~~

13 ~~(1) Submission of proof that the motor vehicle is insured as a~~
14 ~~collector motor vehicle, as shall be required by regulation of the~~
15 ~~bureau.~~

16 ~~(2) The motor vehicle is at least 35 model years old.~~

17 ~~(3) The motor vehicle complies with the exhaust emissions~~
18 ~~standards for that motor vehicle's class and model year as~~
19 ~~prescribed by the department, and the motor vehicle passes a~~
20 ~~functional inspection of the fuel cap and a visual inspection for~~
21 ~~liquid fuel leaks.~~