

Date of Hearing: June 29, 2026

ASSEMBLY COMMITTEE ON TRANSPORTATION

Lori D. Wilson, Chair

SB 1392 (Cortese) – As Amended June 24, 2026

SENATE VOTE: 29-5

SUBJECT: Smog check: exemption: collector motor vehicles

SUMMARY: Exempts “collector motor vehicles”, as defined, and includes model years (MY) that are at least 35 years or older from smog check requirements, as specified. Specifically, **this bill:**

- 1) Provides that this act may be cited as “Jay Leno’s Law.”
- 2) Exempts a collector motor vehicle manufactured before MY 1981 from smog check requirements, as specified.
- 3) Exempts collector motor vehicles from: (1) biennial smog check requirements and (2) smog check requirements upon transfer of the vehicle, by one subsequent model year beginning on or after January 1, 2028, until the final extension takes effect on or after January 1, 2032 (i.e. MY 1982-1986).
- 4) Redefines “collector motor vehicle” to mean one of the following:
 - a) A vehicle that is at least 35 model years old, is either insured as a collector motor vehicle with proof of insurance submitted to the Department of Motor Vehicles (DMV) or a vehicle driven fewer than 1,000 miles per calendar year, as specified.
 - b) A motor vehicle with an engine of 16 or more cylinders manufactured prior to 1965.
 - c) A motor vehicle manufactured in the year 1922 or prior thereto.
 - d) A vehicle which was manufactured after 1922, is at least 25 years old, and is of historic interest.
 - e) “Special interest vehicle” is a vehicle of an age that is unaltered from the manufacturer’s original specifications and, because of its significance, including, but not limited to, an out-of-production vehicle or a model of less than 2,000 sold in California in a model-year, is collected, preserved, restored, or maintained by a hobbyist as a leisure pursuit.

EXISTING LAW:

- 1) Establishes a motor vehicle inspection and maintenance (smog check) program that the Department of Consumer Affairs administers. (Health and Safety Code (HSC) §44003)
- 2) Requires smog check inspection of motor vehicles upon initial registration, biennially upon renewal of registration, upon transfer of ownership, and in certain other circumstances. (HSC §44011)
- 3) Exempts certain vehicles from being inspected biennially upon renewal of registration, including all motor vehicles manufactured prior to the 1976 model year. (HSC §44011(a)(3))

- 4) Exempts a collector motor vehicle that is insured as a collector motor vehicle from certain portions of the smog test, both biennially and at transfer, if the vehicle is at least 35 model years old, complies with the exhaust emissions standards for that motor vehicle's class and model year, and that also passes a functional inspection of the fuel cap and a visual inspection for liquid fuel leaks. (HSC §44011(c))
- 5) Defines collector motor vehicle as a vehicle that is operated or moved over the highway primarily for the purpose of historical exhibition or other similar purposes. (Vehicle Code (VC) §259)

FISCAL EFFECT: According to the Senate Appropriations Committee:

- “DMV would incur unknown one-time costs, likely in the mid- to high-hundreds of thousands of dollars, to make IT system changes to allow for the modification of vehicle registration and vehicle transfer service channels to allow a registered owner to certify that the vehicle is identified as a “collector motor vehicle,” as specified. DMV is currently unable to provide a precise cost estimate because implementation efforts would overlap with the rollout of current IT modernization efforts. Staff notes that DMV would be unable to make the necessary programming changes by the operative date of this bill. (Motor Vehicle Account)
- Unknown ongoing DMV workload costs, likely in the low hundreds of thousands of dollars annually, to process smog check waivers for collector motor vehicles. (Motor Vehicle Account)
- Unknown annual loss of smog certification fee revenues, depending on the number of vehicles that are designated as collector motor vehicles eligible for the smog check exemption established by this bill. This amount would grow annually thereafter for five years as an additional model year would be eligible for the “rolling” exemption each year until January 1, 2032. Eventually the annual revenue losses would likely be in the low hundreds of thousands of dollars. (Vehicle Inspection and Repair Fund -- VIRF)
- CARB could incur costs to quantify foregone emission reductions as a result of this bill, and it may result in cost pressures of an unknown, but potentially significant amount, to the extent CARB needs to achieve emissions reductions from other sectors to make up for foregone emissions reductions. (VIRF)”

COMMENTS: *Mobile source emissions.* Mobile sources of air pollution are vehicles or equipment that can be moved from place to place and emit pollutants as they operate. These sources include on-road vehicles like cars, trucks, and buses, as well as non-road vehicles such as aircraft, construction equipment, and marine vessels. Mobile sources and the fossil fuels that power them are the largest contributors to the formation of ozone, greenhouse gas (GHG) emissions, fine particulate matter (PM_{2.5}), and toxic diesel particulate matter (DPM). Statewide, more than 21 million out of over 39 million Californians live in areas that exceed the federal ozone standards; within these areas, there are many low-income and disadvantaged communities that are exposed to not only ozone, but also particulate and toxic, pollutant levels significantly higher than the federal standards which have immediate and detrimental health effects.

In California, mobile sources are responsible for approximately 80% of smog-forming nitrogen oxide (NO_x) emissions. They also represent about 50% of GHG emissions when including emissions from fuel production, and more than 95% of toxic DPM emissions.

The National Ambient Air Quality Standard (NAAQS). The Clean Air Act of 1970 instructs the U.S. Environmental Protection Agency (US EPA) to set primary NAAQS to protect public health, and secondary NAAQS to protect plants, forests, crops and materials from damage due to exposure to six criteria air pollutants. These pollutants include: particulate matter, ozone, nitrogen oxides, sulfur oxides, carbon monoxide, and lead.

Federal law (42 United States Code 7409 and 7410) requires that all states attain the NAAQS and develop State Implementation Plans (SIP) for nonattainment areas to attain the NAAQS, and attainment areas to maintain attainment. Failure of a state to reach attainment of the NAAQS by the target date can trigger penalties, including withholding of federal highway funds. State law (HSC 39602) requires the California Air Resources Board (CARB) to develop SIP emission reduction strategies for cars, trucks, and other mobile sources to meet the requirements in the Clean Air Act. Local air districts are primarily responsible for controlling emissions from stationary sources such as factories and power plants. CARB coordinates closely with local air districts (such as SCAQMD) in the development of attainment plans which are then incorporated into the SIP.

Older vehicles emit more air pollution. According to the 2024 Bureau of Automotive Repair's (BAR) Smog Check Executive Summary Report, 935,694 vehicles failed their initial smog check tests, which accounts for 8.6% of the total initial tests conducted. The failure rate for all tests combined was slightly higher at 9.1%. For vehicles 35 years or older (i.e. 1990 or older), the failure rate was 5.6% of the total smog check failures, which translates to approximately 51,935 vehicles.

Older vehicles tend to have higher failure rates due to outdated emissions technology and wear. Furthermore, the US EPA's 2020 Automotive Trends report notes "vehicles from model year 1990 or older emit significantly more GHG compared to 2020 model-year vehicles. On average, older vehicles can emit up to 10 times more GHG per mile than modern vehicles, depending on maintenance and driving conditions." The report notes this disparity is due to advancements in emissions control technologies, fuel efficiency, and stricter environmental regulations implemented over the years. Lastly, according to CARB, in 2025, a MY 1982 vehicle (with 43 years of deterioration) in compliance with a smog check will have 123 times greater NO_x emissions than a MY 2025 vehicle (0 age).

Smog check and exemptions. Prior to 1998, vehicles MY 1973 and earlier were exempt from smog check. Subsequently, SB 42 (Kopp), Chapter 801, Statutes of 1997 established the "30-year rolling exemption," allowing vehicles to be exempt from smog check once they reached 30 years of age. The Department of Consumer Affairs opposed SB 42, stating that while the initial number of vehicles exempted by the bill was modest, that number was responsible for a significant share of the smog test failure rate of the entire fleet. CARB also opposed the bill, arguing that it would make it even more difficult to attain federal air quality standards in areas such as the South Coast Air Quality Management District. AB 2683 (Lieber), Chapter 704, Statutes of 2004 repealed the 30-year rolling exemption and instead applied the smog check exemption to vehicles manufactured prior to MY 1976.

Pre-1976 exemption vs. collector car exemption. Current law exempts older cars from smog checks in two ways. First, collector cars are exempted from some portions of smog check, provided they meet the following criteria:

- a) The owner must be able to demonstrate that the vehicle is insured as a collector vehicle;
- b) The vehicle must be at least 35 years old;
- c) The vehicle must comply with exhaust emissions standards for that vehicle's class and MY; and,
- d) The vehicle must pass a functional inspection of the fuel cap and a visual inspection for liquid fuel leaks.

Second, a collector vehicle meeting these requirements is exempt from the visual or functional check of emission control devices, including the catalytic converter, but must undergo the other portions of the smog test. The visual check is important because it is generally much easier to tamper with older vehicles' emissions controls (e.g., to increase engine performance) because older systems are less sophisticated.

Committee comments. There have been many legislative attempts to exempt certain vehicles from smog check. Last year, SB 712 (Grove) was held under suspense in the Assembly Appropriations Committee. This bill takes the lessons learned from past attempts to provide a narrow definition for newly defined collector vehicles. Incorporating the structure that the Assembly Transportation Committee set up in 2025 for SB 712, this bill provides for a narrowed smog exemption, only applying to specified vehicles, and does not allow for exempting additional model years after 2032.

The Committee recommends the author amend Section 259 of the Vehicle Code as follows:

“Collector motor vehicle” means a motor vehicle that meets both of the following criteria:

(a) The motor vehicle is one of the following:

(1) At least 35 model years old and is either insured as a collector motor vehicle with proof of insurance submitted to the department at the time of registration as a collector motor vehicle or ~~determined, through a process developed by the department, to be driven fewer than 1,000 miles per calendar year.~~ proof is submitted to the department that the motor vehicle is insured under an insurance policy that limits the maximum number of miles the motor vehicle may be driven to 1,000 miles per year.

According to the author. “SB 1392 provides a tailored exemption for a limited pool of pre-1986 vehicles. To qualify, a vehicle must be between the model years of 1976 and 1985, meet the statutory definition of a collector motor vehicle, and either have collector vehicle insurance or be driven less than 1,000 miles annually. The bill does not create a permanent rolling exemption or alter the broader smog program. This measure reflects proportional regulation. It maintains the integrity of California's emissions program while aligning the treatment of late-1970s and early-1980s vehicles with their actual use and impact.”

Arguments in support. The Specialty Equipment Market Association, the sponsors of this bill, writes, “California has a thriving specialty automotive aftermarket industry. This industry significantly contributes to the state's economy, generating \$40.44 billion in economic impact. This translates to supporting 149,325 jobs, \$13.47 billion in total wages and benefits, and \$6.16 billion in taxes paid.

“SB 1392 lowers the bar of entry for prospective car collectors by reducing costs and regulatory burdens. A small fraction of the vehicles on California roads currently meet the age requirement in this bill. Owners of older cars have a hard time finding smog stations with the proper BAR-97 equipment and at a reasonable price, because maintaining the equipment required to test these cars is costly and rarely used.

“Cost is also a significant barrier. According to BAR’s statewide survey², customers can end up paying over \$200 for a BAR-97 inspection. This is a heavy burden for classic car owners and working-class enthusiasts, particularly younger individuals seeking to enter the car restoration community. The alternative to these increasing barriers is a sensible exemption process, which SB 1392 provides, ensuring only historically recognized and properly insured vehicles qualify.”

Arguments in opposition. The California Air Pollution Control Officers Associations writes, “While we understand and appreciate California’s rich automotive heritage, the overwhelming majority of Californians breathe air that does not meet federal or state health-based standards. Many California residents live in areas with unhealthy air quality during certain times of the year, which can lead to severe medical conditions including asthma, lung cancer, and heart disease. Emissions from cars and trucks are primarily responsible for our air quality problems and Smog Check is crucial for reducing these emissions and meeting federal health-based air quality attainment standards. It is an equitable and cost-effective way to cut air pollution. This bill comes at a time when numerous federal actions have undermined California’s ability to meet healthful air quality attainment standards and protect public health. During its March 26, 2026 meeting, California Air Resources Board (CARB) staff apprised the CARB Board that a 165 ton per day NOx deficit has been created due to these federal rollbacks. Passing this bill would be a self-inflicted impediment to California’s clean air goals by adding to that significant deficit.”

“Further, current law allows collector motor vehicles meeting specific criteria to forego the visual equipment inspection portion of smog check as long as the vehicle continues to meet emissions standards. Changing the definition of collector motor vehicle in the manner that SB 1392 proposes significantly expands the universe of vehicles eligible for the abbreviated smog check inspection because it no longer requires that a vehicle be unaltered from the manufacturer’s original specifications, or meet other criteria intended to ensure the vehicle is actually a collector. In effect, if a vehicle is at least 35 MY old and the owner obtains collector car insurance, the owner can pursue the exemption, meaning vehicles whose emissions control equipment has been tampered with can bypass this important review. This expanded rolling exemption is unwise and will harm air quality.”

Previous and related legislation. SB 712 (Grove) 2025, would have exempted vehicles smog check requirements that are 35 years old and have both a historical license plate and collector car insurance commencing January 1, 2027. The bill was held in the Assembly Appropriations Committee.

AB 467 (Grayson) 2022, would have exempted a collector of special interest vehicles with designated specialty plates, as provided, from the smog check requirements, as specified, if certain criteria were met, including a requirement that proof that the motor vehicle is insured as a collector motor vehicle is submitted to the Department of Motor Vehicles. This bill was held in the Assembly Transportation Committee.

SB 1239 (Gaines) 2016, would have expanded the existing smog check exemption from pre-1976 model year vehicles to pre-1981 model year vehicles, as specified. This bill was held on the Senate floor.

AB 2683 (Lieber), Chapter 704, Statutes of 2004, repealed the 30-year rolling exemption and instead applied the smog check exemption strictly to vehicles manufactured prior to MY 1976.

SB 42 (Kopp), Chapter 801, Statutes of 1997, established a 30-year rolling exemption, as specified, allowing vehicles to be exempt from smog check tests once the vehicle reached 30 years of age.

REGISTERED SUPPORT / OPPOSITION:

Support

Specialty Equipment Market Association (sponsor)
Antique Automobile Club of America
Californians for Classic Car Smog Exemptions
The Lowrider Grind Podcast
Monterey County Supervisor Luis A. Alejo
Peterson Automotive Museum
San Joaquin County Board of Supervisors
Six Individuals

Oppose

7th Generation Advisors
Active San Gabriel Valley
Alliance of Nurses for Healthy Environments
American Lung Association
Bay Area Air Quality Management District
California Air Pollution Control Officers Association
California Environmental Voters
Center for Environmental Health
Clean Earth 4 Kids
Coalition for Clean Air
Environmental Protection Information Center (EPIC)
Facts Families Advocating for Chemical and Toxics Safety
Natural Resources Defense Council
Regional Asthma Management & Prevention
San Francisco Bay Physicians for Social Responsibility
Sierra Club
Union of Concerned Scientists

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