

Date of Hearing: March 25, 2019

ASSEMBLY COMMITTEE ON TRANSPORTATION
Jim Frazier, Chair
AB 210 (Voepel) – As Amended February 12, 2019

SUBJECT: Smog check: exemption

SUMMARY: Expands the existing smog check exemption from pre-1976 model year vehicles to pre- 1983 model year vehicles.

EXISTING LAW:

- 1) Establishes the smog check program, administered by the Department of Consumer Affairs' Bureau of Automotive Repair (BAR), that generally requires gasoline-powered vehicles, hybrid vehicles, and alternative-fuel vehicles to undergo smog check inspections with specified exceptions, such as vehicles that are manufactured prior to the 1976 model year and vehicles eight model-years or newer. Specifically, vehicle owners must have their vehicles tested upon initial registration, transfer of ownership and biennially, with some exceptions.
- 2) Requires a vehicle owner, with some exceptions, to submit to the Department of Motor Vehicles (DMV) a valid certificate of compliance indicating that the vehicle has passed its smog check inspection. If a vehicle fails any component of a smog inspection, the vehicle owner must, with some exceptions, repair the vehicle and pass a subsequent smog inspection before being able to register or renew the registration of the vehicle.
- 3) Defines a "collector motor vehicle" as a motor vehicle owned by a collector that is used primarily in shows, parades, charitable functions, and historical exhibitions for display, maintenance, and preservation, and is not used primarily for transportation.
- 4) Provides a partial smog check exemption for a collector motor vehicle if the vehicle owner can demonstrate that the vehicle is insured as a collector motor vehicle, the vehicle is at least 35 model-years old (e.g., 1984 model year), the vehicle complies with certain exhaust emissions standards, and passes a functional inspection of the fuel cap and a visual inspection for liquid fuel leaks. Specifically, a collector motor vehicle is exempt from a visual or functional check of emission control devices, including the catalytic converter.
- 5) Prohibits a person from installing, selling, offering for sale, or advertising any device, apparatus, or mechanism intended for use with, or as a part of, a required motor vehicle pollution control device or system that alters or modifies the original design or performance of the motor vehicle pollution control device or system.
- 6) Establishes the Federal Clean Air Act (FCAA), with its implementing regulations:
 - a) Setting National Ambient Air Quality Standards (NAAQS) for six criteria pollutants,
 - b) Designating air basins that do not achieve NAAQS as non-attainment, and,
 - c) requiring states with non-attainment areas to submit a State Implementation Plan detailing how they will achieve compliance with NAAQS.

FISCAL EFFECT: Unknown.

COMMENTS: To help meet federal air quality standards, comply with the FCAA, and reduce emissions from vehicles, existing law establishes the smog check program which is administered by BAR. The smog check program generally requires gas-powered motor vehicles to pass a biennial smog check inspection with specified exceptions, such as vehicles manufactured prior to the 1976 model year, and vehicles eight model years old or newer. As a condition of initial registration, upon change of ownership, and renewal of vehicle registration, the vehicle owner must submit to DMV a valid certificate of compliance indicating that the vehicle has passed its smog check inspection.

Before 1998, vehicles manufactured prior to the 1966 model year were exempt from the smog check program. Subsequently, SB 42 (Kopp), Chapter of 801, Statutes of 1997 extended the exemption to all vehicles manufactured prior to the 1974 model year and, beginning in 2003, established a 30-year rolling exemption, allowing vehicles to “graduate” from the program once they reached 30 years of age. Several years after, out of growing concerns of the impact older cars may have on air quality and federal air quality attainment goals, and the higher smog check failure rates associated with these cars, in 2004, the Legislature passed and Governor Schwarzenegger signed AB 2683 (Lieber), Chapter 704, Statutes of 2004. AB 2683 repealed the 30-year rolling exemption and instead applied the smog check exemption strictly to vehicles manufactured prior to the 1976 model year.

Existing law exempts vehicles older than the 1976 model year from the smog check program altogether and provides a partial exemption for collector motor vehicles in order to not discourage classic car collectors in California. Collector motor vehicles are exempted from some portions of smog check, provided they meet certain criteria: the owner must be able to demonstrate that the vehicle is insured as a collector vehicle; the vehicle must be at least 35 years old (e.g., 1984 model year); the vehicle must comply with exhaust emissions standards for that vehicle’s class and model year; and the vehicle must pass a functional inspection of the fuel cap and a visual inspection for liquid fuel leaks. 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 much less sophisticated.

This bill increases the number of vehicles fully exempted from the smog check program by excluding vehicles with model years between 1976 and 1983. By further exempting the oldest of cars, which are typically considered gross polluters, this bill may have negative air quality impacts. Older vehicles already emit more emissions than newer vehicles partly because BAR takes into consideration the age of the vehicle when imposing smog check emission standards on vehicles. BAR takes into consideration the model-year, vehicle make and model and gross weight of the vehicle. Older cars have less stringent standards than newer ones. According to BAR, “no older vehicle is ever held to the same standards as newer, more technologically advanced vehicle. Allowances are made for normal wear and tear in a vehicle’s emission control system as it ages.” Standards are established through a regulatory process and are made available for public comment before they are adopted.

Typically, older vehicles have the highest smog check failure rates. According to BAR’s data, vehicles model years 1976-1982 have an average smog check failure rate of 25.60%. This can be

concerning because once a vehicle is exempt from the smog check program there is little to no incentive for its owner to continue to maintain emission control equipment or any mechanism to assure that such equipment has not been modified or removed.

Furthermore, to improve California's air quality by reducing vehicle emissions and to help ensure vehicle owners properly maintain and repair their vehicle, the state provides financial assistance under the Consumer Assistance Program (CAP). Through CAP, BAR offers \$500 in emission-related repairs to an income-eligible owner whose vehicle fails its smog check inspection. In addition, BAR offers vehicle owners \$1,000 or \$1,500 to retire a qualified vehicle.

According to the author, "California is known for its desirable climate, making it ideal for classic car collectors and enthusiasts. Enforcing an outdated smog requirement on vehicles that are rarely driven and mostly for showcase is an unnecessary burden on the classic car community." Writing in support, the Specialty Equipment Market Association states, "AB 210 recognizes the minimal impact of pre-1983 motor vehicles on emissions and air quality in operation in the United States, just 0.5% were made between the years 1976-1983. Additionally vintage vehicles are often well-maintained and infrequently driven."

In opposition, the Bay Area Quality Management District writes, "Without regular inspections through the smog check program, vehicle emissions control systems can degrade over time or be tampered with, dramatically increasing air pollution. Smog Check is essential for clean air and public health, and is particularly important for older vehicles such as those that this bill would exempt."

Committee Concerns: This bill exempts from the smog check program older vehicles that are typically higher polluters and have a disproportionate impact on air quality, even though they make up a very small percentage of the registered vehicles in the state. Additionally, the smog check program is part of the State Implementation Plan and one of the many tools to improve air quality and meet federal attainment goals. If a certain number of vehicles (and the emissions associated with those vehicles) are exempt from the smog check program, the Air Resources Board may have to identify and implement substitute emission control measures to make up for those lost emission reductions.

Previous Legislation: AB 1274 (O'Donnell), Chapter 633, Statutes of 2017, exempts, motor vehicles that are 8 model years old or less from being smog check inspected biennially upon renewal of registration and assesses an annual smog abatement fee on those vehicles.

SB 1239 (Gaines) of 2016, would have expanded the smog check exemption from pre-1976 model year vehicles to pre-1981 model year vehicles. SB 1239 was held in the Senate inactive file.

SB 1224 (LaMalfa) of 2012 would have expanded the smog check exemption to pre-1981 model year vehicles. SB 1224 failed passage in the Senate Transportation and Housing committee.

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 the 1976 model year.

SB 42 (Kopp), Chapter of 801, Statutes of 1997, established a 30-year rolling smog check vehicle exemption.

REGISTERED SUPPORT / OPPOSITION:

Support

Specialty Equipment Market Association

Oppose

American Lung Association in California
Bay Area Air Quality Management District
California Air Pollution Control Officers Association
Coalition for Clean Air
Sierra Club California
1 Private Individual

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