

Date of Hearing: April 23, 2018

**ASSEMBLY COMMITTEE ON TRANSPORTATION**

Jim Frazier, Chair

AB 3097 (Salas) – As Amended March 22, 2018

**SUBJECT:** Smog check: report

**SUMMARY:** Requires the Department of Consumer Affairs' Bureau of Automotive Repair (BAR) to add specific data to their annual Smog Check Performance Report. Specifically, **this bill** requires BAR, in coordination with the Department of Motor Vehicles (DMV) and the Air Resources Board (ARB), to the extent practicable, to include in their annual Smog Check Program Report the number of vehicles that are not currently registered in the state, including the number of vehicles that do not renew their registration after failing a smog check inspection.

**EXISTING LAW:**

- 1) Establishes the smog check program, administered by BAR, that generally requires vehicles, with some exceptions, to undergo smog check inspections. 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 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) Prohibits a person from driving, moving, or leaving a vehicle or trailer on a highway or in an off-street parking facility unless it is registered with DMV.
- 4) Requires BAR, in cooperation with ARB, to institute procedures for auditing the emissions of vehicles while actually being driven on the streets and highways of the state (roadside testing).
- 5) Requires BAR, in cooperation with ARB, to prepare for the public an annual Smog Check Performance Report on BAR's smog check program and requires the report to include the following components:
  - a) An independent validation of the evaluation methods, findings, and conclusions presented in the report.
  - b) The percentage of vehicles that initially passed smog check inspection and then failed a subsequent inspection.
  - c) The percentage of vehicles that initially failed a smog check inspection and then failed a subsequent inspection.

- d) An estimate of excessive emissions resulting from vehicles that initially passed a smog check inspection and then failed a subsequent inspection and from vehicles that initially failed their inspection and then failed a subsequent inspection.
- e) A best-efforts explanation regarding the reasons why those vehicles inappropriately failed or passed an inspection.
- f) Recommended changes to the smog check program to reduce to a minimum the excess emissions identified above. In developing the recommended changes, requires BAR and ARB to undertake a thorough evaluation of the best practices of other state smog check inspection programs and to include how best practices from other states can be incorporated into California's program.
- g) A comparison to the findings of the report "Evaluation of the California Smog Check Program Using Random Roadside Data" dated March 12, 2009.

**FISCAL EFFECT:** Unknown

**COMMENTS:** The purpose of the state's Smog Check Program is to reduce air pollution from vehicles by making sure that cars with excessive emissions are repaired in accordance with federal and state requirements. The program is a joint effort between ARB, BAR, and DMV and is administered by BAR. Typically, a vehicle owner can get their vehicle inspected by any of the 7,000 State-licensed and independently-owned stations throughout the state. However, some vehicles, including gross-polluting vehicles, require a smog check at a STAR station. STAR stations meet "higher" performance standards established by BAR.

To evaluate the efficacy of the smog check program, in 2009, an independent research entity, Sierra Research, released a report entitled "Evaluation of the California Smog Check Program Using Random Roadside Data". In that report, Sierra concluded that vehicles that were smog checked were not properly repaired or inspected after studying the rate at which vehicles that were previously certified by a smog check station failed a subsequent roadside inspection.

AB 2289 (Eng), Chapter 258, Statutes of 2010, was enacted subsequent to the Sierra report, was designed to modernize the Smog Check Program and authorized BAR to address specified known issues, including re-fail rates of vehicles. In response to AB 2289 and following a series of public workshops, BAR implemented the STAR Program (which certifies smog check stations and technicians meeting specified performance standards for the testing of directed vehicles) in 2013, and in 2014 implemented the On-Board Diagnostics Inspection System (which requires the inspector to attach vehicle components to a smog check machine and run the test for certain codes) as a substitute for tailpipe testing of newer vehicles. AB 2289 also enhanced BAR's ability to identify stations performing improper inspections and required BAR to perform annual evaluations of the Smog Check Program using roadside inspection data. These and other measures are described in the annual public Smog Check Performance Reports prepared and published by BAR in cooperation with ARB.

The annual Smog Check Performance Report, among other things, gives a detailed analysis of the smog check program, specified pass and fail rates based on roadside inspection data and recommends changes to the Smog Check Program to reduce excess emissions from vehicles that fail smog checks. This bill will build on the information already gathered by BAR and require

BAR to include, in coordination with DMV and to the extent practicable, in their annual Smog Check Program Report the number of vehicles that are not currently registered in the state, including the number of vehicles that do not renew their registration after failing a smog test as required by the DMV.

According to the author, “Although there are programs to help repair and replace high-polluting vehicles, there is a data gap in determining how many unregistered vehicles exist in the state, in particular, those that fail to renew their vehicle registration after they fail the smog test. AB 3097 seeks to fill this data gap.”

*Previous Legislation:* AB 1274 (O’Donnell), Chapter 633, Statutes of 2017, exempts, beginning January 1, 2019, motor vehicles that are 8 model years old or less from being inspected biennially upon renewal of registration and assesses an annual smog abatement fee on those vehicles.

SB 773 (Allen), Chapter 776, Statutes of 2016, requested the University of California to conduct a study on motor vehicle registration fraud and failure to register a motor vehicle, and requested the University of California to post a report of the study on its Internet Web site no later than January 1, 2018.

AB 8 (Perea), Chapter 401, Statutes of 2013, extended various temporary, vehicle-related, state and local fees and surcharges to fund vehicle-related air quality, greenhouse gas (GHG) and related programs, including an increase in the smog abatement fee.

AB 2289 (Eng), Chapter 258, Statutes of 2010, required BAR to make several changes to the smog check program, including requiring that vehicles be inspected using the vehicle’s onboard diagnostic equipment and establishing performance standards for certain smog check stations, and required BAR to prepare an annual report with specified information.

SB 1107 (Committee on Budget and Fiscal Review), Chapter 230, Statutes of 2004, exempted any motor vehicle up to 6 model-years old from the smog check requirement and increased the annual smog abatement fee for these now exempt vehicles.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

None on file

### **Opposition**

None on file

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