

Date of Hearing: March 22, 2021

ASSEMBLY COMMITTEE ON TRANSPORTATION

Laura Friedman, Chair

AB 220 (Voepel) – As Introduced January 11, 2021

SUBJECT: Smog check: exemption

SUMMARY: Expands smog check exemptions from pre-1976 vehicles to pre-1983 vehicles.

EXISTING LAW:

- 1) Assigns responsibility for enforcing and administering the motor vehicle inspection program, also known as smog check, with the Bureau of Automotive Repair (BAR) under the Department of Consumer Affairs.
- 2) Requires, under the smog check program, inspection of specific internal combustion engine vehicles upon initial registration, every two years upon renewal of registration, upon transfer of ownership, and upon a notice of noncompliance.
- 3) 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.
- 4) Provides for certain exceptions to the biennial smog check requirement, including vehicles manufactured prior to the 1976 model-year.
- 5) Defines “collector motor vehicle” as a vehicle owned by a collector and used primarily in shows, parades, charitable functions, and historical exhibitions for display, maintenance, and preservation, and is not used primarily for transportation.
- 6) Exempts collector motor vehicles from a visual or functional check of emission control devices, including the catalytic converter, if the vehicle 1) has proof of being insured as a collector motor vehicle, 2) is at least 35 model-years old (e.g. 1986 model year), and 3) complies with the exhaust emissions standards and passes a functional inspection of the fuel cap and a visual inspection for fuel leaks.
- 7) 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., 1986 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 2020 data, vehicles model years 1976-1982 have an average smog check failure rate of 24.0%. This is 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.

According to the author, “AB 220 is not suggesting major changes; rather updating the model year of the vehicle to stay relatively modern while still allowing a substantial gap by the definition of a “classic or antique car” as it pertains to the smog check requirement.”

In support, a coalition of business organizations in the Inland Empire writes, “California law needs to be adjusted to continue to provide relief for vehicles such as classic cars that are rarely driven. We often overlook how owners of collector cars, hot rods, low riders, vintage trucks, and all the other segments of the collector-car hobby contribute to our local economies.” The committee notes that collector vehicles, which are the focus of the support letter, are eligible for a partial smog check exemption under existing law, if they are more than 35 years old (i.e. model year 1986 and older).

In opposition, the California Air Pollution Control Officers Association writes, “We are concerned the exemption [provided under AB 220] could result in a significant increase in the number of vehicles exempt from smog check, resulting in substantial criteria pollutant and greenhouse gas emissions. The overwhelming majority of Californians breathe air that does not meet federal or state health-based standards. Many California residents live in areas with unhealthful air quality during certain times of the year, which can lead to serious medical conditions including asthma, lung cancer, and heart disease. Emissions from cars and trucks are responsible for most of our air quality problems, and the smog check program is crucial for reducing these emissions. It is an equitable and cost-effective way to cut air pollution.”

Committee comments. The author intends for the bill to help the collector car community. However, as currently written the bill expands smog check exemptions from pre-1976 vehicles to all vehicles manufactured prior to 1983, regardless of their collector status. In doing so, 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, CARB may have to identify and implement substitute emission control measures to make up for those lost emission reductions.

Previous Legislation: AB 210 (Voepel) of 2019 would have expanded the existing smog check exemption from pre-1976 model year vehicles to pre-1983 model year vehicles. AB 210 was held in the Assembly Transportation Committee.

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

Beaumont Chamber of Commerce
Big Bear Chamber of Commerce
Chino Valley Chamber of Commerce
Corona Chamber of Commerce
De Lorean Owners Association
Fontana Chamber of Commerce
Greater Coachella Valley Chamber of Commerce
Greater High Desert Chamber of Commerce
Greater Ontario Business Council
Hemet San Jacinto Valley Chamber of Commerce
Highland Area Chamber of Commerce
Inland Empire Economic Partnership (IEEP)
Moreno Valley Chamber of Commerce
Murrieta Wildomar Chamber of Commerce
Pomona Chamber of Commerce
Rancho Cucamonga Chamber of Commerce
Redlands Chamber of Commerce
Temecula Valley Chamber of Commerce
Upland Chamber of Commerce

Opposition

American Lung Association in California
Bay Area Air Quality Management District
California Air Pollution Control Officers Association
Coalition for Clean Air
Natural Resources Defense Council
Sierra Club
South Coast Air Quality Management District
Union of Concerned Scientists

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