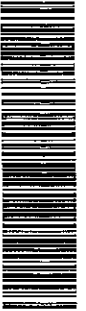


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An act to amend Sections 43019, 43019.1, and 43019.2 of the Health and Safety Code, relating to mobile sources.



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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 43019 of the Health and Safety Code is amended to read:
 43019. The state board may adopt, by regulation, a schedule of annual fees for ~~the certification~~ certification, audit, and compliance of motor vehicles and engines sold in the state to cover the state board's reasonable costs of state implementing the certification, audit, and compliance programs as authorized or required under this chapter the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500)) or this part related to mobile sources. ~~The total amount of funds collected pursuant to this section shall not exceed four million five hundred thousand dollars (\$4,500,000) in the 1989-90 fiscal year, and in any subsequent year shall not increase by an amount greater than~~ fee shall be paid by an entity seeking that certification. The fee shall be in an amount sufficient to cover the state board's reasonable costs in implementing those state programs, including any administrative costs and may be adjusted by the annual increase change in the California Consumer Price Index, as determined pursuant to Section 2212 of the Revenue and Taxation Code, for the preceding year. The fees collected by the state board pursuant to this section shall be deposited in the ~~Air Pollution Control Fund~~. Certification and Compliance Fund created pursuant to Section 43019.2 and shall solely be used to cover the state board's reasonable costs of implementing the certification, audit, and compliance programs as authorized or required under the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500)) or this part related to mobile sources.

SEC. 2. Section 43019.1 of the Health and Safety Code is amended to read:

43019.1. (a) (1) The state board may adopt a schedule of fees to cover all or a portion of the state board's reasonable costs associated with the certification, audit, and compliance of off-road or nonvehicular engines and equipment, aftermarket parts, and emissions control components sold in the state, as authorized pursuant to Sections ~~43013~~ 38560, 43013, and 43018 of this code and subdivision (h) of Section 27156 of the Vehicle Code. For purposes of this paragraph, "reasonable costs" does not include the state board's costs recovered in a fee assessed pursuant to Section 43019.

(2) For a certification not subject to a fee assessed by the state board pursuant to Section 43019, the state board may adopt a fee to cover all, or a portion of, the state board's reasonable costs associated with each type of certification described in paragraph (1), to be paid by the entity seeking the certification. The state board may assess a fee at the time of application and upon certification to spread the financial burden to entities remitting the fee.

(b) In adopting a schedule of fees pursuant to subdivision (a), the state board shall work with impacted industries and consider all of the following:

- (1) Potential impacts on manufacturers that may result from the fee.
- (2) Size of the manufacturer compared to the industry average served by the product on which the fee will be assessed.
- (3) Number of certifications requested and consistency with prior year certifications by the manufacturer.
- (4) Complexity of the regulated category for which a certification is requested.



(5) A product's potential impact on emissions, and the complexity of the evaluation required, including, for an aftermarket part, determining there is no risk to the environment when the aftermarket part is in actual use.

(6) Anticipated change in the number of certifications issued annually.

(7) Potential impacts for enacting a partial fee that does not fully cover the state board's costs for activities associated with certification, including the impacts on the processing time for certification.

(c) All fees collected pursuant to this section shall be deposited in the Certification and Compliance Fund, created pursuant to Section 43019.2.

SEC. 3. Section 43019.2 of the Health and Safety Code is amended to read:

43019.2. The Certification and Compliance Fund is hereby created in the State Treasury. All moneys in the fund, upon appropriation by the Legislature, shall be expended by the state board for the activities described in ~~Section 43019.~~ Sections 43019, 43019.1, and 43202.5, as appropriate.



LEGISLATIVE COUNSEL'S DIGEST

Bill No. _____
as introduced, _____
General Subject: Air pollution: mobile sources.

Existing law requires the State Air Resources Board to adopt and implement motor vehicle emission standards, in-use performance standards, and motor vehicle fuel specifications for the control of air contaminants and sources of air pollution that the state board has found to be necessary, cost effective, and technologically feasible.

Existing law requires the state board to achieve the maximum degree of emissions reduction possible from vehicular and other mobile sources to accomplish the attainment of the state standards and requires the state board to adopt standards and regulations that will result in the most cost effective combination of control measures on all classes of motor vehicles and motor vehicle fuel.

Existing law authorizes the state board to adopt a schedule of annual fees for the certification of motor vehicles and engines sold in the state to cover the costs of specified state programs relating to air pollution from mobile sources not to exceed a specified collected amount each year, as specified, and would require those fees be deposited in the Air Pollution Control Fund. Existing law authorizes the state board to adopt a schedule of fees to cover all or a portion of the state board's reasonable costs for the certification, audit, and compliance of off-road or nonvehicular engines and equipment, aftermarket parts, and emissions control components sold in the state, and requires all moneys collected by the state board as part of that schedule of fees to be deposited in the Certification and Compliance Fund.

The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The act authorizes the state board to adopt rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions from sources or categories of sources, as specified. The act authorizes the state board to adopt a schedule of fees to be paid by sources of greenhouse gas emissions and requires those fees be deposited into the Cost of Implementation Account in the Air Pollution Control Fund.

This bill would, with respect to motor vehicles and engines, authorize the state board to adopt a schedule of annual fees for the certification, audit, and compliance of motor vehicles and engines sold in the state to cover the state board's reasonable costs in implementing the certification, audit, and compliance programs. The bill would



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eliminate the maximum amount of fees related to motor vehicles and engines collected annually. The bill would authorize the state board to adjust the fees by the annual change in the Consumer Price Index. The bill would require the fees for the certification, audit, and compliance programs for motor vehicles and engines, and for off-road or nonvehicular engines and equipment, aftermarket parts, and emissions control components adopted under the act to be deposited into the Certificate and Compliance Fund.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.



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