

#### §43019.1

The state board may adopt, by regulation, a process to create an annual schedule of fees for certification, audit and compliance of off-road engines and equipment, aftermarket parts and emission control components, sold in the state that will only be used to offset all, or a portion of, the costs of state programs authorized or required under this division Code related to off-road or nonvehicle engine categories, Vehicle Code section 27156(h) applicable to motor vehicles, or Vehicle Code section 38395 applicable to off-highway vehicles. The state board may establish a fee for each type of certification, to be paid by the entity seeking a certification, that is not subject to section 43019. In developing the regulation and schedule of fees, the state board shall work with impacted industries and shall consider the potential impacts that may result from the fee, the economic and resource implications, including, but not limited to, the scale of the market, the impact of the fee on the market, the number of certifications requested, the resulting change in the number of certifications issued, the complexity of the regulated category requesting a certification, the total cost of the certification, operational costs, and labor costs. The fees collected by the state board pursuant to this section shall be deposited in the Certification Fund, and shall only be used to offset all, or a portion of the costs incurred by the state board in administering certification, audit and compliance programs of off-road or nonvehicular engines and equipment, aftermarket parts and emission control components, sold in the state.

#### §43019.5. Creation of the Certification Fund

Fees collected pursuant to §43019.1 shall be deposited in the Certification Fund that is hereby created. Moneys in the fund shall only be available for expenditure by the department for the purposes as specified in ~~of~~ section 43019.1, upon appropriation by the Legislature.