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An act to add Sections 43019.1 and 43019.2 to the Health and Safety Code, relating to vehicular air pollution.



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

SECTION 1. Section 43019.1 is added to the Health and Safety Code, 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 and 43018 of this code and subdivision (h) of Section 27156 and Section 38395 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 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.

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

(1) Potential impacts that may result from the fee.
(2) Economic and resources implications, including, but not limited to, all of the following:

- (A) Scale of the market.
- (B) Impact of the fee on the market.
- (C) Number of certifications requested.
- (D) Resulting change in the number of certifications issued.
- (E) Complexity of the regulated category requesting a certification.
- (F) Total cost of the certification.
- (G) Operational costs.
- (H) Labor costs.

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

SEC. 2. Section 43019.2 is added to the Health and Safety Code, 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 43019.1.



LEGISLATIVE COUNSEL'S DIGEST

Bill No.
as introduced, _____
General Subject: Fees: certification, audit, and compliance.

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 which 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 emission 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.

Existing law prohibits the disconnection, modification, or alteration of required motor vehicle pollution control devices, except with respect to an alteration, modification, or modifying device, apparatus, or mechanism that is covered by a resolution of the state board that makes specified findings.

This bill would authorize 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, as specified. The bill would require all moneys collected by the state board as part of that schedule of fees to be deposited in the Certification and Compliance Fund, which the bill would create.

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

