

AMENDED IN ASSEMBLY JUNE 24, 2019

AMENDED IN SENATE MAY 21, 2019

AMENDED IN SENATE APRIL 25, 2019

AMENDED IN SENATE MARCH 25, 2019

SENATE BILL

No. 210

Introduced by Senator Leyva

February 4, 2019

An act to add Chapter 5.5 (commencing with Section 44150) to Part 5 of Division 26 of the Health and Safety Code, and to amend Section 27153 of, and to add Sections 4000.17, 4156.5, 24019, 27158.1, and 27158.2 to, the Vehicle Code, relating to vehicular air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 210, as amended, Leyva. Heavy-Duty Vehicle Inspection and Maintenance Program.

(1) Existing law requires the State Air Resources Board, in consultation with the Bureau of Automotive Repair and a specified review committee, to adopt regulations requiring owners or operators of heavy-duty diesel motor vehicles to perform regular inspections of their vehicles for excessive emissions of smoke. Existing law requires the state board, in consultation with the State Energy Resources Conservation and Development Commission, to adopt regulations requiring heavy-duty diesel motor vehicles to use emission control equipment and alternative fuels.

This bill would require the state board, in consultation with the bureau and other specified entities, to implement a pilot program that develops and demonstrates technologies that show potential for readily bringing heavy-duty vehicles into an inspection and maintenance program. The

bill would require the state board, no later than 2 years after the completion of the pilot program, to develop and implement a Heavy-Duty Vehicle Inspection and Maintenance Program for nongasoline heavy-duty onroad motor vehicles, as specified. The bill would authorize the state ~~board~~ *board, upon the statutory approval of the Legislature*, to assess a fee and penalties as part of the program, as specified. The bill would require the state board, ~~in the first year in which a fee is assessed, by January 10, 2022, to submit the a proposed schedule of fees by January 10 fees, as part of the Governor's proposed budget to the Joint Legislative Budget Committee as part of the annual Budget Act. for approval by the Legislature by statute.~~ The bill would create the Truck Emission Check (TEC) Fund, with all the moneys deposited in the fund to be available upon appropriation. The bill would require the state board, at least 60 days prior to *the first hearing of the state board to consider* the adoption of any rules or regulations *initially* implementing the program, to submit those proposed rules and regulations ~~and any proposed schedule of fees~~ to the Joint Legislative Budget Committee and to the appropriate policy ~~and fiscal~~ committees of the Legislature.

This bill would require the state board, upon the implementation of the Heavy-Duty Vehicle Inspection and Maintenance Program, to provide mechanisms for out-of-state owners of heavy-duty vehicles to establish and verify compliance prior to entering the state. This bill would additionally require the state board, within 4 years following full implementation, to provide on its internet website 2 biennial reports, including information regarding enforcement and operational downtime in addition to an estimate of the emissions reduced and cost-effectiveness.

(2) Existing law generally requires the registration of vehicles by the Department of Motor Vehicles. Under existing law, a violation of the Vehicle Code is an infraction, unless otherwise specified.

This bill, no later than one year after the effective date of a regulation implementing the Heavy-Duty Vehicle Inspection and Maintenance Program, would require the department to confirm that a heavy-duty vehicle, as specified, is compliant with, or exempt from, the program prior to the initial registration, the transfer of ownership, or the renewal of registration, except as specified. The bill would require the state board to notify the department of the vehicles allowed to be registered pursuant to these provisions.

This bill would authorize the department to issue a temporary permit, valid for a specified period and subject to certain conditions, to operate a vehicle for which registration may be refused pursuant to the above-described provisions, as specified. The bill would require the payment of a \$50 fee, as specified, for the temporary permit, to be deposited in the Truck Emission Check (TEC) Fund.

This bill, commencing one year after the effective date of a regulation implementing the Heavy-Duty Vehicle Inspection and Maintenance Program, would require a legal owner or registered owner of the heavy-duty vehicle to maintain a certificate of compliance with the vehicle, with exceptions, and would make a violation of this provision subject to a notice issued by an officer to correct the violation, as specified. The bill would require the driver of the vehicle to present the certificate of compliance for examination upon demand by a peace officer.

This bill would prohibit the operation of a heavy-duty vehicle on a public road in this state if that vehicle has an illuminated malfunction indicator light displaying a specified engine symbol, and would make a violation of this provision subject to a notice issued by an officer to correct the violation on the basis of its designation as a mechanical violation. The bill would specify that a violation of this requirement is a correctable violation if the correction is ~~made within 45 days of the violation~~ made, as specified.

This bill would prohibit the operation of a heavy-duty vehicle in a manner resulting in the escape of visible smoke, except during active regeneration. The bill would specify that a violation of this requirement is a correctable violation if the correction is made within 45 days of the violation.

By creating new crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Communities in the state are too often exposed to unhealthy
4 air. Communities near hubs of activity, such as warehouses and
5 distribution centers, ports, highways, and roads with high levels
6 of truck traffic, bear the burden of heavy-duty trucks that are not
7 maintained.

8 (b) Trade corridors, such as those in the Inland Empire and
9 Central Valley, consist of some of the most environmentally
10 disadvantaged cities in the state.

11 (c) As of 2016, heavy-duty trucks operating in the state emitted
12 nearly 60 percent of all oxides of nitrogen emissions from onroad
13 mobile sources, which are the most significant contributor to both
14 federal ozone and fine particulate matter (PM2.5) air quality
15 standard violations across the state. Heavy-duty diesel trucks are
16 also the largest source of diesel particulate matter emissions in the
17 state. Diesel particulate matter is a carcinogen and toxic air
18 contaminant. Risks are particularly high in urban areas and along
19 busy roadways where trucks operate.

20 (d) Statewide, about 12 million residents live in communities
21 that exceed the federal ozone and PM2.5 standards. The health
22 and economic impacts of exposure to elevated levels of ozone and
23 PM2.5 in the state are considerable. Meeting air quality standards
24 will pay substantial dividends in terms of reducing costs associated
25 with emergency room visits and hospitalizations, lost work and
26 school days, and, most importantly, premature mortality.

27 (e) While the state has made significant progress in improving
28 air quality through existing programs by the state and air pollution
29 control and air quality management districts, further action must
30 be taken to achieve our public health, air quality, and climate goals.

31 (f) The Heavy-Duty Vehicle Inspection and Maintenance
32 Program established by Section 44152 of the Health and Safety
33 Code is a key step in achieving the state's goals to improve public
34 health and meeting our environmental imperatives.

35 (g) It is the intent of the Legislature that the Heavy-Duty Vehicle
36 Inspection and Maintenance Program be developed in partnership
37 between affected state agencies, the public, industry, and other
38 stakeholders to address the inspection of, tampering with, and

1 maintenance of emissions control systems. It is further the intent
2 of the Legislature that the State Air Resources Board work with
3 other relevant agencies in conducting a pilot program prior to the
4 full-scale implementation of the Heavy-Duty Vehicle Inspection
5 and Maintenance Program in order for this program to be developed
6 in a way that minimizes costs to truck owners and fleets; provides
7 a level playing field for industry through effective enforcement;
8 and provides flexibility for the program to adapt as truck
9 technology and industry evolves.

10 (h) It is the intent of the Legislature that the State Air Resources
11 Board minimize the duplication of programs and program
12 requirements related to heavy-duty vehicle inspection and
13 maintenance. It is further the intent of the Legislature that, to the
14 extent feasible, the creation and implementation of the Heavy-Duty
15 Vehicle Inspection and Maintenance Program established by
16 Section 44152 of the Health and Safety Code minimizes duplicative
17 programs and program requirements in a way that reduces
18 compliance requirements and costs to truck owners and fleets.

19 SEC. 2. Chapter 5.5 (commencing with Section 44150) is added
20 to Part 5 of Division 26 of the Health and Safety Code, to read:

21
22 CHAPTER 5.5. HEAVY-DUTY VEHICLE INSPECTION AND
23 MAINTENANCE PROGRAM
24

25 44150. For purposes of this chapter, “program” means the
26 Heavy-Duty Vehicle Inspection and Maintenance Program
27 established pursuant to Section 44152.

28 44152. (a) No later than two years after the completion of the
29 pilot program required by Section 44156 and to the extent
30 authorized by federal law, the state board, in consultation with the
31 bureau and the Department of Motor Vehicles, shall adopt and
32 implement a regulation for a Heavy-Duty Vehicle Inspection and
33 Maintenance Program for nongasoline heavy-duty onroad motor
34 vehicles with a gross vehicle weight rating of more than 14,000
35 pounds, as defined by the state board, including, but not limited
36 to, single-vehicle fleets and other vehicles that are registered in
37 another state but operate on California roads. In adopting a
38 regulation implementing the program, the state board shall do all
39 of the following:

(1) Establish test procedures for different motor vehicle model years and emissions control technologies that measure the effectiveness of the control of emissions of oxides of nitrogen and particulate matter. The procedures may include, but are not limited to, procedures for the use of onboard diagnostics system data and test procedures that measure the effectiveness of the control of emissions of greenhouse gases.

(2) Require a motor vehicle to pass the test procedures in order to register or operate in the state. The state board may establish in the regulation full or partial exemptions from the requirements of this section for categories of vehicles it determines on the basis of substantial evidence that the economic costs of compliance substantially outweigh the benefits of compliance, including public health benefits.

(3) Allow a streamlined process for the owner or operator of a vehicle fleet who has an established compliance history with the program. The streamlined process shall not include an exemption from the requirements of paragraph (2).

(4) Establish program validation methods for evaluating program effectiveness, fraud investigation, and research purposes.

(5) Develop and implement enforcement methods to ensure continuing compliance with this section and Section 27153 of the Vehicle Code. The enforcement methods may include, but are not limited to, all of the following:

(A) Visual inspections.

(B) Functional inspections.

(C) Requiring emissions testing of vehicles.

(6) Develop, in coordination with the Department of Motor Vehicles, an information technology database to collect and track vehicle test data, assess the data to determine compliance, and regularly generate lists of compliant vehicle identification numbers and transmit them to the Department of Motor Vehicles in order for annual vehicle registration notices to be issued.

(7) Exempt all of the following:

(A) Zero-emission motor vehicles.

(B) A publicly owned authorized emergency vehicle operated by a peace officer, as defined in Section 830 of the Penal Code, only as necessary to ensure the ability to respond to emergencies.

(C) An authorized emergency vehicle, as defined in Section 165 of the Vehicle Code, and used for fighting fires or responding to

1 emergency fire calls, ~~pursuant to calls by entities described in~~
2 paragraph (2) of subdivision (b) ~~of or pursuant to of, or subdivision~~
3 (c) or (d) ~~of of~~, Section 165 of the Vehicle Code, only as necessary
4 to ensure the ability to respond to emergencies.

5 (D) A publicly owned authorized emergency vehicle used by
6 an emergency medical technician-paramedic, as defined in Section
7 1797.84, only as necessary to ensure the ability to respond to
8 emergencies.

9 (E) *A tactical vehicle operated by the military as necessary for*
10 *testing or training purposes.*

11 (F) *New vehicles certified to meet the most stringent optional*
12 *reduced emissions of oxides of nitrogen emission standard for four*
13 *years from the time inspections begin under the program.*

14 (b) The state board may establish licensing standards for persons
15 engaged in the business of the inspection, diagnosis, and repair of
16 heavy-duty motor vehicles. The board also may establish
17 qualification standards or approval, operational, or licensure
18 standards for testing equipment, including protocols, hardware,
19 and software used for the submission of vehicle test data to the
20 state board or its contractors.

21 (c) (1) As part of the program, the state board shall develop a
22 Heavy-Duty Vehicle Inspection and Maintenance Compliance
23 Certificate. The state board shall issue the certificate to the legal
24 owner, registered owner, or designee of a vehicle that, at the
25 discretion of the state board, meets the requirements of the program
26 so that vehicle owners and operators may easily demonstrate proof
27 of compliance, as required pursuant to Sections 27158.1 and
28 27158.2 of the Vehicle Code.

29 (2) The Heavy-Duty Vehicle Inspection and Maintenance
30 Compliance Certificate shall contain information determined to
31 be necessary by the state board that includes, but need not be
32 limited to, all of the following:

33 (A) Date issued.

34 (B) Date of expiration.

35 (C) Name and residence or business address or mailing address
36 of the legal owner or registered owner.

37 (D) Vehicle identification number assigned to the vehicle.

38 (E) Description of the vehicle that includes the year, make, and
39 model of the vehicle.

(d) The Department of Transportation, the Department of Food and Agriculture, and the Department of the California Highway Patrol may provide any necessary information to help facilitate the installation of equipment necessary to implement the program.

(e) The state board, the Department of Motor Vehicles, and the Department of Food and Agriculture may develop initiatives for outreach and education to help ensure compliance with the program.

(f) (1) The state board shall request a permit to deploy equipment on the state highway system, as defined in Article 3 (commencing with Section 300) of Chapter 2 of Division 1 of the Streets and Highways Code, in accordance with Chapter 3 (commencing with Section 660) of Division 1 of the Streets and Highways Code and in cooperation with the Department of the California Highway Patrol.

(2) If the Department of Transportation denies a permit requested by the state board pursuant to paragraph (1), the Department of Transportation shall provide any assistance the state board deems necessary to ensure that equipment can ultimately be deployed in a manner consistent with both the requirements of the program and other laws.

(g) The state board may inspect vehicles subject to this section in conjunction with the safety and weight enforcement activities of the Department of the California Highway Patrol or at other locations selected by the state board in consultation with the Department of the California Highway Patrol. Inspection locations may include instate private facilities where fleet vehicles are serviced or maintained. The state board and the Department of the California Highway Patrol may conduct these inspections cooperatively or independently, and the state board may contract for assistance in the conduct of these inspections.

(h) (1) (A) The state board may issue a citation to the owner of a vehicle in violation of this section or a regulation promulgated pursuant to this section. The state board may require the operator of a vehicle to submit to a test procedure and may specify that refusal to submit is an admission constituting proof of a violation. The state board may require that, when a citation has been issued pursuant to this section, the owner of a vehicle in violation of the regulation shall be required to correct every deficiency specified

1 in the citation within a timeframe determined by the state board,
2 but that is not less than 45 days.

3 *(B) A vehicle used exclusively in the conduct of agricultural*
4 *operations shall be required to correct deficiencies specified in*
5 *the citation within a timeframe determined by the state board that*
6 *is not less than 75 days from the date of the citation.*

7 (2) When deciding whether to issue a citation, the state board
8 may take into account whether the owner of the vehicle has
9 obtained a temporary permit to operate the vehicle pursuant to
10 Section 4156.5 of the Vehicle Code.

11 (3) Except as provided in paragraph (4), a vehicle found in
12 violation of this section or a regulation promulgated pursuant to
13 this section shall not be prohibited from being used during this
14 time.

15 (4) Notwithstanding paragraph (3), a vehicle found to have
16 willfully tampered emission controls, including the vehicle's
17 onboard diagnostics system, shall not be operated.

18 (i) The state board shall provide an owner cited as violating this
19 section an opportunity for an administrative hearing consistent
20 with the process established pursuant to Article 3 (commencing
21 with Section 60065.1) and Article 4 (commencing with Section
22 60075.1) of Subchapter 1.25 of Chapter 1 of Division 3 of Title
23 17 of the California Code of Regulations. Following notice and
24 an opportunity for an administrative hearing, the state board, at its
25 discretion, may use the procedure set forth in subdivision (j) of
26 Section 44011.6 for a vehicle owner cited pursuant to this section.

27 (j) After an order imposing an administrative penalty becomes
28 final pursuant to the hearing procedures identified in subdivision
29 (i) and no petition for a writ of mandate has been filed within the
30 time allotted for seeking judicial review of the order, the state
31 board may apply to the Superior Court for the County of
32 Sacramento for a judgment in the amount of the administrative
33 penalty. The application, which shall include a certified copy of
34 the final order of the administrative hearing officer, shall constitute
35 a sufficient showing to warrant the issuance of the judgment.

36 (k) Upon the implementation of the program, the state board
37 shall provide mechanisms for out-of-state owners of heavy-duty
38 vehicles to establish and verify compliance prior to entering the
39 state, including attainment of a Heavy-Duty Vehicle Inspection
40 and Maintenance Compliance Certificate.

(l) Upon the full implementation of the program, the state board shall sunset the requirements of the Periodic Smoke Inspection Program in Chapter 3.6 (commencing with Section 2190) of Division 3 of Title 13 of the California Code of Regulations.

(m) Within four years following *the* full implementation of the program, the state board shall provide two biennial reports on its internet website. This report shall include, but is not limited to, enforcement, operational downtime, and an estimate of emissions reduced and cost-effectiveness.

44154. (a) The state ~~board~~ board, *upon approval by the Legislature pursuant to subdivision (b)*, shall assess a fee to fund the reasonable costs of implementing the program. A fee assessed pursuant to this section shall be limited exclusively to covering the costs of the program and shall be structured to ensure the equitable distribution of any costs among feepayers.

~~(b) In the first year in which a fee is assessed pursuant to this section, the state board shall submit the schedule of fees by January 10 to the Joint Legislative Budget Committee as part of the annual Budget Act.~~

(b) (1) On or before January 10, 2022, the state board, as a part of the proposed budget submitted by the Governor pursuant to subdivision (a) of Section 12 of Article IV of the California Constitution, shall submit to the Joint Legislative Budget Committee a proposed schedule of fees to fund the reasonable costs of implementing the program for approval by the Legislature through the enactment of a statute establishing the schedule of fees.

(2) The state board, as a part of the proposed budget submitted by the Governor pursuant to subdivision (a) of Section 12 of Article IV of the California Constitution, shall submit to the Joint Legislative Budget Committee any proposed revision to the schedule of fees approved by the Legislature pursuant to paragraph (1) for approval through the enactment of a statute.

(c) All fees collected by the state board pursuant to this chapter shall be deposited in the Truck Emission Check (TEC) Fund, which is hereby created in the State Treasury. All moneys in the fund shall be available upon appropriation by the Legislature to the state board for the regulatory purposes of the program.

(d) All penalty moneys collected by the state board pursuant to this chapter shall be deposited in the Air Pollution Control Fund.

44156. (a) In order to implement the program, the state board, in consultation with the bureau, the Department of Transportation, the Department of Motor Vehicles, the Department of the California Highway Patrol, other interested state agencies, and stakeholders as part of a public process, shall implement a pilot program that develops and demonstrates technologies that show potential for readily bringing vehicles into the program. The state board shall report the findings of the pilot program on its internet website.

(b) No later than _____, *two years following the completion of the pilot program required pursuant to this section*, and before adopting and implementing the program, the state board shall report to the transportation and environmental committees of the Legislature on the following:

(1) A review of all investigated test procedures, hardware and software, and an assessment of which pathway was found to be the most cost effective, enforceable, and least burdensome for compliant truck operators, including, but not limited to, the estimated operational downtime associated with each test method.

(2) A comprehensive enforcement strategy to ensure the fair application of the program.

(3) A description of how the agency will harmonize the program with existing regulations to ensure stakeholders do not face duplicative requirements.

(4) Steps the state board will take to ensure emission reductions attributed to this program will be accounted for and credited in planning and technical documents including, but not limited to, the state implementation plan, scoping plans, and emissions models.

44158. At least 60 days prior to *the first hearing of the state board considering the adoption of any rules or regulations first implementing the program*, the state board shall submit *the then-current draft of those proposed rules and regulations and any proposed schedule of fees* to the Joint Legislative Budget Committee and to the ~~appropriate policy and fiscal committees of the Legislature~~. *Senate Committee on Environmental Quality, Senate Committee on Transportation, Assembly Committee on Natural Resources, and the Assembly Committee on Transportation.*

1 SEC. 3. Section 4000.17 is added to the Vehicle Code,
2 immediately following Section 4000.15, to read:

3 4000.17. (a) For purposes of this section, “heavy-duty vehicle”
4 means a nongasoline heavy-duty onroad motor vehicle with a gross
5 vehicle weight rating of more than 14,000 pounds, as defined by
6 the State Air Resources Board pursuant to Section 44152 of the
7 Health and Safety Code.

8 (b) No later than one year after the effective date of a regulation
9 implementing the Heavy-Duty Vehicle Inspection and Maintenance
10 Program (Chapter 5.5 (commencing with Section 44150) of Part
11 5 of Division 26 of the Health and Safety Code), the department
12 shall confirm prior to the initial registration, the transfer of
13 ownership, or the renewal of registration that a heavy-duty vehicle
14 is compliant with, or exempt from, the Heavy-Duty Vehicle
15 Inspection and Maintenance Program.

16 (c) Subdivision (b) does not apply to a transfer of ownership
17 and registration under any of the following circumstances:

18 (1) A motor vehicle registered to a sole proprietorship is
19 transferred to the proprietor as owner.

20 (2) The transfer is between companies the principal business of
21 which is leasing motor vehicles, if there is no change in the lessee
22 or operator of the motor vehicle or between the lessor and the
23 person who has been, for at least one year, the lessee’s operator
24 of the motor vehicle.

25 (3) The transfer is between the lessor and lessee of the motor
26 vehicle, if there is no change in the lessee or operator of the motor
27 vehicle.

28 (4) An additional individual is added as a registered owner of
29 the motor vehicle.

30 (d) The State Air Resources Board shall notify the department
31 of the motor vehicles allowed to be registered pursuant to this
32 section.

33 SEC. 4. Section 4156.5 is added to the Vehicle Code, to read:

34 4156.5. (a) Except as provided in subdivision (b), the
35 department in its discretion may issue a temporary permit to operate
36 a vehicle when a payment of fees has been accepted in an amount
37 to be determined by, and paid to, the department by the owner or
38 other person in lawful possession of the vehicle, for a vehicle for
39 which registration may be refused pursuant to Section 4000.17.

The permit shall be subject to the terms and conditions that the department shall deem appropriate under the circumstances.

(b) The department shall not issue a temporary permit pursuant to subdivision (a) to operate a vehicle for which a certificate of compliance is required pursuant to Section 4000.17, and for which that certificate of compliance has not been issued, unless the department is presented with sufficient evidence, as determined by the department, that the vehicle has failed its most recent inspection pursuant to the Heavy-Duty Vehicle Inspection and Maintenance Program (Chapter 5.5 (commencing with Section 44150) of Part 5 of Division 26 of the Health and Safety Code).

(c) Only one temporary permit may be issued pursuant to this section for any vehicle, unless otherwise approved by the State Air Resources Board.

(d) A temporary permit issued pursuant to this section is valid for either 60 days after the expiration of the registration of the vehicle or 60 days after the date that vehicle is removed from nonoperation, whichever is applicable at the time the temporary permit is issued.

(e) (1) A fee of fifty dollars (\$50) shall be paid for a temporary permit issued pursuant to this section.

(2) The fee authorized pursuant to paragraph (1) shall be adjusted annually based on the California Consumer Price Index as compiled and reported by the Department of Industrial Relations.

(3) After deducting its administrative costs, the department shall deposit fees collected pursuant to paragraph (1) in the Truck Emission Check (TEC) Fund created pursuant to Section 44154 of the Health and Safety Code, to be used for regulatory activities under the Heavy-Duty Vehicle Inspection and Maintenance Program (Chapter 5.5 (commencing with Section 44150) of Part 5 of Division 26 of the Health and Safety Code).

SEC. 5. Section 24019 is added to the Vehicle Code, to read:

24019. (a) A nongasoline heavy-duty onroad motor vehicle with a gross vehicle weight rating of more than 14,000 pounds shall not be operated on a public road in this state if that vehicle has an illuminated malfunction indicator light (MIL) displaying the International Standards Organization (ISO) 2575 engine symbol F01, consistent with subdivision (d) of Section 1971.1 of Title 13 of the California Code of Regulations.

(b) A violation of this section shall be considered a mechanical violation under Section 40610. A peace officer shall not stop a vehicle solely on suspicion of a violation of this section.

(c) A violation of this section is a correctable violation pursuant to Article 4 (commencing with Section 40610) of Chapter 2 of Division 17. Except as provided in subdivision (d), an owner or operator of a vehicle found to be in violation of this section shall have 45 days to correct the violation and the vehicle shall not be prohibited from being used during this time.

(d) Notwithstanding subdivision (c), a vehicle found to have willfully tampered emission controls, including the vehicle's onboard diagnostics system, shall not be operated.

SEC. 6. Section 27153 of the Vehicle Code is amended to read:

27153. (a) A motor vehicle shall not be operated in a manner resulting in the escape of excessive smoke, flame, gas, oil, or fuel residue.

(b) A nongasoline heavy-duty onroad motor vehicle with a gross vehicle weight rating of more than 14,000 pounds shall not be operated in a manner resulting in the escape of visible smoke, except during active regeneration.

(c) (1) A violation of this section is a correctable violation pursuant to Article 4 (commencing with Section 40610) of Chapter 2 of Division 17. Except as provided in *paragraph (2) and* subdivision (d), an owner or operator of a vehicle found to be in violation of this section shall have 45 days to correct the violation and the vehicle shall not be prohibited from being used during this time.

(2) *Except as provided in subdivision (d), an owner or operator of a vehicle that is used exclusively in the conduct of agricultural operations and that is found to be in violation of this section shall have a time period determined by the State Air Resources Board that is not less than 75 days from the date of the citation to correct the violation and the vehicle shall not be prohibited from being used during that time.*

(d) Notwithstanding subdivision (c), a vehicle found to have willfully tampered emission controls, including the vehicle's onboard diagnostics system, shall not be operated.

(e) This section applies to motor vehicles of the United States or its agencies, to the extent authorized by federal law.

SEC. 7. Section 27158.1 is added to the Vehicle Code, to read:

1 27158.1. (a) Commencing one year after the effective date of
2 a regulation implementing the Heavy-Duty Vehicle Inspection and
3 Maintenance Program (Chapter 5.5 (commencing with Section
4 44150) of Part 5 of Division 26 of the Health and Safety Code), a
5 legal owner or registered owner of a nongasoline heavy-duty
6 onroad motor vehicle with a gross vehicle weight rating of more
7 than 14,000 pounds shall maintain a Heavy-Duty Vehicle
8 Inspection and Maintenance Compliance Certificate, as described
9 in Section 44152 of the Health and Safety Code, or a facsimile or
10 electronic copy of that certificate of compliance, with the vehicle
11 for which the certificate is issued.

12 (b) Subdivision (a) does not apply when a Heavy-Duty Vehicle
13 Inspection and Maintenance Compliance Certificate is necessarily
14 removed from the vehicle for the purpose of renewal or when the
15 vehicle is left unattended.

16 (c) A violation of this section shall be cited in accordance with
17 Section 40610.

18 SEC. 8. Section 27158.2 is added to the Vehicle Code, to read:

19 27158.2. (a) The driver of a nongasoline heavy-duty onroad
20 motor vehicle with a gross vehicle weight rating of more than
21 14,000 pounds shall present a Heavy-Duty Vehicle Inspection and
22 Maintenance Compliance Certificate, as described in Section 44152
23 of the Health and Safety Code, or other evidence of that certificate
24 of compliance, of the vehicle under the driver's immediate control
25 for examination upon demand by any peace officer.

26 (b) The driver of the vehicle described in subdivision (a) shall
27 not present to any peace officer a Heavy-Duty Vehicle Inspection
28 and Maintenance Compliance Certificate not issued for that vehicle.

29 SEC. 9. No reimbursement is required by this act pursuant to
30 Section 6 of Article XIII B of the California Constitution because
31 the only costs that may be incurred by a local agency or school
32 district will be incurred because this act creates a new crime or
33 infraction, eliminates a crime or infraction, or changes the penalty
34 for a crime or infraction, within the meaning of Section 17556 of
35 the Government Code, or changes the definition of a crime within
36 the meaning of Section 6 of Article XIII B of the California
37 Constitution.