

BUREAU OF AUTOMOTIVE REPAIR

INITIAL STATEMENT OF REASONS

HEARING DATES: None scheduled.

SUBJECT MATTER OF THE PROPOSED REGULATIONS: Exhaust System Certificate of Compliance Fee.

SECTIONS AFFECTED: § 3340.36.1 of Article 5.5, Chapter 1, Division 33, Title 16, California Code of Regulations

SPECIFIC PURPOSE OF THE REGULATORY PROPOSAL:

The Bureau of Automotive Repair (Bureau or BAR) is proposing the following addition to existing regulations:

This proposal would set a fee for the exhaust system certificate of compliance issued pursuant to Vehicle Code (VC) Section 27150.2. The proposed action will add Section 3340.36.1 to Article 5.5, Chapter 1, Division 33, Title 16, California Code of Regulations. Section 3340.36.1 will read as follows:

The fee for an exhaust system certificate of compliance, issued pursuant to Section 27150.2 of the Vehicle Code shall be one hundred eight dollars (\$108).

FACTUAL BASIS

I. Background.

The Bureau of Automotive Repair within the Department of Consumer Affairs (Department) is the state agency charged with the administration and implementation of the Smog Check Program (Program). The Program is designed to reduce air pollution from mobile sources, such as passenger cars and trucks, by requiring them to meet specific emissions standards.

Health and Safety Code (HSC) section 44014 (b) (2) requires the Bureau to provide neutral testing centers (Referee stations) for vehicle owners disputing the results of their Smog Check inspection or otherwise needing assistance in completing the inspection process. Typically, referee stations offer specialized inspection services that are beyond the scope of a typical Smog Check station. These facilities are located throughout California.

Existing law requires the Referee to perform services directly related to the Smog Check Program. These services include the following:

- the clearance of citations received for excessive vehicular exhaust noise, pursuant to VC section 27150.2;
- the issuance of repair cost waivers and economic hardship extensions pursuant to HSC sections 44017 and 44017.1; and
- the inspection of specially constructed vehicles, pursuant to HSC section 44017.4.

This regulatory action specifies and sets the fee for the Referee test of vehicular exhaust system noise citations only. Specifically, VC section 27150.2 requires the Referee to provide testing and certification for vehicles that receive a citation from law enforcement for violation of VC sections 27150 or 27151. VC section 27150.2 (d) requires the Referee to charge a fee to recover the costs incurred by the Bureau in providing exhaust system noise citation testing and certification.

The Bureau conducted a cost analysis and calculated the cost incurred by the Referee for providing exhaust system noise certification to be about \$108 per vehicle¹. Based on this analysis, the Bureau proposes vehicle owners pay a \$108 fee for the exhaust system noise certificate of compliance. Currently, the Referee provides the inspection and certification at no cost to the vehicle owner.

II. Conclusion.

The Bureau finds that the proposed action to add Section 3340.36.1 to Article 5.5, Chapter 1, Division 33, Title 16, California Code of Regulations is necessary in order to meet the requirements of VC section 27150.2 and charge vehicle owners the costs of providing exhaust system noise certification.

UNDERLYING DATA:

- ◆ Department of Consumer Affairs, Bureau of Automotive Repair, *Referee Noise Certification Costs*, March 10, 2009

¹ The analysis is included as "Referee Noise Certification Costs" as part of this rulemaking file.

BUSINESS IMPACT:

This regulation will not have a significant adverse impact on businesses. This initial determination is based on the following facts, evidence, documents, or testimony:

This proposed action will only impact vehicle owners who receive a citation for violation of VC section 27150 or 27151 and seek to have a certificate of compliance issued by the Referee. While businesses may own vehicles, most will never receive such a citation. For those few who do receive a citation, they will pay the same fee for a clearance certificate that any vehicle owner would pay. Additionally, the amount of the fee is not substantial.

SPECIFIC TECHNOLOGIES OR EQUIPMENT:

This regulation does not mandate the use of specific technologies or equipment.

CONSIDERATION OF ALTERNATIVES:

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

Set forth below is the alternative considered and the reason it was rejected:

The Bureau considered taking no action. However, the law requires the Bureau to establish a fee for certification and clearance of vehicles previously cited for having excessive exhaust system noise.