

# State of California Office of Administrative Law

In re:  
Bureau of Automotive Repair

NOTICE OF APPROVAL OF REGULATORY  
ACTION

Regulatory Action:

Government Code Section 11349.3

Title 16, California Code of Regulations

OAL File No. 2009-1030-02 S

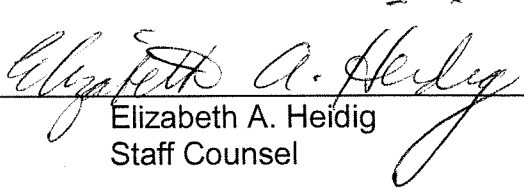
Adopt sections: 3340.45  
Amend sections: 3340.5, 3340.15, 3340.16,  
3340.42  
Repeal sections:

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BAR is the state agency charged with administration and implementation of the Smog Check Program (Program). In 2007, AB 1488 was adopted, requiring BAR to incorporate certain diesel-powered vehicles into the Program. BAR was required to at least include 1998 and newer model year vehicles with a gross vehicle weight (GVWR) up to and including 8,500 lbs. beginning January 1, 2010. AB 1488 also allowed for testing of diesel-powered vehicles with a GVWR up to and including 13,999 lbs. once ARB and BAR could effectively identify the vehicles and adopt tests for them. AB 1488 also requires a visual inspection of the emissions control devices and a test of the vehicle's exhaust emissions, in accordance with procedures prescribed by BAR. BAR, in consultation with DMV and ARB determined that it would be more efficient to include vehicles with a GVWR up to and including 13,999, when the Program begins. This year, SB 734 changed the GVWR to 14,000 lbs. for diesel-powered vehicles in the Program. The diesel-powered vehicle population subject to the biennial Program for calendar year 2010 is expected to be approximately 540,000 vehicles. In addition, diesel-powered vehicles that are more than four model years old will require a Smog Check inspection upon change of ownership and upon initial registration in California, beginning January 1, 2010. For 2010, the number of inspections of diesel-powered vehicles is expected to be 325,000. BAR is providing the online diesel-specific inspection training to the technicians at no cost. They will not be required to purchase any new equipment. This regulatory amendment is also incorporating by reference the Smog Check Inspection Procedures Manual (August 2009) into section 3340.45.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 12/16/2009.

Date: 12/16/2009

  
Elizabeth A. Heidig  
Staff Counsel

For: SUSAN LAPSLEY  
Director

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