

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. BUREAU OF AUTOMOTIVE REPAIR

PROPOSED REGULATORY LANGUAGE
Leno's Law

Legend:	Added text is indicated with an <u>underline</u> . Deleted text is indicated by strikeout . Omitted text is indicated by (* * * *)
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Amend section 3340.5 of Article 5.5 of Chapter 1 of Division 33 of Title 16 of the California Code of Regulations to read as follows:

§ 3340.5. Vehicles Exempt from Inspections.

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(c) On and after January 1, 2010, Model year 1997 and older diesel-powered vehicles, and model year 1998 model year and newer diesel-powered vehicles, with a gross vehicle weight rating up to and including over 14,000 pounds, are not exempt from the program.

(d)(1) A collector motor vehicle may be exempt from its next required Smog Check inspection and obtaining a certificate of compliance as follows:

(A) upon the biennial registration of the vehicle in California;

(B) upon transfer of ownership and registration of the vehicle in California;

(C) upon initial registration of the vehicle in California.

(2) To qualify as a collector motor vehicle, the vehicle must meet all of the following:

(A) The vehicle is used primarily in shows, parades, charitable functions, and historical exhibitions for display, maintenance, and preservation.

(B) The vehicle is not used as a primary mode of transportation.

(C) The vehicle is insured, and continues to maintain insurance, as a collector motor vehicle.

(3) The following model years of collector motor vehicles are eligible for an exemption from their next required Smog Check inspection and obtaining a certificate of compliance ("collector motor vehicle exemption"):

<u>Model Years</u>	<u>Effective Date</u>
<u>1976-1980</u>	<u>January 1, 2028</u>
<u>1976-1981</u>	<u>January 1, 2029</u>
<u>1976-1982</u>	<u>January 1, 2030</u>
<u>1976-1983</u>	<u>January 1, 2031</u>
<u>1976-1984</u>	<u>January 1, 2032</u>
<u>1976-1985</u>	<u>January 1, 2033</u>

(4) Following notification from the Department of Motor Vehicles that a vehicle requires a Smog Check certificate of compliance, a vehicle owner ("owner") seeking a collector motor vehicle exemption shall submit to the Bureau a completed application for a collector motor vehicle exemption via the Bureau's website, along with a nonrefundable \$XX application fee. The owner may submit a collector motor vehicle exemption application upon any of the following triggering events:

(A) Renewing the vehicle's registration.

(B) Transfer of ownership of the vehicle.

(C) Initial registration of the vehicle in the State of California.

(5) The application for a collector motor vehicle exemption shall include the following information:

(A) The legal name of the applicant, pursuant to the triggering events in subdivision (d)(4) of this section.

(B) The applicant's government issued driver license or identification card number.

(C) The applicant's physical address, email address, and primary phone number.

(D) The vehicle's make, model, model year, license plate number, vehicle identification number, and odometer reading at the time of application submission.

(E) Digital photographs, taken within 14 days prior to date of the application, of the following:

(i) The entire front end and driver side of the vehicle.

(ii) The entire back end and passenger side of the vehicle.

(iii) The vehicle's instrument panel that includes the vehicle odometer reading.

(iv) The vehicle identification number affixed to the vehicle.

(F) A copy of the vehicle's current insurance policy that includes all of the following:

(i) A statement or indication that the insurance is for a collector motor vehicle. The policy may use a term of like meaning to collector, such as classic, exotic, vintage, or other similar designation to indicate the vehicle is insured as a collector motor vehicle.

(ii) A mileage restriction of XX miles driven annually.

(iii) The value of the vehicle, as agreed upon by the insurance provider and policy holder.

(G) A statement signed by the applicant under penalty of perjury under the laws of the State of California certifying:

(i) The information provided on the application is true and correct.

(ii) The vehicle meets all the criteria in subdivision (d)(2) of this section.

(iii) The vehicle has a working odometer, or that the vehicle has an alternative method for recording mileage that is accurate and permanently affixed to the vehicle.

(H) A statement signed by the applicant acknowledging:

(i) The exemption is not permanent and is only valid for a single registration event requiring a Smog Check inspection and certificate of compliance as specified in subdivision (d)(1) of this section.

(ii) The exemption may be revoked if the applicant fails to meet any of the requirements in subdivision (d)(2) of this section, or is determined to have made a false statement in, or provided inaccurate information with, the application.

(iii) The Bureau, at any point during the exemption period, has the right to verify with the applicant's insurance provider that the vehicle continues to be insured as a collector motor vehicle.

(iv) The Bureau may report any deviations from the eligibility requirements specified in subdivision (d)(2) of this section, or a false statement in, or inaccurate information provided with, the application, to the Department of Motor Vehicles.

(6) The Bureau shall review an application submitted pursuant to subdivision (d)(4) of this section within thirty (30) days of receipt of the application.

(A) If there are any deficiencies in the information provided pursuant to subdivision (d)(5) of this section, the Bureau shall notify the applicant via email of the deficiencies. The Bureau has discretion to deny the application if the deficiencies are not corrected within 45 days.

(B) For a complete application, the Bureau shall notify the applicant via email whether the application is approved or denied.

(i) If the application is approved, the notification shall include a document certifying that the vehicle is exempt from its next required Smog Check inspection and obtaining a certificate of compliance.

(ii) If the application is denied, the notification shall include the reason(s) for the denial.

(7) The Bureau shall have cause to deny an application for a collector motor vehicle exemption for any of the following reasons:

(A) Any false statement in, or inaccurate information provided with, the application.

(B) The vehicle's insurance policy does not contain a mileage restriction or does not include language limiting the use of the vehicle consistent with subdivisions (d)(2)(A) and (B) of this section.

(C) A determination by the Bureau of one or more of the following:

(i) The vehicle is not due for a biennial Smog Check inspection and certificate of compliance.

(ii) The vehicle's mileage from any odometer reading reported to the Bureau is inconsistent with any mileage limitations.

(iii) The vehicle's usage or mileage indicate that it is not primarily used for shows, parades, charitable functions, and historical exhibitions.

(iv) The vehicle's usage or mileage indicate that it is used as a primary mode of transportation.

Note: Authority cited: Sections 44002 and 44011, Health and Safety Code; ~~and Section 9882, Business and Professions Code; and Sections 4000.1 and 5040-5043, Vehicle Code.~~ Reference: Section 44011, Health and Safety Code; and Sections 259 and 4000.1, Vehicle Code.