
UNFINISHED BUSINESS

Bill No: SB 1392
Author: Cortese (D) and Grove (R), et al.
Amended: 8/19/26
Vote: 21

SENATE TRANSPORTATION COMMITTEE: 10-2, 4/21/26
AYES: Cortese, Strickland, Archuleta, Arreguín, Dahle, Gonzalez, Grayson,
Richardson, Seyarto, Valladares
NOES: Blakespear, Wiener
NO VOTE RECORDED: Menjivar

SENATE APPROPRIATIONS COMMITTEE: 6-0, 5/14/26
AYES: Cervantes, Seyarto, Cabaldon, Dahle, Grayson, Richardson
NO VOTE RECORDED: Wahab

SENATE FLOOR: 29-5, 5/19/26
AYES: Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Caballero, Cervantes,
Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird,
Limón, McGuire, McNerney, Ochoa Bogh, Reyes, Richardson, Rubio, Seyarto,
Smallwood-Cuevas, Strickland, Umberg, Valladares
NOES: Blakespear, Menjivar, Padilla, Stern, Wiener
NO VOTE RECORDED: Allen, Cabaldon, Niello, Pérez, Wahab, Weber Pierson

ASSEMBLY FLOOR: Passed, 8/31/26

SUBJECT: Smog check: exemption: collector motor vehicles

SOURCE: Specialty Equipment Market Association

DIGEST: This bill exempts "collector motor vehicles", as defined, that are model years (MY) that are at least 35 years or older from smog check requirements, as specified.

Assembly Amendments delays implementation to January 1, 2028, modifies the five-year tiered exemption timeline to align with the delayed implementation, and

directs the Bureau of Automotive Repair (BAR) to establish a process for exemptions when a collector motor vehicle meets certain criteria, as specified.

ANALYSIS:

Existing law:

- 1) Establishes a motor vehicle inspection and maintenance (smog check) program that is administered by the Department of Consumer Affairs.
- 2) Requires smog check inspection of motor vehicles upon initial registration, biennially upon renewal of registration, upon transfer of ownership, and in certain other circumstances, as specified.
- 3) Exempts certain vehicles from being inspected biennially upon renewal of registration, including, among others, all motor vehicles manufactured prior to the 1976 model year.
- 4) Exempts a collector motor vehicle that is insured as a collector motor vehicle, from certain portions of the smog test, both biennially and at transfer, including the vehicle is at least 35 model years old, complies with the exhaust emissions standards for that motor vehicle's class and model year, as prescribed, and that also passes a functional inspection of the fuel cap and a visual inspection for liquid fuel leaks.
- 5) Defines "collector motor vehicle" as a vehicle that is owned by a collector, is of historical value or considered a "special interest vehicle," as specified, and is used primarily in shows, parades, charitable functions, and historical exhibitions for display, maintenance, and preservation, and is not used primarily for transportation.

This bill:

- 1) Beginning on January 1, 2028, exempts a "collector motor vehicle" manufactured before MY 1981 from the requirement to obtain a smog check certificate of compliance or noncompliance for initial registration, renewal every two years, or transfer of ownership if the collector motor vehicle is at least 35 MYs old and either insured as a collector motor vehicle with proof of insurance submitted to BAR, or determined to be driven fewer than 1,000 miles per calendar year.
- 2) Beginning January 1, 2029, the MY collector motor vehicle exemption extends by one additional MY each year until January 1, 2033, when the exemption

applies to qualifying collector motor vehicles manufactured before MY 1986, as specified.

- 3) Redefines "collector motor vehicle" to mean a motor vehicle that meets the following criteria:
 - a) At least 35 model years old, complies specific criteria developed by BAR that requires a motor vehicle to be insured as a collector motor vehicle with proof of insurance submitted to BAR or is driven fewer than 1,000 miles per calendar year as determined through a process developed by BAR.
 - b) A historical motor vehicle, as defined.
 - c) A special interest vehicle, as defined.
 - d) The motor vehicle is used primarily in shows, parades, charitable functions, and historical exhibitions for display, maintenance, and preservation, and is not used as the owner's primary mode of transportation.
- 4) Requires BAR, in consultation with the Department of Motor Vehicles (DMV), to adopt regulations to implement provisions specified in this bill.

Comments:

- 1) *Purpose of the bill.* According to the author, "SB 1392 makes a narrow adjustment to California's SMOG program for a small, declining class of collector vehicles built between 1976 and 1985. These are not daily drivers. They are historic vehicles that are rarely driven, carefully maintained, and used primarily for shows, parades, charitable events, exhibitions, display, maintenance, and preservation.

"This bill reflects proportional regulation. Pre-1986 vehicles represent a very small (and declining) share of California's overall fleet and contribute minimally to statewide emissions compared with high-use commuter and commercial vehicles. At the same time, the testing infrastructure, replacement parts, and technical expertise needed to maintain compliance for these late-1970s and early-1980s vehicles are becoming harder to access due to attrition. SB 1392 does not weaken the broader SMOG program. It provides a tailored exemption for a limited, well-defined class of historic collector cars while preserving the integrity of California's emissions framework."

- 2) *What are mobile source emissions?* Mobile sources of air pollution are vehicles or equipment that can be moved from place to place and emit pollutants as they

operate. These sources include on-road vehicles like cars, trucks, and buses, as well as non-road vehicles such as aircraft, construction equipment, and marine vessels. Mobile sources and the fossil fuels that power them are a major contributor to the formation of ozone, greenhouse gas (GHG) emissions, fine particulate matter (PM_{2.5}), and toxic diesel particulate matter (DPM). Statewide, more than 21 million out of over 39 million Californians live in areas that exceed the federal ozone standards; within these areas, there are many low-income and disadvantaged communities that are exposed to not only ozone, but also particulate and toxic, pollutant levels significantly higher than the federal standards which are known to have negative health effects.

In California, mobile sources are responsible for approximately 60% of smog-forming nitrogen oxide (NO_x) emissions, and overall, approximately 40% of the state's GHG emissions are derived from mobile sources.

- 3) *Background on smog check exemptions.* Prior to 1998, vehicles MY 1973 and earlier were exempt from smog check. Subsequently, SB 42 (Kopp, Chapter 801, Statutes of 1997) established the “30-year rolling exemption,” allowing vehicles to “graduate” from smog check once they reached 30 years of age. The Department of Consumer Affairs opposed SB 42, stating that while the initial number of vehicles exempted by the bill was modest, that number was responsible for a significant share of the smog test failure rate of the entire fleet. The California Air Resources Board (CARB) also opposed the bill, arguing that it would make it even more difficult to attain federal air quality standards in areas such as the South Coast Air Quality Management District. In 2004, the Legislature passed, and the Governor signed AB 2683 (Lieber, Chapter 704, Statutes of 2004). AB 2683 repealed the 30-year rolling exemption and instead applied the smog check exemption strictly to vehicles manufactured prior to MY 1976.
- 4) *Pre-1976 exemption vs. collector car partial exemption.* Existing law includes two separate types of smog check exemptions relating to older cars. First, collector cars are exempted from some portions of smog check, provided they meet certain criteria: the owner must be able to demonstrate that the vehicle is insured as a collector vehicle; the vehicle must be at least 35 years old; the vehicle must comply with exhaust emissions standards for that vehicle's class and MY; and the vehicle must pass a functional inspection of the fuel cap and a visual inspection for liquid fuel leaks. A collector vehicle meeting these requirements is exempt from the visual or functional check of emission control devices, including the catalytic converter, but must undergo the other portions

of the smog test. The visual check is important because it is generally much easier to tamper with older vehicles' emissions controls — e.g., to increase engine performance — because older systems are much less sophisticated.

- 5) *Full exemption for certain collector vehicles.* This bill proposes to remove the existing partial smog check inspection process for collector motor vehicles manufactured before MY 1981. This bill further proposes to extend the exemption over a five-year period starting on January 1, 2028, ultimately exempting collector motor vehicles manufactured before MY 1986 from the smog check inspection process. This bill builds off last year's measure, SB 712 (Grove), which similarly aimed to provide a smog check exemption for certain types of collector / historical vehicles.

This bill further modifies the definition of "collector motor vehicle" in the Vehicle Code to eliminate cross references to other sections of the Vehicle Code aiming to provide greater clarification on what can be considered a collector motor vehicle in California.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Assembly Appropriations Committee:

Because this bill exempts certain vehicles from the need to undergo smog checks and pay associated fees, it will result in foregone state revenue of an unknown but potentially significant amount. In addition, the bill requires significant administrative work of BAR and DMV, with initial and ongoing costs to each agency likely in the hundreds of thousands of dollars annually. Finally, the bill may create cost pressure on the Air Resources Board (ARB) to quantify foregone emission reductions as a result of this bill.

Costs to affected agencies are as follows:

- 1) DMV anticipates one-time and ongoing costs of an unknown amount, potentially in the hundreds of thousands of dollars, to promulgate regulations; update its forms, publications, and web content; process smog check waivers for collector motor vehicles; and make information technology (IT) system changes to allow for the modification of its vehicle registration and vehicle transfer systems to allow a registered owner to certify that the vehicle is identified as a collector motor vehicle and to create a method of tracking annual mileage (Motor Vehicle Account (MVA)). DMV notes that given the scope of its ongoing IT modernization effort, it would not be able to make the

programming or regulatory changes required by this bill by January 1, 2027. The department further notes the MVA is projected to become insolvent as early as fiscal year (FY) 2028–29.

- 2) BAR anticipates potentially significant ongoing costs of an unknown amount for Referee facilities – facilities that provide an abbreviated and specialized inspection process for qualifying collector cars – to determine smog check exemption eligibility and conduct a greater number of abbreviated inspections, which may require additional facilities, equipment, staffing, and operational support. In addition, BAR has a no-cost-to-the-state contract that provides IT services at all smog check stations. However, this contract requires BAR to cover the difference if revenue drops beyond a designated amount. As a consequence of lost revenue from smog check and change of ownership transaction fees, BAR projects it will owe approximately \$10,000 the first year after the bill takes effect, with that amount increasing gradually year after year as additional vehicles become eligible (Vehicle Inspection and Repair Fund (VIRF)).

BAR additionally anticipates ongoing annual revenue losses of an unknown amount from a reduction in transaction and change of ownership fees. Existing law requires a vehicle owner subject to smog check requirements to pay a fee of \$8.25 upon passage of a smog test. This bill will likely result in an annual loss of smog certification fee revenue of an unknown amount. This amount would likely increase annually for five years as an additional MY would be eligible for the “rolling” exemption each year until January 1, 2032. Eventually, annual revenue losses would likely be in the low hundreds of thousands of dollars (VIRF). It is unclear how many vehicle owners would claim the exemption when a vehicle is registered or upon transfer of ownership, so the magnitude of the revenue loss is unknown. The VIRF had a reserve of over \$140 million at the end of the current FY, but expenditures have exceeded new revenues by over \$30 million annually in recent years, so the fund is in a declining condition.

- 3) ARB is likely to incur some costs to quantify foregone emission reductions as a result of this bill. While the smog check program is under the jurisdiction of BAR, ARB relies on the program to meet federal Clean Air Act requirements for areas of the state with unhealthy levels of criteria pollutants. Therefore, the bill may result in cost pressures to ARB to achieve emissions reductions from other sectors to make up for foregone emissions reductions.

For its part, ARB estimates ongoing annual costs of approximately \$1.3 million to hire about seven staff (VIRF) to develop an extensive test program to evaluate emission impacts, coordinate with BAR, DMV, and local air districts, incorporate data into air quality models, revise federally required plans, and other tasks.

SUPPORT: (Verified 8/30/26)

Specialty Equipment Market Association (Sponsor)
Antique Automobile Club of America
California Automotive Wholesalers' Association
Californians for Classic Car Exemptions
Californians for Classic Car Smog Exemptions
Monterey County Office of Supervisor Luis A. Alejo
Petersen Automotive Museum
San Joaquin County Board of Supervisors
San Joaquin County Supervisor Mario Gardea
San Joaquin County Supervisor Robert Rickman
The Lowrider Grind Podcast
Valley Can (clean Air Now)

OPPOSITION: (Verified 8/30/26)

7th Generation Advisors
Active San Gabriel Valley
Alliance of Nurses for Healthy Environments
American Lung Association
American Lung Association in California
Bay Area Air Quality Management District
California Air Pollution Control Officers Association
California Environmental Voters
Center for Environmental Health
Clean Earth 4 Kids
Cleaneearth4kids.org
Coalition for Clean Air
Environmental Protection Information Center
Environmental Protection Information Center
Facts Families Advocating for Chemical and Toxics Safety
Families Advocating for Chemical and Toxics Safety
National Resources Defense Council
Natural Resources Defense Council

Physicians for Social Responsibility - San Francisco Bay
Regional Asthma Management & Prevention
San Francisco Bay Physicians for Social Responsibility
Sierra Club
Union of Concerned Scientists

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