State of California
AIR RESOURCES BOARD

Resolution 88-51

November 18, 1988

Agenda Item No. 88-15-2

WHEREAS, the Air Resources Board (the "Board"), through its Executive Officer, issues various licenses and certifications, including licenses for vehicle emission laboratories and certifications for air pollution control equipment, motor vehicles and motor vehicle engines;

WHEREAS, the Executive Officer may also revoke or suspend such licenses and certifications and may order a recall of vehicles and engines;

WHEREAS, when the Executive Officer acts to revoke or suspend a license or order a recall, the party against whom the action is taken often has a right to a hearing to contest the Executive Officer's decision;

WHEREAS, the Board does not have any generally applicable procedures to govern the conduct of these adjudicatory hearings;

WHEREAS, the Board is authorized by Health and Safety Code Section 39601 to adopt regulations necessary for the proper execution of the powers and duties imposed upon the Board;

WHEREAS, Board staff conducted a workshop on adjudicatory hearing regulations and has developed proposed adjudicatory hearing procedures in consideration of the comments received;

WHEREAS, Board staff has proposed the adoption of adjudicatory hearing regulations, which include provisions specifying the applicability of the procedures, the contents of a petition for a hearing, the responsibilities of the parties to the hearing, the conduct of the hearing, the Board's decision, and the process for requesting reconsideration by the Board;

WHEREAS, the California Environmental Quality Act and Board regulations require that no project having significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with provisions of Chapter 3.5 (commencing with Section 11340), Part 1, Division 3, Title 2 of the Government Code;

WHEREAS, the Board finds that the proposed regulations contain procedures which adequately address the interest of parties affected by Board actions and which are appropriate to assist the Board in the conduct of adjudicatory hearings; and

WHEREAS, the Board has determined, pursuant to the requirements of the California Environmental Quality Act and Board regulations, that this regulatory action will have no significant adverse impact on the environment.

NOW THEREFORE BE IT RESOLVED, that the Board approves the proposed regulations, Sections 60040-60053, Title 17, California Code of Regulations, and amends Section 2048, Title 13, California Code of Regulations and the incoporated procedures, as set forth in Attachment A.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to adopt Sections 60040-60053, Title 17, California Code of Regulations and amends Section 2048, Title 13, California Code of Regulations and the incorporated procedures, as set forth in Attachment A, after making them available to the public for a period of 15 days, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if he determines that this is warranted.

I hereby certify that the above is a true and correct copy of Resolution 88-51, as adopted by the Air Resources Board.

Cary Allison, Board Secretary