



Carl Moyer Program Advisory 04-007

Compliance Checks for On-Road Projects

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All Carl Moyer Program applicants receiving funding for on-road projects must be in compliance with air quality standards. This advisory describes the compliance check process.

Which types of Carl Moyer Program projects are subject to ARB compliance checks?

Only applications for on-road projects need compliance checks. This includes new vehicles, repowers, and retrofit vehicles.

What types of violations are included in a compliance check?

ARB will check for outstanding violations of the excessive smoke and tampering standards. The board has the authority to cite the owner of any heavy-duty motor vehicle that emits excessive smoke (section 44011.6 of the Health and Safety). These violations are generally cited during roadside heavy-duty smoke inspections or in conjunction with California Highway Patrol (CHP) safety and weight checks.

Why are compliance checks needed?

Checking the compliance status of potential grant recipients gives us an effective tool to locate and collect fines from operators that have not paid outstanding smoke citations or corrected the excessive smoke problem. Excessive smoke violations are subject to civil penalties that are collected by ARB. In addition, applicants with outstanding violations may present greater enforcement issues as Carl Moyer Program grantees.

What types of fines are levied for these violations?

A fine of \$300 is imposed for first time violations. If the fine is not paid and the problem repaired within 45 days, the citation is delinquent and the fine is raised to \$800. After this, the fine is increased to \$1086 with a court judgement of civil penalty. An additional \$1800 fine is imposed for the second citation occurring on the same vehicle within a year.

This is an abbreviated explanation of the fines. The penalty schedule is set forth in section 2185, Title 13, California Code of Regulations. The law also requires ARB to inform the CHP whenever an owner fails to repair the vehicle or pay the penalty in a timely manner. The CHP can impound a vehicle with outstanding smoke citations.

Can Carl Moyer Program grant funds be used to pay air quality fines?

No, the applicant is responsible for paying all fines and making repairs to correct the emission violations prior to receiving any Carl Moyer Program funding. A basic premise of all incentive programs is that grant money be used for the incremental cost of the project, not for meeting legal requirements.

What exactly is a compliance check and what happens with the results?

ARB's enforcement staff runs information through the ARB Heavy Duty Vehicle Inspection Database. This is an extensive database that includes vehicles and operators with outstanding smoke citations. The search will flag any outstanding and delinquent citations and Carl Moyer Program staff will forward the information to the district.

What is the role of the air district?

When a district has made a preliminary determination of eligibility for on-road projects, the following information should be sent to the ARB's Carl Moyer Program liaison:

1. Organization or Company Name
3. Contact Name
4. Vehicle Information Number (VIN) (For repowers and retrofits)

In some cases, additional information will be requested to confirm identity. This can include a request for a drivers license number, vehicle license number, or address.

Carl Moyer Program staff will advise the district of the results of the compliance check in about a week. If no outstanding violations are identified, the district can immediately proceed with allocating the awards. When excessive smoke citations have been identified, the district representative should advise the applicant that Carl Moyer Program funds can only be allocated after:

1. The fines have been paid, **and**
2. The operator shows proof that he has either sold the truck or corrected the problem.

Has the Carl Moyer Program always requested compliance checks?

Yes, compliance checks have been an integral part of the Carl Moyer Program since its inception. This advisory confirms the practice.

Want more information about the Heavy-Duty Vehicle Inspection Program?

Contact the ARB Heavy-Duty Vehicle Inspection Program at (916) 322-8275 or (626) 450-6161 or (800) 242-4450 (nationwide). On the web, information is available at <http://www.arb.ca.gov/msprog/hdvp/hdvp.htm>. Also see:

[Penalty Schedule for Heavy-Duty Excessive Smoke Violations](#)
[Heavy-Duty Vehicle Inspection Program Fact Sheet](#)