

# Final Regulation Order

## Regulation to Establish a Statewide Portable Equipment Registration Program

Amend sections 2451, 2452, 2453, 2455, 2456, 2458, 2459, 2460, 2461, and 2462 Title 13, California Code of Regulations to read as follows:

(Note: Proposed amendments to the regulation are identified below. The originally proposed language is shown in underline is used to indicate proposed additions. ~~Strikeout~~ is used to show proposed deletions from the regulation text.)

### Article 5. Portable Engine and Equipment Registration

#### 2451. Purpose.

The purpose of this regulation is to establish a statewide portable equipment registration program.

This regulation shall apply to all portable engines, portable generators, and portable power tools that are used in California and are subject to the requirements of this regulation.

(1) The registration fee for portable engines, portable generators, and portable power tools shall be determined by the Department of Industrial Relations, based on the horsepower of the engine and the weight of the equipment.

(2) The registration fee for portable engines, portable generators, and portable power tools shall be determined by the Department of Industrial Relations, based on the horsepower of the engine and the weight of the equipment. The registration fee for portable engines shall be \$10 per horsepower, and the registration fee for portable generators and portable power tools shall be \$10 per unit.

The Department shall determine the registration fee schedule.

(1) The registration fee for portable engines, portable generators, and portable power tools shall be determined by the Department of Industrial Relations, based on the horsepower of the engine and the weight of the equipment.

(2) The registration fee for portable engines, portable generators, and portable power tools shall be determined by the Department of Industrial Relations, based on the horsepower of the engine and the weight of the equipment.

**§ 2461. Fees.**

- (a) Except as otherwise set out herein, the Executive Officer shall assess and collect reasonable fees for registration, renewal, and associated administrative tasks, to recover the estimated costs to the Executive Officer for evaluating registration applications, and issuing registration documentation.
- (b) Fees shall be due and payable to the Executive Officer at the time an application is filed or as part of any request requiring a fee. Fees are nonrefundable except in circumstances as determined by the Executive Officer.
- (c) Except as provided in (k) below, the owner or operator of a registered engine or equipment unit shall submit fees to the Executive Officer and to districts in accordance with Table 3.
- (d) The Executive Officer shall collect an inspection fee as listed in Table 3 one time per every three calendar years for each registered engine to be paid upon initial application and renewal. Except for TSE, when multiple registered engines are inspected at a given source or location, the owner shall receive a discount if the owner or operator intends to arrange multiple engines inspections with the district and complies with the requirements specified in section 2460(b)(7). The discounts shall be applied as follows:
  - (1) no discount for 1 to 3 engines
  - (2) 25 percent discount for 4 to 9 engines
  - (3) 35 percent discount for 10 or more engines
- (e) Failure to pay renewal fees when due may result in penalties. If a fee payment is not received or postmarked by the specified due date, fee penalties may be assessed per unit in accordance with Table 3. Failure to pay renewal fees prior

to expiration may result in cancellation of the registration. If a registration has expired for an engine or equipment unit that is eligible for reactivation, a canceled registration may be reactivated after payment of all renewal and penalty fees. Registration may be reissued under the original registration number and expiration date. A portable engine or equipment unit without valid registration is subject to the rules and regulations of the district in which it operates.

- (f) Fees shall be periodically revised by the Executive Officer in accordance with the consumer price index, as published by the United States Bureau of Labor Statistics.
- (g) A district may collect a fee for the inspection of a registered equipment unit pursuant to section 2460(b)(3). The district shall bill the owner of the equipment unit at a rate as specified in Table 3 of the regulation for actual staff time taken to perform the inspection, not to exceed the amount specified in Table 3. Upon receipt of the invoice for the inspection fee, the owner shall have the right to appeal the district's fee determination to the district Air Pollution Control Officer pursuant to the provisions of the district's rules and regulations that govern appeals of fee determinations.
- (h) The Executive Officer shall annually distribute district inspection fees collected for that year. General inspection fees will be distributed equally among the districts. Home district inspection fees will be distributed to the corresponding home district.
- (i) TSE fees are due at the time of the report pursuant to section 2458(c). Failure to submit the annual report and applicable fees within six calendar months after the end of the year will result in cancellation of the registration. For TSE, if registration is cancelled or allowed to expire, the applicant shall reapply and pay initial registration fees.
- (j) The district may collect an inspection fee as listed in Table 3 one time per calendar year for each registered TSE inspected. When multiple registered TSE units are inspected at a given source or location, the inspection fee shall be equal to the lesser of the actual cost, including staff time, for conducting the inspection or the fee as listed in Table 3 per registered portable engine or equipment unit inspected. If the district performs an inspection leading to determination of non-compliance with this article, or any applicable state or federal requirements, the district may charge a fee as listed in Table 3 per portable engine or equipment unit for each inspection necessary for the determination and ultimate resolution of the violation. In no event shall the total fees exceed the actual costs, including staff time, to the district of conducting the investigations and resolving any violations.
- (k) Portable engines qualifying for initial registration as resident engines per section 2452(mm)(2) shall use the Table 2 fee schedule. The fees collected subject to this section shall be distributed to the districts, except that \$270 dollars per

engine for initial registration, and an additional \$80 dollars per engine shall be retained by the Air Resources Board to provide for administrative costs. The fees shall be determined as follows:

- (1) For tier 1 engines, as defined in section 2452(vv), registration fees will be based on the year listed in Table 2, as determined below:
  - (A) Where date of purchase can be verified by the Executive Officer, the earlier of:
    - (1) for engines  $\geq 50$  bhp and  $< 100$  bhp: year of purchase or 2004;
    - (2) for engines  $\geq 100$  bhp and  $< 300$  bhp: year of purchase or 2003;
    - (3) for engines  $\geq 300$  bhp and  $< 600$  bhp: year of purchase or 2001;
    - (4) for engines  $\geq 600$  bhp and  $\leq 750$  bhp: year of purchase or 2002;
    - (5) for engines  $> 750$  bhp: year of purchase or 2006.
  - (B) Where the date of purchase can not be verified, the model year shall be used.
- (2) For tier 2 engines, as defined in section 2452(ww), registration fees as listed in Table 2 will be based on the year the engine was purchased (as verified by the Executive Officer) or the model year of the engine (if purchase date is not available).

Table 2 Registration Fees For Resident Engines Per Section 2452(mm)(2)

<i>Portable Engine Date*</i>	<i>Application Submitted on or Before 12/31/07</i>	<i>Application Submitted in 2008</i>	<i>Application Submitted in 2009</i>
1996	\$2,353	\$3,130	\$5,000
1997	\$2,195	\$2,920	\$4,685
1998	\$2,038	\$2,710	\$4,370
1999	\$1,880	\$2,500	\$4,055
2000	\$1,723	\$2,290	\$3,740
2001	\$1,565	\$2,080	\$3,425
2002	\$1,408	\$1,870	\$3,110
2003	\$1,250	\$1,660	\$2,795
2004	\$1,093	\$1,450	\$2,480
2005	\$935	\$1,240	\$2,165
2006	\$778	\$1,030	\$1,850

\*As determined in section 2461(k)

**Table 3 Fees for Statewide Registration Program**  
**(Fees are per registered unit except where noted otherwise)**

1	Initial Registration	\$270.00
2	TSE, initial registration	
A	Registration of first 25 units (or portion thereof)	\$750.00
B	Registration of every additional 50 units (or portion thereof)	\$750.00
3	Change of status from non-operational to operational	
A	Where initial evaluation has not been previously completed	\$180.00
B	Where initial evaluation has been previously completed	\$90.00
4	Identical replacement	\$75.00
5	Renewal, non-TSE	\$225.00
6	Penalty fee for late renewal payments, non-TSE	
A	Postmarked within 2 calendar months prior to registration expiration date	\$45.00
B	Postmarked within the calendar month prior to registration expiration date	\$90.00
C	Postmarked after the registration expiration date	\$250.00
7	Annual TSE inventory fee	
A	first 25 units (or portion thereof)	\$375.00
B	every additional 50 units (or portion thereof)	\$375.00
8	Modification to registered portable engine or equipment unit	\$75.00
9	Change of ownership	\$75.00
10	Replacement of registration identification device or placard	\$30.00
11	Correction to an engine or equipment unit description	\$45.00
12	Update company information, copy of registration documents	\$45.00
13	Copy of registration documents	\$45.00
14	Total district inspection fee per registered portable engine, paid once every 3 years	\$345.00
A	General district inspection fee	\$30.00
B	Home district inspection fee	\$315.00
15	District off-hour service fee per hour	\$50.00
16	District inspection fees for equipment units:	
A	General district inspection fee, paid once every 3 years	\$75.00
B	District inspection fee per equipment unit, per hour	\$98.00 (not to exceed \$500.00)
17	TSE inspection fees:	
A	General district inspection fee per TSE unit, paid annually	\$10.00
B	District inspection fee per TSE unit per inspection	\$75.00
18	Placard	\$5.00

NOTE: Authority cited: Sections 39600, 39601, 41752, 41753, 41754, 41755, 43013(b) and 43018, Health and Safety Code. Reference: Sections 41750, 41751, 41752, 41753, 41754, and 41755, Health and Safety Code.

43013(b), Health and Safety Code.

(1) Section 41750, Health and Safety Code, shall be amended to read:  
41750. (a) The Department shall, in cooperation with the State Board of Health, the State Board of Pesticide Control, and the State Board of Environmental Health and Safety, develop and maintain a list of pesticides which are registered for use in California and which are not registered for use in any other State or the District of Columbia.

(2) The Department shall, in cooperation with the State Board of Health, the State Board of Pesticide Control, and the State Board of Environmental Health and Safety, develop and maintain a list of pesticides which are registered for use in California and which are not registered for use in any other State or the District of Columbia.

41751, Health and Safety Code, shall be amended to read:  
41751. (a) The Department shall, in cooperation with the State Board of Health, the State Board of Pesticide Control, and the State Board of Environmental Health and Safety, develop and maintain a list of pesticides which are registered for use in California and which are not registered for use in any other State or the District of Columbia.