



California Regulatory Notice Register

REGISTER 2009, NO. 15-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

APRIL 10, 2009

PROPOSED ACTION ON REGULATIONS

TITLE 2. VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD

Legislative Per Diem Rate — Notice File No. Z2009-0324-06 531

TITLE 4. CALIFORNIA POLLUTION CONTROL FINANCING AUTHORITY

California Capital Access Program — Notice File No. Z2009-0330-03 532

TITLE 10. DEPARTMENT OF INSURANCE

Title Marketing Representative Certificate Application and Renewal — Notice File No. Z2009-0327-01 535

TITLE 13. AIR RESOURCES BOARD

Heavy-Duty On-Board Diagnostics 2009 — Notice File No. Z2009-0330-06 540

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

Adult Parole Discharge — Notice File No. Z2009-0327-02 546

TITLE 18. BOARD OF EQUALIZATION

Conflict of Interest Code — Notice File No. Z2009-0330-01 548

TITLE 22. DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Financial Assurance — Notice File No. Z2009-0326-01 548

TITLE 24. BUILDING STANDARDS COMMISSION

Proposed Changes to the Administrative Code — Notice File No. Z2009-0330-04 553

GENERAL PUBLIC INTEREST

AIR RESOURCES BOARD

Errata — Low Carbon Fuel Standard 556

(Continued on next page)

*Time-Dated
Material*

DISAPPROVAL DECISION

DEPARTMENT OF WATER RESOURCES 556

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State 557

Sections Filed, October 29, 2008 to April 1, 2009 559

The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

CALIFORNIA REGULATORY NOTICE REGISTER (USPS 002-931), (ISSN 1041-2654) is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by Barclays, a subsidiary of West, a Thomson Reuters Business, and is offered by subscription for \$205.00 (annual price). To order or make changes to current subscriptions, please call (800) 888-3600. "Periodicals Postage Paid in Saint Paul, MN." **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Barclays, a subsidiary of West, a Thomson Reuters Business, P.O. Box 2006, San Francisco, CA 94126. The Register can also be accessed at <http://www.oal.ca.gov>.

**PROPOSED ACTION ON
REGULATIONS**

Information contained in this document is published as received from agencies and is not edited by Thomson Reuters.

**TITLE 2. VICTIM COMPENSATION
AND GOVERNMENT CLAIMS BOARD**

[Notice published on April 10, 2009]

NOTICE OF PROPOSED RULEMAKING

The Victim Compensation and Government Claims Board (Board) proposes to adopt the proposed regulation described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. Comments may also be submitted by facsimile (FAX) at 916-491-6441 or by e-mail to kevin.kwong@vcgcb.ca.gov. The written comment period closes at **5:00 p.m. on Monday, May 25, 2009**. The Board will consider only comments received at the Board offices by that time. Submit comments to:

Kevin Kwong
Legal Division
Victim Compensation and Government Claims
Board
400 R Street, Suite 500
Sacramento, CA 95811

AUTHORITY AND REFERENCE

Government Code section 8902 authorizes the Board to adopt this regulation. The proposed regulation implements, interprets, and makes specific Government Code sections 8903 and 8906.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Government Code section 8902 provides that The California Victim Compensation and Government Claims Board (Board) is required to establish the living expense reimbursement rate (commonly known as “per diem”) for members of the State Legislature.

The Board has consistently adopted per diem rates for members of the State Legislature to be in accordance with the federal rates for travel by federal employees to Sacramento. The federal rate for travel by federal employees is set by the United States General Services Administration (GSA). Effective October 1, 2008, the federal employee per diem rate for federal employees traveling to Sacramento increased from \$170.00 to \$173.00. However, per diem rates set by the GSA periodically change, requiring the Board to frequently update its per diem rates for members of the State Legislature so that the reimbursement rates are equal.

The purpose of this proposed regulation is to automatically set the per diem rate for members of the State Legislature to be equal to the per diem rate set by the GSA for federal employees traveling to Sacramento. Since the Board consistently adopts the GSA per diem rates as the per diem rates for members of the State Legislature, this proposed regulation will automatically update per diem rates for the members of the State Legislature without the Board having to vote, approve, and/or draft a change to any regulation.

**DISCLOSURES REGARDING
THE PROPOSED ACTION**

The Board has made the following initial determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any state agency: None.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code section 17500 through 17630: None.
- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the state: None.
- Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or businesses: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

Small Business Determination

The Board has determined that the proposed regulation does not affect small business because the regulation only applies to members of the State Legislature when traveling to Sacramento.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Kevin Kwong
Legal Division
Victim Compensation and Government Claims
Board
400 R Street, Suite 500
Sacramento, CA 95811
916-491-3605

The backup contact person for these inquiries is:

Jennifer Chmura
Legal Division
Victim Compensation and Government Claims
Board
400 R Street, Suite 500
Sacramento, CA 95811
916-491-3605

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Benedicte Lewis at the address or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, and holding a hearing if necessary, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with changes clearly indicated) available to the public for at least 15 days before the Board adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Benedicte Lewis at the address indicated above. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Benedicte Lewis at the above address.

AVAILABILITY OF THE DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at www.vcgcb.gov.

TITLE 4. CALIFORNIA POLLUTION CONTROL FINANCING AUTHORITY

NOTICE OF PROPOSED RULEMAKING

The California Pollution Control Financing Authority (the "Authority"), organized and operating pursuant to Sections 44500 through 44563 of the California Health and Safety Code, proposes to adopt the proposed regulations described below after considering all com-

ments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Authority proposes to amend Sections 8070, 8072, and 8073 of Title 4 of the California Code of Regulations (the “Amended Capital Access Regulations”) concerning the administration of the Capital Access Program for Small Businesses (the “Program”). These regulations were adopted on an emergency basis in January 2008. The current rulemaking action would make these changes permanent.

AUTHORITY AND REFERENCE

Authority: Sections 44520(a) and 44559.5(f) of the Act authorize the Authority to adopt necessary regulations relating to the Capital Access Loan Program (CalCAP) established by the Act.

Reference: Sections 44559–44559.9 of the Health and Safety Code. These amended regulations implement, interpret, and make specific Sections of the Act by amending Sections 8070, 8072, 8076, 8078 and adding 8078.1 of Title 4, Division 11, Article 7 of the California Code of Regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law establishes the Capital Access Loan Program and authorizes the Authority to contract with specified financial institutions to make loans to eligible small businesses that fall just outside of most conventional underwriting standards. (Health and Safety Code, § 44559.2.)

Under existing law, borrowers and lenders must pay a fee on CalCAP loans to the lender’s loss reserve account. (Health and Safety Code, § 44559.3.) The Authority matches the fees paid to the loss reserve account at 100 percent or 150 percent. (Health and Safety Code, § 44559.4(d).) The funds held in the lender’s loss reserve account are the sole property of the Authority and are used to cover losses on any loan that the lender has enrolled in CalCAP. (Health and Safety Code, § 44559.5.)

The proposed amendments expand the CalCAP Program and make clarifying changes to existing regulations that implement the CalCAP program. Additionally, these proposed regulations will provide increased capacity and allow lenders and CPCFA to meet the expected increase in demand for CalCAP as it relates to the implementation of the ARB Independent Contributor Program. Finally, current CalCAP Statutes (Health

and Safety Code, § 44559.4.c. and 44559.4.d.1) prescribe the maximum fees that can be paid by the borrower, lender, and CPCFA. Because an Independent Contributor is neither a borrower, lender, nor CPCFA the regulation change being sought would clarify that loan loss reserve contributions made by an Independent Contributor are not subject to the limits as set forth in Health and Safety Code 44559.4.c. and 44559.4.d.1, but fall under (Health and Safety Code, § 44559.4.d.2) which provides for the participation of Independent Contributors in CalCAP. These amendments are the result of periodic evaluation of the regulations and issues encountered during specific loan transactions. The proposed amendments and objectives for each section are as follows:

Section 8070. The existing regulation defines the term “Fees” as a non-refundable fee, agreed to by the Participating Financial Institution and the Borrower, of no less than 2 percent and no more than 3–1/2 percent of the principal amount of the Qualified Loan which the Borrower shall be required to pay to the Participating Financial Institution for deposit in the Loss Reserve Account, together with an equal, matching amount which the Participating Financial Institution shall deposit in the Loss Reserve Account. The Borrower’s share of the Fees may be paid from loan proceeds or in accordance with subdivision (f) of this section and Section 8078. The proposed revision will change the definition so that “Fees” is defined as set forth in Health and Safety Code Section 44559.4(c). The second amendment will change the definition of “Financial Institution” so that a “Financial Institution” will be defined as an institution as set forth in Health and Safety Code Section 44559.1(d)(1)(2)(3). The third amendment to this section clarifies that a Qualified Loan does not include any loan or portion thereof to the extent that enrollment of the loan will cause the Borrower to have a total enrolled principal amount from all Participating Financial Institutions in excess of \$1,500,000.

Section 8072. The first proposed amendment to this section clarifies that the principal amount of the loan (without regard to the amount to be enrolled) can not exceed \$1,500,000. The second proposed change to this section clarifies that a qualified loan equal to or greater than \$500,000 must be submitted to the Authority for pre-approval.

Section 8076. The proposed amendment adds a provision where the Executive Director of the Authority can terminate the participation of a Participating Financial Institution in the Program for providing false or misleading information regarding the Participating Financial Institution to the authority, or failure to provide the authority with notice of material changes in submitted information regarding the participating financial institution.

Section 8078. The first proposed change adds the requirement that Independent Contributors enter into a reimbursement agreement with CPCFA to cover the cost associated with the administration of Independent Contributor Programs. The second proposed change exempts Independent Contributor contributions to loan loss reserve accounts from the maximum limitations imposed on the borrower and lender as set forth in Health and Safety Code Section 44554.4(c).

Section 8078.1. This is a new section that outlines how Participating Financial Institutions that choose to participate in special programs funded by Independent Contributors can receive preferred lender status. Where an Independent Contributor elects to pay the matching contribution and the borrower's fee or the matching contribution and all fees and funds are available, designated Participating Financial Institutions can participate as preferred lenders to process, close, service, and liquidate CalCAP guaranteed loans with reduced requirements and no prior approval by the Executive Director.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Executive Director of the Authority has made the following determinations regarding the effect of the Amended Capital Access Regulations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code section 17561: None.

Other non-discretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Significant effect on housing costs: None.

Significant, statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states: The Authority has made an initial determination that the Amended Capital Access Regulations will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Assessment regarding effect on jobs/businesses: The Amended Capital Access Regulations will not have a significant effect on the creation or elimination of jobs in California, significantly affect the creation of new businesses or elimination of existing businesses within

California, or significantly affect the expansion of businesses currently doing business within California.

Cost impact on a representative private person or business: The Agency is not aware of any cost impacts that a representative private person or business would necessarily incur with reasonable compliance with the proposed action.

Small Business: Amended Capital Access Regulations will not have an adverse impact on small business in California. The proposed regulation will not affect small businesses because they do not impose additional restrictions or cost on small businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Authority must determine that no reasonable alternative to the Amended Capital Access Regulations considered by the Authority or that have otherwise been identified and brought to the attention of the Authority would be more effective in carrying out the purpose for which the Amended Capital Access Regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Authority invites interested persons to present statements with respect to alternatives to the Amended Capital Access Regulations during the written comment period.

AGENCY CONTACT PERSON

Written comments, inquiries and any questions regarding the substance of the Amended Capital Access Regulations shall be submitted or directed to:

Aaron Todd, Program Manager
California Pollution Control Financing Authority
915 Capitol Mall, Room 457
Sacramento, California 95814
Telephone: (916) 654-5740
Fax: (916) 657-4821
Email: atodd@treasurer.ca.gov

Or:

Kamika McGill, Analyst
California Pollution Control Financing Authority
915 Capitol Mall, Room 457
Sacramento, California 95814
Telephone: (916) 654-2492
Fax: (916) 657-4821
Email: kmcgill@treasurer.ca.gov

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the Amended Capital Access Regulations to the Authority. The written comment period on the Amended Capital Access Regulations ends at **5:00 p.m. on May 25, 2009**. All comments must be submitted in writing to the Agency Contact Person identified in this Notice by that time in order for them to be considered by the Authority. In the event that changes are made to the Amended Capital Access Regulations during the written comment period, the Authority will also accept additional written comments limited to any changed or modified Amended Capital Access Regulations for fifteen (15) calendar days after the date on which such Amended Capital Access Regulations, as changed or modified, are made available to the public pursuant to Title 1, Chapter 1, Section 44 of the California Code of Regulations. Such additional written comments should be addressed to the Agency Contact Person identified in this Notice.

AVAILABILITY OF INITIAL
STATEMENT OF REASONS
AND TEXT OF THE
PROPOSED REGULATIONS

The Authority has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the Authority's office at 915 Capitol Mall, Room 457, Sacramento, California 95814, during normal business working hours. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons and the proposed text of the Amended Capital Access Regulations. Copies of these items are available upon request from the Agency Contact Person designated in this Notice or at the Authority's website located at <http://www.treasurer.ca.gov/cpcfafa/>.

PUBLIC HEARING

A public hearing regarding the Amended Capital Access Regulations has been scheduled for **11:00 a.m. (PST) Monday May 25, 2009 at 915 Capitol Mall, Room 470, Sacramento, CA 95814**.

AVAILABILITY OF CHANGED
OR MODIFIED TEXT

After the written comment period ends and following a public hearing, if any is requested pursuant to Section

11346.8 of the Government Code, the Authority may adopt the Amended Capital Access Regulations substantially as described in this Notice, without further notice. If the Authority makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least fifteen (15) calendar days before the Authority adopts the proposed Amended Capital Access Regulations, as modified. Inquiries about and requests for copies of any changed or modified regulations should be addressed to the Agency Contact Person identified in this Notice. The Authority will accept written comments on the modified regulations for fifteen (15) calendar days after the date on which they are made available.

AVAILABILITY OF FINAL
STATEMENT OF REASONS

Upon completion, a copy of the Final Statement of Reasons may be requested from the Agency Contact Person designated in this Notice or at the Authority's website at <http://www.treasurer.ca.gov/cpcfafa/>.

TITLE 10. DEPARTMENT OF
INSURANCE

STATE OF CALIFORNIA
DEPARTMENT OF INSURANCE
45 Fremont Street, 21st Floor
San Francisco, California 94105

NOTICE OF PROPOSED ACTION

DATE: April 10, 2009

REGULATION FILE:
REG-2009-00009

TITLE MARKETING
REPRESENTATIVE CERTIFICATE
APPLICATION AND RENEWAL

SUBJECT OF PROPOSED RULEMAKING

The Insurance Commissioner proposes to adopt the regulations described below after considering comments from the public. The Commissioner proposes to add to Title 10, Chapter 5, Subchapter 1 of the California Code of Regulations the new Article 13: Form of Application for Title Marketing Representative Certificate of Registration, consisting of new Sections 2194.50, 2194.51, 2194.52, 2194.53, 2194.54 and

2194.55. The regulations set forth the form of application for, and for renewal of, the title marketing representative certificate of registration. The proposed regulations are substantially identical to emergency regulations currently in effect, but contain additional provisions governing renewal of the certificate.

Proposed changes to the emergency regulations currently in effect are indicated by underline and strikeout in the currently proposed text. However, members of the public are invited to submit comments on any provision in the noticed text, and are not limited to commenting only on the material that appears therein as underlined or stricken.

PUBLIC HEARING

The Commissioner will hold a public hearing to provide all interested persons an opportunity to present statements or arguments, either orally or in writing, about this regulation, as follows:

Date and time: Tuesday, May 26 at 10:00 a.m.

Location: Department of Insurance
Administrative Hearing Bureau
Hearing Room
45 Fremont Street, 22nd Floor
San Francisco, CA 94105

The hearing will continue on the date noted above until all testimony has been submitted or 4:00 p.m., whichever is earlier.

PRESENTATION OF WRITTEN COMMENTS; CONTACT PERSONS

All persons are invited to submit written comments on the proposed regulations during the public comment period. The public comment period will end at 5:00 p.m. on May 26, 2009. Please direct all written comments to the following contact person:

George Teekell, Senior Staff Counsel
California Department of Insurance
45 Fremont Street, 21st Floor
San Francisco, CA 94105
Telephone: (415) 538-4390

Questions regarding procedure, comments, or the substance of the proposed action should be addressed to the above contact person. In the event the contact person is unavailable, inquiries regarding the proposed action may be directed to the following backup contact person:

Charlene Ferguson
California Department of Insurance
320 Capitol Mall
Sacramento, CA 95814
Telephone: (916) 492-3010

DEADLINE FOR WRITTEN COMMENTS

All written materials must be received by the Insurance Commissioner, addressed to the contact person at his address listed above, no later than 5:00 p.m. on May 26, 2009. Any written materials received after that time may not be considered.

COMMENTS TRANSMITTED BY E-MAIL OR FACSIMILE

The Commissioner will accept written comments transmitted by e-mail provided they are sent to the following e-mail address: teekellg@insurance.ca.gov. The Commissioner will also accept written comments transmitted by facsimile provided they are directed to the attention of George Teekell and sent to the following facsimile number: (415) 904-5490. Comments sent to other e-mail addresses or other facsimile numbers will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline set forth above for written comments.

AUTHORITY AND REFERENCE

The proposed regulations will implement, interpret and make specific the provisions of Insurance Code sections 12404, 12418, 12418.1, 12418.2, and 12418.3 (Stats. 2008, ch. 280, §§ 1-2 (SB 133)). Insurance Code sections 12404, 12418, 12418.1, 12418.2, and 12418.3 provide authority for this rulemaking, as do the following decisions of the California Supreme Court: *Cal-Farm Ins. Co. v. Deukmejian*, 48 Cal.3d 805 (1989), and *20th Century Ins. Co. v. Garamendi*, 8 Cal. 4th 216 (1994).

INFORMATIVE DIGEST

Summary of Existing Law

Signed into law on September 25, 2008, SB 133 (Aanestad) provides that “[n]o person shall be employed as a title marketing representative in this state unless the person holds a valid ‘certificate of registration’ as a title marketing representative issued by the commissioner” Ins. Code § 12418, subd. (a). The legislation defines the term “title marketing representative” as “a natural person employed by a title insurer, underwritten title company, or controlled escrow company

whose primary duty is to market, offer, solicit, negotiate, or sell title insurance.” Ins. Code § 12418, subd. (b). In order to receive a title marketing representative certificate of registration, applicants must apply using “a form prescribed by the [Insurance] [C]ommissioner.” Ins. Code § 12418.1, subd. (a). Further, the form of application “shall prescribe the disclosure of information that will aid the commissioner in determining whether the prerequisites for the certificate have been met.” Id. The legislation becomes effective on January 1, 2009.

The legislation specifies that if an “application is found to be defective or incomplete,” the Department shall so notify the applicant, giving him or her fifteen days from the receipt of the Department’s notice in which to complete, or remedy the defect in, the application. Ins. Code § 12418.1, subd. (d). Provisional authority to operate as a title marketing representative is conferred upon applicants “submitting an application filed with the department,” until such time as the application is approved or denied. Ins. Code § 12418.1, subd. (e). “An applicant with a pending application,” the statute proceeds, “shall be deemed to be operating on a provisional basis.” Id.

The legislation further specifies that applicants are to pay an application fee to be determined by the Department, not to exceed \$200. Ins. Code § 12418.1, subd. (c). Each application must include a statement, signed by an officer of the company by whom the applicant is or will be employed, certifying that the applicant will be provided certain training. Ins. Code § 12418.1, para. (b)(2). The employer is required to notify the Department if the title marketing representative’s employment is terminated and, should the title marketing representative become employed by another title company, the new title company is required to notify the Department of that fact. Ins. Code § 12418.1, subd. (f).

The statute specifies that certain existing Insurance Code sections that apply generally to the licensing of insurance producers also apply “to all applicants or holders of a certificate of registration.” Ins. Code § 12418.4, subd. (a). Specifically enumerated among these applicable code sections, Insurance Code section 1669, for instance, provides for denial of an application, without the necessity of a hearing, to applicants having committed felonies or certain misdemeanors, to applicants who have had a professional, occupational or vocational license denied for cause, and to applicants who have had such a license revoked within five years of the date of the filing of the application in question. Another of the enumerated existing code sections provides more subjective grounds for denial of an application: “The applicant is not of good business reputation,” for example, or “[t]he applicant is lacking in integrity.” Ins. Code § 1668, subsd. (d) and (e).

Title 18, United States Code, section 1033 provides that it is a criminal offense for an individual who has been convicted of a felony involving dishonesty or breach of trust, or any violation of 18 U.S.C. § 1033, to willfully engage or participate in the business of insurance unless that person has first obtained the written consent of the appropriate regulatory official. Further, it is a criminal offense for any person to willfully employ, or willfully permit, such “prohibited persons” to participate in the business of insurance without the required written consent. 18 U.S.C. § 1033. Title insurance is the business of insurance for this purpose.

Policy Statement Overview

The purpose of the proposed regulations is to implement SB 133. The problem the regulations is intended to address is that applications must by law be submitted to the Department, but there is currently little or no guidance available as to the content of these applications or the method whereby they will be submitted. Specifically, the commissioner is required to prescribe the form of the application for the title marketing representative certificate of registration and to specify the information applicants will be required to provide that will aid the Commissioner in determining whether to issue or deny the certificate.

As a practical matter, the regulations must, at the very least, provide a means of determining whether or not an application is complete and has been filed with the Department. The Department seeks to set out in the proposed regulations an application process that is efficient, that is fair to applicants and that, above all, protects the interests of consumers.

Effect of Proposed Action

To apply for the title marketing representative certificate, all applicants will be required to fill out an online form and provide fingerprint impressions. The online portion of the application will require the applicant to provide identification information necessary for purposes of ensuring that the applicant is who he or she claims to be. The online application will require citizenship information and work history for the preceding five years. The online application will also require the applicant to provide answers to certain background questions. Applicants whose answers to the background questions indicate that grounds for denial of the application (e.g., a criminal record) may be present must, in order to complete the application, submit to the Department a written statement detailing the circumstances of the potentially problematic personal history in question and submit documentation of the relevant proceedings (e.g., charging documents and court documents.)

All applicants who complete the online application will be deemed to have completed the application for the certificate, to have filed the application for the certificate and to have an application pending with the Department. Accordingly the applicant will be permitted to operate as a title marketing representative on a provisional basis, as specified in statute. However, in the event the Department sends an applicant a notification that his or her application is incomplete or deficient, the applicant must respond within fifteen days of receiving the notification, or his or her application will at that time be deemed to be incomplete, not filed and not pending with the Department. Consequently the applicant's provisional authority to operate as a title marketing representative will be suspended.

The Department may require that certain information and documents, all as identified in the regulations, be submitted in the applicant's response to the Department's notification of incompleteness or deficiency in order for the applicant to avoid having his or her provisional authority suspended. For example, the Department may require certain evidence, specified in the regulations, that the applicant has had his or her fingerprint impressions made using the procedure set out in the regulations. This, and any other information identified in the Department's notification as being necessary in order to complete or perfect the application must, according to Insurance Code section 121418.1, be sent to the Department within fifteen days of the receipt by the applicant of the notification. However, it may sometimes be impossible for applicants who are required to submit court documents, for example, to obtain the documents in time to provide them to the Department within fifteen days of receiving the Department's notification. For this reason, the regulations specify that applicants who are required to submit such documentation but who do not yet possess the required documents must make copies of the letters they send to the court, for instance, in an effort to obtain the documents. Applicants may then submit the copies of this correspondence to the Department within the statutory timeframe and, by doing so, maintain their provisional authority intact. The regulations provide that the Department cannot suspend an applicant's provisional authority unless the notification of deficiency has been sent within thirty days after the applicant completes the online application.

The regulations specify that provisional authority to operate as a title marketing representative shall not be granted to an applicant who previously has had his or her provisional authority suspended two or more times, or to an applicant who has previously had an application denied. These applicants will be required to wait until the certificate is actually issued before being permitted to operate as a title marketing representative.

Employers of title marketing representatives will be required to make the statutorily mandated statement that training will be provided, and their statutorily mandated notifications of employment or termination of a title marketing representative, online using the Department's online business entity services. However, employers will also be required to maintain hardcopy of the statement that training will be provided, signed by an officer of the company, to satisfy the pertinent provision of the statute.

The title marketing representative certificate of registration must be renewed every three years, by completing the online renewal application set forth in the regulations. Applicants for renewal who answer background questions on the renewal application to the effect that they have been the subject of certain criminal or administrative proceedings since they last applied for or renewed their certificate will be required to submit specified court and/or other documents detailing the proceedings in question. Representatives and their employers on record with the Department will be sent an email renewal notice not less than 60 days before the certificate is to expire.

Comparable Federal Law

There is no existing federal statute or regulation that is comparable to the proposed regulations.

MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The proposed regulations do not impose any mandate on local agencies or school districts. There are no costs to local agencies or school districts for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement.

COST OR SAVINGS TO STATE AGENCIES, LOCAL AGENCIES OR SCHOOL DISTRICTS OR IN FEDERAL FUNDING

The Commissioner has determined that the proposed regulations will result in no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, no other nondiscretionary cost or savings imposed on local agencies, and no cost or savings in federal funding to the State. We estimate that the Department of Insurance will incur \$1,396,016 of additional costs in the processing of applications for the title marketing representative certificate of registration. The Department expects to receive \$600,000 in fees through fiscal year 2011–2012.

ECONOMIC IMPACT ON BUSINESS
AND THE ABILITY OF CALIFORNIA
BUSINESSES TO COMPETE

The Commissioner has made an initial determination that the adoption of the proposed regulations may have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The types of businesses that may be affected are title insurers, underwritten title companies and, if they are independent contractors, title marketing representatives. The Commissioner has not considered proposed alternatives that would lessen any adverse economic impact on business and invites you to submit proposals. Submissions may include the following considerations:

- (i) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
- (ii) Consolidation or simplification of compliance and reporting requirements for businesses.
- (iii) The use of performance standards rather than prescriptive standards.
- (iv) Exemption or partial exemption from the regulatory requirements for businesses.

POTENTIAL COST IMPACT ON
PRIVATE PERSONS OR BUSINESSES

The Commissioner is aware of cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The Department estimates that title insurers and underwritten title companies will be required to devote to training and to monitoring of applications and renewals staff resources representing approximately \$100 per title marketing representative. The application fee for a title marketing representative certificate of registration is \$200, and applicants must also pay a fingerprinting fee of \$60.95. Additionally, the certificate must be renewed every three years, for a renewal fee of \$200.

EFFECT ON JOBS AND
BUSINESSES IN CALIFORNIA

The Commissioner is required to assess any impact the regulations may have on the creation or elimination of jobs in the State of California, the creation of new businesses, the elimination of existing businesses, and the expansion of businesses currently operating in the state. The Department does not expect that the regulations will create or expand jobs or businesses within the state. However, it is estimated that approximately ten to

fifteen applicants for the title marketing representative certificate of registration will fail to complete the prescribed form of application and will therefore be prohibited from continuing to operate as title marketing representatives. Roughly a third of these representatives may be independent contractors and, as such, constitute businesses. Accordingly, we estimate that less than ten such businesses would be eliminated. The Department is aware of no basis for assuming that applicants for the certificate who fail to complete the application and for this reason lose their jobs will not be replaced, however.

FINDING OF NECESSITY

The Commissioner finds that it is necessary for the welfare of the people of the state that the regulations apply to businesses.

IMPACT ON HOUSING COSTS

The proposed regulations will have no significant effect on housing costs.

ALTERNATIVES

The Commissioner must determine that no reasonable alternative considered by the Commissioner or that has otherwise been identified and brought to the attention of the Commissioner would be more effective in carrying out the purpose for which this action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

IMPACT ON SMALL BUSINESS

The Commissioner has determined that the proposed amendments will affect small businesses to the extent that it affects title marketing representatives who are independent contractors. Certain underwritten title companies that may also be considered a small business will also be affected. However, title insurance companies, which will also be affected, are by definition not small businesses, pursuant to Paragraph (b)(2) of Government Code section 11342.610.

TEXT OF REGULATIONS
AND STATEMENTS OF REASONS

The Department has prepared an initial statement of reasons that sets forth the reasons for the proposed action. Upon request, the initial statement of reasons will be made available for inspection and copying. Requests for the initial statement of reasons or questions regard-

ing this proceeding should be directed to the contact person listed above. Upon request, the final statement of reasons will be made available for inspection and copying once it has been prepared. Requests for the final statement of reasons should be directed to the contact person listed above.

The file for this proceeding, which includes a copy of the express terms of the proposed regulations, the statement of reasons, the information upon which the proposed action is based, and any supplemental information, including any reports, documentation and other materials related to the proposed action that is contained in the rulemaking file, is available by appointment for inspection and copying at 45 Fremont Street, 21st Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday.

AUTOMATIC MAILING

A copy of this notice, including the informative digest, which contains the general substance of the proposed regulations, will automatically be sent to all persons on the Insurance Commissioner's mailing list.

WEBSITE POSTINGS

Documents concerning this proceeding are available on the Department's website. To access them, go to <http://www.insurance.ca.gov>. Find at the righthand side of the page the heading 'QUICK LINKS.' The third item in this column under this heading is 'For Insurers'; on the drop-down menu for this item, select 'Legal Information.' When the 'INSURERS: LEGAL INFORMATION' screen appears, click the third item in the list of bulleted items near the top of the page: 'Proposed Regulations.' The 'INSURERS: PROPOSED REGULATIONS' screen will be displayed. Select the only available link: 'Search for Proposed Regulations.' Then, when the 'Search or Browse for Documents for Proposed Regulations' screen appears, you may choose to find the documents either by conducting a search or by browsing for them by name.

To search, enter "REG-2009-00009" (the Department's regulation file number for these regulations) in the search field. Alternatively, search by keyword ("representative," for example, or "certificate"). Then, click on the 'Submit' button to display links to the various filing documents.

To browse, click on the 'Browse All Regulations' button near the bottom of the screen. A list of the names of regulations for which documents are posted will appear. Find in the list the 'Title Marketing Rep. Certificate Application & Renewal' link, and click it. Links to

the documents associated with these regulations will then be displayed.

MODIFIED LANGUAGE

If the regulations adopted by the Department differ from those which have originally been made available but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Interested persons should request a copy of these regulations prior to adoption from the contact person listed above.

TITLE 13. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER TECHNICAL STATUS AND PROPOSED REVISIONS TO ON-BOARD DIAGNOSTIC SYSTEM REQUIREMENTS FOR PASSENGER CARS, LIGHT-DUTY TRUCKS, AND MEDIUM-DUTY VEHICLES AND ENGINES AND HEAVY-DUTY ENGINES ON-BOARD DIAGNOSTIC SYSTEM REQUIREMENTS, AND TO CONSIDER ENFORCEMENT PROVISIONS FOR HEAVY-DUTY ENGINES ON-BOARD DIAGNOSTIC SYSTEM REQUIREMENTS

The Air Resources Board (ARB or the Board) will conduct a public hearing at the time and place noted below to review the technical status and implementation of California's On-Board Diagnostic System Requirements for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines (OBD II) and Heavy Duty Engines On-Board Diagnostic System Requirements (HD OBD) requirements. The Board will consider amendments to the OBD II and HD OBD regulations to update the diesel monitoring requirements, to make some requirements consistent between the OBD II and HD OBD regulations, and to clarify and improve the regulation where necessary, among other revisions. The Board will also consider adoption of enforcement provisions for heavy-duty engines with OBD systems.

DATE: May 28, 2009

TIME: 9:00 a.m.

PLACE: California Environmental Protection
Agency
Air Resources Board
Byron Sher Auditorium, Second Floor
1001 I Street
Sacramento, California 95814

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., May 28,

2009, and may continue at 8:30 a.m., May 29, 2009. This item may not be considered until May 29, 2009. Please consult the agenda for the meeting, which will be available at least ten days before May 28, 2009, to determine the day on which this item will be considered.

If you require special accommodations or language needs, please contact the Clerk of the Board at (916) 322-5594 or by Fax at (916) 322-3928 as soon as possible, but no later than 10 business days before the scheduled board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed adoption of amendments to California Code of Regulations, title 13, section 1968.2 and section 1971.1; and proposed adoption of California Code of Regulations, title 13, section 1971.5 for 2010 and subsequent model year heavy-duty engines.

Documents Incorporated by Reference:

International Standards Organization (ISO) 15765-4:2005 "Road Vehicles — Diagnostics on Controller Area Network (CAN) — Part 4: Requirements for emission-related systems," January 2005.

Society of Automotive Engineers (SAE) J1699-3 — "OBD II Compliance Test Cases", May 2006.

SAE J1930 "Electrical/Electronic Systems Diagnostic Terms, Definitions, Abbreviations, and Acronyms — Equivalent to ISO/TR 15031-2," October 2008.

SAE J1978 "OBD II Scan Tool — Equivalent to ISO/DIS 15031-4:December 14, 2001," April 2002.

SAE J1979 "E/E Diagnostic Test Modes," May 2007.

SAE J2012 "Diagnostic Trouble Code Definitions," December 2007.

SAE J2403 "Medium/Heavy-Duty E/E Systems Diagnosis Nomenclature," August 2007.

SAE J2534-1 — "Recommended Practice for Pass-Thru Vehicle Programming", December 2004.

SAE J1939 consisting of:

J1939 Recommended Practice for a Serial Control and Communications Vehicle Network, March 2009;

J1939/1 Recommended Practice for Control and Communications Network for On-Highway Equipment, September 2000;

J1939/11 Physical Layer, 250K bits/sec, Twisted Shielded Pair, September 2006;

J1939/13 Off-Board Diagnostic Connector, March 2004;

J1939/15 Reduced Physical Layer, 250K bits/sec, UN-Shielded Twisted Pair (UTP), August 2008;

J1939/21 Data Link Layer, December 2006;

J1939/31 Network Layer, April 2004;

J1939/71 Vehicle Application Layer (Through February 2008), January 2009;

J1939/73 Application Layer—Diagnostics, September 2006;

J1939/81 Network Management, May 2003; and

J1939/84 OBD Communications Compliance Test Cases For Heavy Duty Components and Vehicles, December 2008.

Background: OBD systems serve an important role in helping to ensure that engines and vehicles maintain low emissions throughout their full life. OBD systems monitor virtually all emission controls on gasoline and diesel engines, including catalysts, particulate matter (PM) filters, exhaust gas recirculation systems, oxygen sensors, evaporative systems, fuel systems, and electronic powertrain components as well as other components and systems that can affect emissions when malfunctioning. The systems also provide specific diagnostic information in a standardized format through a standardized serial data link on-board the vehicles.

The Board originally adopted comprehensive OBD regulations in 1989, requiring all 1996 and newer model year passenger cars, light-duty trucks, and medium-duty vehicles and engines to be equipped with OBD systems (referred to as OBD II). The Board has modified the regulation in regular updates since initial adoption to address manufacturers' implementation concerns and, where needed, to strengthen specific monitoring requirements. Most recently, the Board updated the OBD II requirements in 2006 to address several concerns and issues regarding the regulation (California Code of Regulations, title 13, §1968.2) and enforcement requirements (Cal. Code Regs., title 13, §1968.5). In 2004, the Board adopted the Engine Manufacturer Diagnostic system (EMD) regulation (California Code of Regulations, title 13, §1971), which requires manufacturers of heavy-duty engines and vehicles (i.e., vehicles with a gross vehicle weight rating greater than 14,000 pounds) to implement diagnostic systems on all 2007 and subsequent model year on-road heavy-duty Otto-cycle (gasoline) and diesel engines. However, the EMD regulation is much less comprehensive than the OBD II regulation, requiring the monitoring of only a few major emission control technologies and containing no standardized requirements, and was developed to require heavy-duty engine manufacturers to achieve a minimum level of diagnostic capability while focusing most of their resources on meeting the new 2007 exhaust emission standards. Subsequently, in 2005, ARB

adopted California Code of Regulations, title 13, section 1971.1, which established comprehensive OBD requirements for 2010 and subsequent model year heavy-duty engines and vehicles.

Staff Proposal: In adopting the HD OBD requirements in 2005, the Board directed the staff to continue to follow manufacturers' progress towards meeting the regulation's requirements and to report back should modifications to the requirements be deemed appropriate. Since then, staff has identified areas in which modifications to section 1971.1, would provide for improved monitoring system performance.

The proposed changes include revisions to the HD OBD regulation for diesel engines that relax the malfunction thresholds until 2013 model year for three major emission controls (PM filters, oxides of nitrogen (NOx) catalysts, and NOx sensors) based on the current limits of technical feasibility, delay the monitoring requirements for some catalyst-based components until 2013 to provide further leadtime for emission control strategies to stabilize, clarify terms or definitions for several monitors, expand the monitoring requirements for exhaust gas recirculation (EGR) and boost control to cover all types of system architectures, and provide for additional data to be output to a scan tool for use by technicians or ARB staff for diagnosis, repair, and determining compliance.

The proposed changes also include revisions to the HD OBD regulation for gasoline engines that are similar to those adopted in 2006 for light-duty gasoline vehicles. These changes would ensure robust detection of oxygen sensor slow response faults and specific fuel system faults that result in an imbalance from cylinder to cylinder.

Changes are also proposed to the light- and medium-duty OBD II regulation primarily to harmonize the medium-duty diesel vehicle requirements with the proposed revisions noted above for HD OBD diesel engines to allow manufacturers of both heavy-duty and medium-duty diesel engines to design to and meet essentially the same requirements. Some of the proposed amendments, however, would also apply to light-duty vehicles covered by the OBD II regulation.

Finally, a separate enforcement regulation for HD OBD is proposed (similar to the stand-alone enforcement regulation for the light- and medium-duty vehicles covered under the OBD II regulation) to define the procedures and criteria staff and manufacturers would be required to use in determining compliance of in-use engines with the HD OBD regulation.

Proposed amendments to the HD OBD regulation include:

- Clarifying storage and erasure of permanent fault codes.

- Adding flexibility to calculate the infrequent regeneration adjustment factors.
- Revising in-use monitoring frequency tracking for the PM filter monitor.
- Revising the definition of "idle" for several tracking requirements.
- Clarifying the definition of "continuous" monitoring for several monitors.
- Revising diesel fuel system monitoring requirements for non-common rail systems to allow less frequent monitoring.
- Expanding monitoring for slow response faults in diesel boost pressure control systems to all types of boost control systems.
- Revising the 2010 through 2012 model year malfunction thresholds for the diesel PM filter monitor, the NOx catalyst monitor, and the NOx sensor monitor.
- Delaying some monitoring requirements for catalyzed PM filters and diesel NMHC converting catalysts to the 2013 model year.
- Deleting the monitoring requirement for MIL circuit faults.
- Revising the gasoline fuel system monitoring requirements to add detection of failures caused by an air-fuel ratio cylinder imbalance.
- Revising the gasoline primary and secondary oxygen sensor monitoring requirements to clarify the minimum acceptable monitoring.
- Revising the cooling system monitoring requirements to include monitoring of faults that cause the coolant temperature to drop after the system reaches "warmed-up" temperature.
- Adding specific language for monitoring of emission control strategies.
- Updating the SAE and ISO document references.
- Adding data parameters that manufacturers must output to generic scan tools for diesel vehicles.
- Adding tracking requirements for emission-increasing auxiliary emission control devices (EI-AECD).
- Revising the service information requirements to be consistent with the stand-alone service information regulation (California Code of Regulations, title 13, §1969) for the 2010-2012 model years.
- Revising the aging requirements and test data collection requirements for certification demonstration testing.

Concurrently, as stated, the staff is proposing to update the medium-duty vehicle diesel-related requirements in the light- and medium-duty OBD II regula-

tion (§1968.2) to be consistent with the proposed diesel-related amendments to the HD OBD regulation. These proposed changes for medium-duty vehicles include diesel monitoring requirements and diesel-related standardization requirements mentioned above. These changes also include clarification for several monitoring requirements that would apply to light- and medium-duty diesel vehicles. Additionally, in the OBD II regulation, staff is proposing to delay until the 2011 model year, the implementation of the gasoline primary oxygen sensor monitoring requirement that requires manufacturers to submit data demonstrating proper calibration and detection of all response rate malfunctions.

Lastly, staff had indicated during the adoption of the HD OBD regulations in 2005 that it intended to develop and implement an HD OBD-specific enforcement regulation similar to that already implemented for light- and medium-duty OBD II (California Code of Regulations, title 13, §1968.5). Thus, staff is also proposing detailed procedures (proposed California Code of Regulations, title 13, §1971.5) for in-use enforcement testing of HD OBD systems installed on 2010 and subsequent model year heavy-duty engines. The proposed regulation would set forth engine procurement and testing procedures that both ARB and engine manufacturers would have to follow for initial determination of possible HD OBD nonconformance. In addition, the proposal sets forth procedures that would be followed by both ARB and manufacturers if, after such testing, HD OBD systems of a tested engine group were found to be nonconforming. Among other provisions, the procedures would authorize ARB to take remedial action, which may include recall of vehicles in which the nonconforming systems are installed and assessment of monetary penalties against the affected manufacturer. Finally, staff is proposing a specific protocol to be followed by the Executive Officer and affected manufacturers in implementing remedial action plans.

At the Board's discretion, additional changes to the HD OBD or OBD II regulations may be considered to address concerns or provide additional flexibility or compliance options.

COMPARABLE FEDERAL REGULATIONS

In February 1993, the United States Environmental Protection Agency (U.S. EPA) promulgated final OBD requirements for federally certified light-duty vehicles and trucks. (40 CFR Part 86, §§ 86.094-2, 86.094-17, 86.094-18(a), 86.094-21(h), 86.094-25(d), 86.094-30(f), 86.094-35(l), 86.095-30(f), 86.095-35(l); see 58 Fed.Reg. 9468-9488 (February 19, 1993).) The requirements were later amended to require OBD systems on medium-duty vehicles by the 2008 model year. The

final rule with the latest modifications of the requirements was signed on November 29, 2005. A central part of the federal regulation is that, for purposes of federal certification of vehicles, U.S. EPA will deem California-certified OBD II systems to comply with the federal regulations. On October 3, 1996, the U.S. EPA formally granted California's request for a waiver regarding the OBD II regulation, as last amended in December 1994,¹ recognizing that the OBD II regulation is at least as stringent in protecting public health and welfare as the federal regulation, and that unique circumstances exist in California necessitating the need for the State's own motor vehicle regulations program.

The federal OBD requirements are comparable in concept and purpose with California's OBD II regulation; however, differences exist with respect to the scope and stringency of the requirements of the two regulations. More specifically, California's current OBD II regulations are generally more stringent than the comparable federal requirements. Under OBD II requirements, manufacturers must implement monitoring strategies for essentially all emission control systems and emission-related components. Generally, the OBD II regulation requires that components be monitored to indicate malfunctions when component deterioration or failure causes emissions to exceed 1.5 times the applicable tailpipe emission standards of the certified vehicle. The regulation also requires that components be monitored for functional performance even if the failure of such components does not cause emissions to exceed the 1.5 times the standard. The federal requirements, in contrast, require monitoring only of the catalyst, engine misfire, evaporative emission control system, and oxygen sensors. Other emission control systems or components, such as exhaust gas recirculation and secondary air systems, need only be monitored if by malfunctioning, vehicle emissions exceed 1.5 times the applicable tailpipe standards. No functional monitoring is required. Historically, virtually every vehicle sold in the U.S. is designed and certified to California's OBD II requirements in lieu of the federal OBD requirements.

In Health and Safety Code sections 43013, 43018, and 43101, the Legislature has expressly directed ARB to adopt emission standards for new motor vehicles that are necessary and technologically feasible and to endeavor to achieve the maximum degree of emission reduction possible from vehicular and other mobile sources in order to accomplish the attainment of the state standards at the earliest practicable date. ARB initially adopted and is proposing to amend the HD OBD and OBD II regulations to meet those legislative directives.

¹ *California State Motor Vehicle Pollution Control Standards; Waiver of Federal Preemption; Decision*, dated October 3, 1996, 61 Fed.Reg. 53371-53372.

The U.S. EPA recently adopted OBD requirements for vehicles and engines above 14,000 pounds, which is the weight range for California's "heavy-duty" class. The federal regulation is consistent with ARB's California regulation in almost all important aspects, and while minor differences may exist between these requirements, it is believed that heavy-duty OBD systems can be designed to comply with both the federal and California programs. In fact, U.S. EPA's regulation directly allows acceptance of systems that have been certified to California's HD OBD regulation.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

ARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action that includes a summary of the environmental and economic impacts of the proposal. The report is entitled: Technical Status and Revisions to Malfunction and Diagnostic System Requirements for Heavy-Duty Engines (HD OBD) and Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines (OBD II).

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on ARB's Web site listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322-2990 at least 45 days prior to the scheduled hearing on May 28, 2009.

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the Web site listed below.

Inquiries concerning the substance of the proposed regulation may be directed to the designated agency contact persons for this rulemaking, Mike McCarthy, Manager, Advanced Engineering Section, at (626) 771-3614 or Adriane Chiu, Air Resources Engineer, Advanced Engineering Section, at (626) 350-6453.

Further, the agency representative and designated back-up contact persons to whom non-substantive inquiries concerning the proposed administrative action may be directed are Lori Andreoni, Manager, Board Administration & Regulatory Coordination Unit, (916) 322-4011, or Amy Whiting, Regulations Coordinator, (916) 322-6533. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the agency contact persons.

This notice, the ISOR, and subsequent regulatory documents, including the FSOR, when completed, are available on ARB's Web site for this rulemaking at: <http://www.arb.ca.gov/regact/2009/hdobjd09/hdobjd09.htm>.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulations are presented below.

Pursuant to Government Code section 11346.5(a)(5), the Executive Officer has determined that the proposed amendments would not impose a mandate on local agencies or school districts. Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action will result in some additional costs to ARB and will not create costs to other State agencies that purchase light-, medium-, and heavy-duty vehicles. In addition, the Executive Officer has determined that the proposed regulatory action will not create costs or savings in federal funding to the State, costs to any local agency or school district whether or not reimbursable by the State pursuant to the Government Code, title 2, division 4, part 7 (commencing with section 17500) or other nondiscretionary savings to State or local agencies.

In developing this regulatory proposal, ARB staff evaluated the potential economic impacts on representative private persons and businesses, and has determined that any business or individual purchasing a light-, medium-duty, or heavy-duty diesel vehicle equipped with an OBD system would not incur additional costs as a result of these amendments. The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The Executive Officer has made an initial determination, pursuant to Government Code section 11346.5(a)(8), that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with business in other states, or on representative private persons. Support for this determination is set forth in the Staff Report (ISOR).

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action would have minor or no impact on the creation and elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of

California, or the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the ISOR.

For manufacturers of light- and medium-duty gasoline and diesel engines and vehicles, the costs to comply with the proposed regulatory action are expected to be negligible. The proposed revisions consist primarily of modifications to existing computer software. Incorporation and verification of the revised OBD software would be accomplished during the regular design updates at no additional cost. As a result, costs to manufacturers, and therefore consumers, are anticipated to remain virtually unchanged.

Of the 34 domestic and foreign corporations that manufacture California-certified passenger cars, light-duty trucks, and medium-duty gasoline and diesel vehicles equipped with OBD II systems, only one motor vehicle manufacturing plant, the New United Motor Manufacturing, Inc. (NUMMI), a joint venture between Toyota Motor Corporation and General Motors Corporation, is located in California. As stated, the costs associated with the amendments principally involve research and development costs and do not affect assembly line production.

Heavy-duty engine manufacturers, the businesses to which the proposed requirements primarily apply, are located outside of California. Although the proposed requirements have some application to manufacturers of heavy-duty vehicles (assemblers, coach builders, etc.) installed with California-certified heavy-duty engines, the requirements imposed are negligible.

The Executive Officer has also determined, pursuant to California Code of Regulations, title 1, section 4, that the proposed regulatory action will have no significant adverse effect on small businesses. The OBD II regulation primarily affects vehicle manufacturers, none of which are small businesses. For the HD OBD regulation, the additional costs per engine were determined to be negligible. Further, small businesses which service or repair vehicles should not see any increased cost in equipment or tools or any reduction in the number of vehicles needing repair as a result of these amendments. Small businesses that own or operate light-, medium-, and heavy-duty vehicles would incur the same costs as individuals or other businesses, which was determined to be negligible.

In accordance with Government Code sections 11346.3(c) and 11346.5(a)(11), the Executive Officer has previously found that the reporting requirements of the regulation which apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable al-

ternative considered by the agency or that has been otherwise identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

SUBMITTAL OF COMMENTS

Interested members of the public may present comments relating to this matter orally or in writing at the hearing, and in writing or by e-mail before the hearing. To be considered by the Board, written comments, not physically submitted at the hearing, must be received **no later than 12:00 noon, May 27, 2009**, and addressed to the following:

Postal mail: Clerk of the Board, Air Resources Board
1001 I Street, Sacramento, California
95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Facsimile submittal: (916) 322-3928

Please note that under the California Public Records Act (Gov. Code, § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request. Additionally, this information may become available via Google, Yahoo, and any other search engines.

The Board requests, but does not require, that 30 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under that authority granted in Health and Safety Code, sections 39600, 39601, 43000.5, 43013, 43016, 43018, 43100, 43101, 43104, 43105, 43105.5, 43106, 43154, 43205, 43211, and 43212. This action is proposed to implement, interpret and make specific sections 39002, 39003, 39010-39060, 39515, 39600-39601, 43000, 43000.5, 43004, 43006, 43013, 43016, 43018, 43100, 43101, 43102, 43104, 43105, 43105.5, 43106, 43150-43156, 43204, 43205, 43211, and 43212 of the Health and Safety Code.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Government Code, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340).

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with non substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice and that the regulatory language as modified could result from the proposed regulatory action; in such event, the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322-2990.

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE OF PROPOSED REGULATIONS

**California Code of Regulations
Title 15, Crime Prevention and Corrections
Department of Corrections and Rehabilitation**

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code Section 12838.5 and Penal Code (PC) Section 5055, and the rulemaking authority granted by PC Section 5058, in order to implement, interpret and make specific PC Section 5054, proposes to adopt Sections 3720, 3721, 3721.1, 3722, and 3723 in the California Code of Regulations (CCR), Title 15 concerning adult parole discharge reviews.

PUBLIC HEARING

Date and Time: June 9, 2009 — 9:00 a.m. to 10:00 a.m.

Place: Department of Corrections and Rehabilitation
Office of Training & Professional Development
10000 Goethe Road, Mt. Lassen
Room, Suite 117
Sacramento, CA 95827

Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period will close, June 9, 2009, at 5:00 p.m. Any person may submit public comments in writing (by mail, by fax, or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the CDCR, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 255-5601 or by e-mail at RPMB@cdcr.ca.gov before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

**Timothy M. Lockwood, Chief
Regulation and Policy Management Branch
Department of Corrections and Rehabilitation
P.O. Box 942883, Sacramento, CA 94283-0001
Telephone (916) 255-5500**

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

**Randy Marshall
Regulation and Policy Management Branch
Telephone (916) 255-5500**

Questions regarding the substance of the proposed regulatory action should be directed to:

**William Dunkak
Division of Adult Parole Operations
Telephone (916) 327-1136**

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code Sections 17500-17630.

FISCAL IMPACT STATEMENT

- Cost to any local agency or school district that is required to be reimbursed: *None*
- Cost or savings to any state agency: *None*
- Other nondiscretionary cost or savings imposed on local agencies: *None*
- Cost or savings in federal funding to the state: *None*

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because they are not affected by the internal management of state prisons.

ASSESSMENTS OF EFFECTS ON JOB AND/OR BUSINESS CREATION, ELIMINATION OR EXPANSION

The Department has determined that the proposed regulation will have no effect on the creation of new, or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons, than the proposed regulatory action. Interested persons are accordingly invited to present statements or arguments with respect to any alternatives

to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared, and will make available, the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the Department's website <http://www.cdcr.ca.gov>.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the Department's contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Penal Code (PC) Section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

PC Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the

state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

This action:

- Adopts reserved Article 15 and its Sections under Subchapter 6 of the CCR, Title 15, Division 3, concerning adult parole discharge and discharge reviews. Specifically, the following reserved sections, which are titled, are being adopted with new text: 3720, 3721, 3721.1, 3722, and 3723.
- Makes specific within the proposed regulations, the review and discharge requirements of PC Sections 3000, 3000.1, and 3001, and provides in the regulations, the necessary language that establishes and clarifies the adult parole discharge review process.
- Defines what are Continuous Parole and Discharge Review.
- Establishes that the parole agent will start a discharge review approximately 20 days prior to the end of the 12th month or other specified month of continuous parole and submit it to the parole unit supervisor for review.
- Specifies what are the required discharge review periods. For those parolees who are subject to a three-year period, the review shall be performed during the 12th month of continuous parole, except for those parolees who were committed for violent felonies as listed under PC Section 667.5(c), in which case the review shall be performed during the 24th month of continuous parole; parolees who are subject to a five-year parole period, the review shall be performed during the 36th month of continuous parole; and parolees who are subject to a lifetime parole period, the review shall be during the 60th month of continuous parole for those parolees whose commitment offense is second degree murder and during the 84th month of continuous parole for parolees whose commitment offense is first degree murder.
- Establishes the factors that shall be considered when conducting discharge reviews and the processes that shall be followed by staff when preparing Discharge Review Reports.
- Specifies the criteria that may indicate if there is good cause to retain a parolee on parole.
- To be consistent with CCR, Title 15, Division 2, Section 2535(c), specifies that the parolee will receive a copy of the discharge review decision,

including the reasons for a decision not to discharge the parolee, if applicable. Text also establishes that the parolee may appeal any mistake of fact contained in the discharge review report pursuant to the appeals process provided in Sections 3084 through 3084.7.

TITLE 18. BOARD OF EQUALIZATION

BY NOTICE dated March 6, 2009, and published in the March 6, 2009, California Regulatory Notice Register 2009, Number 10-Z, the State Board of Equalization, announced that it would conduct a public hearing on April 16, 2009, to consider proposed amendments to Regulation 6001, General Provision Conflict of Interest in Title 18, Division 2.1, of the California Code of Regulations. The scheduled public hearing will not be held on April 16, 2009. At this time there is no new public hearing date scheduled.

Questions regarding the content of the proposed regulation should be directed to Ms. Deborah Cooke, Tax Counsel III, telephone (916) 324-2603, fax (916) 324-5995, email Deborah.Cooke@boe.ca.gov or by mail at State Board of Equalization, Attn: Deborah Cooke, MIC:82, P. O. Box 942879, Sacramento, CA 94279-0082.

Written comments for the Board's consideration, notice of intent to present testimony or witnesses at the public hearing, and inquiries concerning the proposed administrative action should be directed to Mr. Richard Bennion, Regulations Coordinator, telephone (916) 445-2130, fax (916) 324-3984, e-mail Richard.Bennion@boe.ca.gov or by mail at State Board of Equalization, Attn: Richard Bennion, MIC:80, P.O. Box 942879, 450 N Street, Sacramento, CA 94279-0080 by August 31, 2008.

TITLE 22. DEPARTMENT OF TOXIC SUBSTANCES CONTROL

45-DAY PUBLIC NOTICE AND COMMENT PERIOD

Financial Assurance Rulemaking

Department Reference Number: R-2007-06

**Office of Administrative Law
Notice File Number 2009-0326-01**

NOTICE IS HEREBY GIVEN that the Department of Toxic Substances Control (DTSC) proposes to amend/adopt California Code of Regulations, title 22, sections 66260.10, 66264.101, 66264.117, 66264.141, 66264.143, 66264.144, 66264.145, 66264.147,

66264.151, 66265.117, 66265.141, 66265.143,
66265.144, 66265.145, 66265.147.

Adrian Recio at (916) 324-3095 or by e-mail at arecio@dtsc.ca.gov.

PUBLIC HEARING AND
WRITTEN COMMENT PERIOD

A written comment period has been established commencing on *April 10, 2009*, and closing on *May 26, 2009*. DTSC will hold a public hearing on the proposed regulations at 10:00 a.m. on *May 26, 2009* in the *Coastal Hearing Room, 2nd Floor, 1001 "I" Street, Sacramento*, at which time any person may present statements or arguments orally or in writing, relevant to this proposal. Please submit written comments to the contact person listed at the end of this notice. Written comments on the rulemaking submitted no later than 5:00 p.m. on *May 26, 2009* will be considered.

Representatives of DTSC will preside at the hearing. Persons who wish to speak are requested to register before the hearing. Pre-hearing registration will be conducted at the location of the hearing from 9:30 a.m. to 10:00 a.m. Registered persons will be heard in the order of their registration. Any other person wishing to speak at the hearing will be afforded an opportunity after the registered persons have been heard.

Due to enhanced security precautions at the Cal/EPA Headquarters Building located at 1001 "I" Street, Sacramento, all visitors are required to sign in prior to attending any meeting. Sign-in and badge issuance occur in the Visitor and Environmental Services Center. This Center is located just inside and to the left of the building's public entrance. Depending on their destination and the building security level, visitors may be asked to show valid picture identification. Valid picture identification can take the form of a current driver's license, military identification card, or state or federal identification cards. Depending on the size and number of meetings scheduled on any given day, the security check-in could take from three to fifteen minutes. Please allow adequate time to sign in before being directed to your meeting.

If you have special accommodation or language needs, please contact Matt Rosenberg, Regulations Coordinator, Regulations Section, at (916) 322-2833 or by e-mail at regs@dtsc.ca.gov by May 12, 2009. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

In accordance with the California Government Code and Americans with Disabilities Act requirements, this publication can be made available in Braille, large print, computer disk, or tape cassette, etc. as a disability-related reasonable accommodation for an individual with a disability. To discuss how to receive a copy of this publication in an alternative format, please contact

AUTHORITY AND REFERENCE

These regulations are being proposed under the following authorities:

Health and Safety Code section 25150. This section grants DTSC authority to adopt standards dealing with the management of hazardous waste.

Health and Safety Code section 25159. This section grants DTSC authority to adopt regulations allowing the state to maintain authorization to administer a state hazardous waste program in lieu of the federal program under the Resource Conservation Recovery Act.

Health and Safety Code section 25159.5. This section grants DTSC authority to adopt regulations that are more stringent or extensive than federal regulations.

Health and Safety Code section 25200.10. This section provides DTSC with implied authority to adopt regulations for corrective action of releases of hazardous waste from a solid or hazardous waste management unit at a facility.

Health and Safety Code section 25245. This section grants DTSC authority to adopt, and revise standards and regulations for financial assurance.

Health and Safety Code section 25355.2. This section provides DTSC with implied authority to adopt regulations for financial assurance for the operation and maintenance requirements of a response action.

Health and Safety Code section 58012 (Added by Gov. Reorg. Plan No. 1, §146, eff. July 17, 1991.) This section grants DTSC authority to adopt regulations to execute its duties. (Note: this section enacted by Gov. Reorg Plan 1, see http://www.dtsc.ca.gov/LawsRegsPolicies/upload/OEARA_REG_GRP1.pdf)

These regulations implement, interpret, or make specific the following:

Health and Safety Code section 25245, 25200.10, and 25355.2.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Existing Law

At some point in time all hazardous waste facilities will cease operations. To protect human health and the environment from the negative impacts of abandoned hazardous waste sites, California law and regulations require owners and operators of hazardous waste facili-

ties to provide financial assurance for the closure and post-closure care of these facilities. The intent of these statutes and regulations is to ensure that the financial burden of closure and post-closure is borne by the party that caused and benefitted from the hazardous waste operation and not by the people or the State.

The owner or operator of a hazardous waste facility is required by regulation to develop a cost estimate for carrying out all necessary activities to clean and close the hazardous waste operations, as well as for monitoring and oversight of the closed facility if the closure plan calls for any waste or other contamination to remain in place. These costs must address the use of a third party to carry out all closure and post-closure activity. These cost estimates must be reviewed and updated annually.

Operators of active hazardous waste management facilities must additionally provide for up to \$2 million in liability coverage for damages to third parties for sudden accidental occurrences, and if a land treatment or land disposal unit, must provide up to an additional \$6 million in coverage for non-sudden accidental occurrences.

The following financial assurance mechanisms are available to a facility owner or operator to demonstrate financial assurance. None of these mechanisms require that any of the required financial assurance be held as liquid assets.

1. **Trust Fund** is an agreement between three parties wherein the owner or operator of a facility (the Grantor) sets aside a specific amount of cash or funds, which are held in trust by a third party (the Trustee) for the purpose of paying closure and post-closure expenses.
2. **Letter of Credit (LOC)** is a document issued by a bank or other financial institution that guarantees the payment of a customer's obligation for up to a stated dollar amount for a specified time.
3. **Surety Bond** is an agreement between two parties, similar to an LOC. One party (the Surety) guarantees that the financial obligations of the second party (the Principal) will be met.
4. **Insurance** is an agreement where one party (the Insurer) agrees to pay, on behalf of a second party (the Policyholder) for claims made against the Policyholder or the policy.
5. **Financial Test** is a form of self-insurance where the owner or operator of a facility is not required to arrange with a third party or set aside cash funds for closure, post-closure, corrective action, or liability costs, provided that the owner or operator can pass one of two financial strength tests.

6. **Corporate Guarantee** is a form of the Financial Test in which a third party — either the direct or higher-tier parent corporation of the owner/operator, a firm whose parent corporation is also the parent corporation of the owner/operator, or a firm with a “substantial business relationship” with the owner/operator — “stands in the shoes” of the owner/operator in providing a guarantee that costs of closure, post-closure care, corrective action, and/or third party liability will be paid in the event that the owner/operator is unable to do so.

Captive Insurance

Current regulations allow for a “captive insurance company”, which is a corporation organized for the purpose of insuring the liabilities of its owner. Therefore, a possibility may occur where the insured is both the sole shareholder and only customer of the captive. Other possibilities include less than 100% ownership or more than a single customer, although at some point the term “captive” is no longer appropriate. In the case of a “pure” or “single parent” captive insurer, the financial stability of the third party is completely dependent on the financial health of the parent. Commonly, the assets of such captive insurance companies consist only of the unsecured obligations of the parent facility. Thus, a failure of the parent facility will necessarily cause a failure of the captive insurer.

Financial Test

An owner or operator of a facility must satisfy the ratio test for liabilities or meet a rating standard for the most recent bond issuance and demonstrate a minimum tangible net worth of \$10 million. The financial test requires that assets pledged for financial assurance be compared to the owner or operator's environmental obligations at the individual facility, each facility is judged individually and the same assets could be pledged for multiple facilities.

The existing regulation requires that there be a statement in the “special report from the owner's or operator's independent certified public accountant to the owner or operator”, that “no matters came to the independent certified public accountant's attention which caused that accountant to believe that the specified data should be adjusted”.

Postclosure Care

Existing California law requires postclosure care of hazardous waste management units where hazardous wastes are not removed during the closure of the unit and requires postclosure cost estimates for the cost of maintenance and monitoring of groundwater and the environment after closure. Facilities must be closed and

maintained for at least 30 years in a manner that protects human health and the environment and minimizes or eliminates the escape of leachate, contaminated rain-fall, and waste to ground and surface waters and to the atmosphere.

Corrective Action

An owner or operator of a facility seeking a permit for the transfer, treatment, storage, or disposal of hazardous waste must perform corrective action as necessary to protect the human health and the environment for all releases of hazardous waste from any solid or hazardous waste management unit at that facility.

These California regulations are based on, but are not identical to, the following federal regulations: 40 Code of Federal Regulation parts 264 and 265.

Policy Statement Overview

Broad Objectives: The objectives of these regulation changes are to make the financial assurances more certain so that State funds will not be needed to compensate injured parties or to close facilities in an environmentally protective manner. The regulations also are intended to account for changed financial conditions since the original regulations were adopted and for inflation.

Proposed Regulations

The proposed regulations would make changes to two financial assurance mechanisms (insurance and the financial test) for closure, postclosure care and liability requirements; postclosure care period requirements; and financial assurance for corrective action at hazardous waste facilities. Specific changes are discussed below.

Insurance

Current regulations require that “At a minimum, the insurer shall be licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more States.” DTSC proposes to require that the insurer be licensed in the State of California or eligible to provide excess or surplus lines of insurance in the State of California. This section further requires that excess or surplus lines of insurance be issued through a broker licensed by the California Department of Insurance. The proposed changes to this financial assurance mechanism requires amendments to various form language in section 66264.151.

Financial Test

DTSC proposes to make the following changes to the financial test.

1. Add a requirement to demonstrate a minimum financial credit rating to the ratio test, this is equivalent to an existing requirement in the bond test.

2. Increase the minimum tangible net worth that must be demonstrated from \$10 million to \$20 million, to account for inflation.
3. Require that assets pledged for financial assurance be compared to the total of the owner or operator’s environmental obligations.
4. Require that the bond test be evaluated against the most senior issued bond, thus making the test more relevant to the long term financial health of the facility.
5. Require that the independent certified public accountant identify the specific accounting standards and guidance relied upon to prepare the report examining a facility owner or operator’s financial statements.
6. Require that 20% of the required financial assurance be held in a trust fund.
7. Amends various form language in section 66264.151 to reflect 1–6 above.

Postclosure Care Period Clarification

DTSC proposes that the current postclosure period of 30 years be clarified to a period to be determined by DTSC on a case-by-case basis and upon permit renewal to ensure that postclosure care continues until there is no longer a threat to human health or the environment. DTSC also proposes that the postclosure cost estimate use a time factor of 30 years and that the cost estimate may be recalculated with the 30 year time period reset upon permit issuance or renewal.

Financial Assurance for Corrective Action

DTSC proposes to clarify when financial assurance for corrective action must be demonstrated.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

DTSC has found this rulemaking project to be exempt under CEQA. A draft of the Notice of Exemption (NOE) is available for review with the rulemaking file and the NOE will be filed with the State Clearinghouse when the regulations are adopted.

PEER REVIEW

Under the provisions of Health and Safety Code section 57004, peer review is not required because the proposed regulations do not establish a regulatory level, standard or other requirement subject to scientific peer review.

BUSINESS REPORT

DTSC has determined that this rulemaking will not require businesses to write a new report, as defined by Government Code section 11346.3(c).

FISCAL IMPACT ESTIMATES

Mandates on Local Agencies and School Districts: DTSC has made a preliminary determination that adoption of these regulations will create no new local mandates.

Estimate of Potential Cost or Savings to Local Agencies Subject to Reimbursement: DTSC has made a preliminary determination that adoption of these regulations will not impose a local mandate or result in costs subject to reimbursement pursuant to part 7 of division 4, commencing with section 17500, of the Government Code or other nondiscretionary costs or savings to local agencies.

Cost or Savings to Any State Agency: DTSC has made a preliminary determination that the proposed regulations will have no impact on State revenue or costs.

Cost or Savings in Federal Funding to the State: DTSC has made a preliminary determination that the proposed regulations will have no impact on Federal revenue or costs.

Effect on Housing Costs:

DTSC has made an initial determination that there will be no impact on housing costs.

Cost Impacts on Representative Private Persons or Businesses:

A representative large California corporation would incur a yearly cost of \$2,002,974 over a ten year period, and a representative smaller company would incur a yearly cost of \$1,025 over a ten year period.

Significant Statewide Adverse Economic Impact on Businesses:

DTSC has made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability to compete with businesses in other states. Analysis showed that the impact on the change in net income for both a representative large corporation (net income reduced by 0.0107%) and a small corporation (net income reduced by 0.001 %) is negligible.

Assessment Statement:

(A) **Creation or elimination of jobs within California** — DTSC has made a preliminary determination that no jobs will be created or eliminated in California as a result of the proposed regulations.

(B) **Creation of new businesses or the elimination of existing businesses within California** — DTSC has made a preliminary determination that no businesses will be created or eliminated in California as a result of the proposed regulations.

(C) **Expansion of businesses currently doing business in California** — DTSC has made a preliminary determination that no businesses in California will be expanded as a result of the proposed regulations.

Effect on Small Businesses:

DTSC has determined that provisions of this rulemaking will not have an effect on small businesses. No small businesses are affected by the proposed changes to the two financial assurance mechanisms (insurance and the financial test) for closure, postclosure care and liability requirements. DTSC only proposes to clarify when financial assurance for corrective action must be demonstrated; DTSC is not proposing any new requirements for corrective action. The proposed changes to the current postclosure period would remove ambiguity in the regulations.

CONSIDERATION OF ALTERNATIVES

DTSC must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of DTSC would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action. DTSC invites interested persons to present arguments, with respect to the various options, at the scheduled hearing, or during the written comment period.

AVAILABILITY OF TEXT OF REGULATIONS AND STATEMENT OF REASONS

Copies of the Notice, Initial Statement of Reasons and the text of the proposed regulations are posted to DTSC's Internet site at <http://www.dtsc.ca.gov> or may be obtained from Matt Rosenberg of DTSC's Regulations Section as specified below. The information upon which DTSC relied is also available at the address listed below.

POST-HEARING CHANGES

After the close of the comment period, DTSC may adopt the proposed regulations. If substantial changes are made, the modified text will be made available for comment for at least 15 days prior to adoption. Only persons who request the specific proposed regulations, attend the hearing, or provide written comments on

these specific regulations will be sent a copy of the modified text, if substantive changes are made.

Once regulations have been adopted, DTSC prepares a Final Statement of Reasons which updates the Initial Statement of Reasons, summarizes how DTSC addressed comments and includes other materials, as required by Government Code section 11346.9. Copies of the Final Statement of Reasons may be obtained from Matt Rosenberg at the address listed below. A copy of the Final Statement of Reasons will also be posted on DTSC's Internet site at <http://www.dtsc.ca.gov>, along with the date the rulemaking is filed with the Secretary of State and the effective date of the regulations.

CONTACT PERSONS

Inquiries regarding technical aspects of the proposed regulations or CEQA documents may be directed to James Grace of DTSC at (916) 255-3647 or, if unavailable, Nancy Long of DTSC at (916) 324-4154. However, such oral inquiries are not part of the rulemaking record.

Statements, arguments or contentions regarding the rulemaking and/or supporting documents must be submitted in writing or may be presented orally or in writing at the public hearing in order for them to be considered by DTSC before it adopts, amends or repeals these regulations. To be included in this regulation package's mailing list, and to receive updates of this rulemaking, please visit <http://www.calepa.ca.gov/Listservs/dtsc/> and subscribe to the applicable Listserv. You may also leave a message on the DTSC mailing list phone line at (916) 324-9933 or e-mail: regs@dtsc.ca.gov.

Please direct all written comments, procedural inquiries and requests for documents by mail, e-mail or fax to:

Matt Rosenberg, Regulations
Coordinator
Regulations Section
Department of Toxic Substances
Control

Mailing Address: P.O. Box 806
Sacramento, CA 95812-0806

E-mail Address: regs@dtsc.ca.gov

Fax Number: (916) 324-1808

Mr. Rosenberg's phone number is (916) 322-2833. If Mr. Rosenberg is unavailable, please call Nicole Sotak at (916) 327-4508.

**TITLE 24. BUILDING STANDARDS
COMMISSION**

**NOTICE OF PROPOSED CHANGES
TO
BUILDING STANDARDS
OF THE
CALIFORNIA BUILDING STANDARDS
COMMISSION (CBSC)**

**REGARDING THE PROPOSED CHANGES TO
ADMINISTRATIVE CODE
CALIFORNIA CODE OF REGULATIONS,
TITLE 24, PART 1**

**AMEND ARTICLE 1-7 IN
CHAPTER 1 OF PART 1**

Notice is hereby given that the California Building Standards Commission (CBSC) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 1. CBSC is proposing building standards related to a substantive change to Article 1-7 of the Conflict of Interest Code.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from April 10, 2009 until 5:00 p.m. on May 25, 2009.

Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Dave Walls, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period that a public hearing be held.

**POST-HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS**

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that

are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by the Political Reform Act (Government Code Section 87306) which requires state agencies to promulgate and adopt Conflict of Interest Codes. Therefore, the terms of Title 2, California Code of Regulations, Section 18730, and amendments thereto, duly adopted by the Fair Political Practices Commission, are hereby incorporated by reference and constitute the Conflict of Interest Code of the California Building Standards Commission.

INFORMATIVE DIGEST

Summary of Existing Laws

The Political Reform Act (Government Code Section 87306) requires state agencies to promulgate and adopt Conflict of Interest Codes.

Summary of Existing Regulations

The Fair Political Practices Commission has adopted a regulation, Title 2, California Code of Regulations, Section 18730 containing the terms of standard Conflict of Interest Code, that can be incorporated by reference, and that may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings.

Summary of Effect

The proposed action will amend Article 1-7 Conflict of Interest Code to include a new position for Cal Card Holders that must be designated.

Comparable Federal Statute or Regulations

CBSC is not aware of comparable federal statute or regulation.

Policy Statement Overview

The proposed regulation will amend Article 1-7 to include Cal Card Holders to the list of designated employees.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

CBSC has determined that there are no other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The CBSC has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: **None**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None**
- D. Other nondiscretionary cost or savings imposed on local agencies: **None**
- E. Cost or savings in federal funding to the state: **None**

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

The CBSC has made an initial determination that the amendment of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

CBSC has made an initial determination that the amendment of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

CBSC has made an assessment of the proposed code changes and has determined that these changes do not require a report.

COST IMPACT ON REPRESENTATIVE
PRIVATE PERSON OR BUSINESS

CBSC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS
UPON JOBS AND BUSINESS EXPANSION,
ELIMINATION OR CREATION

CBSC has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California.
These regulations will not affect the creation of or elimination of jobs within the State of California.
- The creation of new businesses or the elimination of existing businesses within the State of California.
These regulations will not affect the creation of or elimination of new businesses within the State of California.
- The expansion of businesses currently doing business with the State of California.
These regulations will not affect the expansion of businesses currently doing business within the State of California.

INITIAL DETERMINATION OF SIGNIFICANT
EFFECT ON HOUSING COSTS

CBSC has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

CBSC must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF
RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website:

www.bsc.ca.gov

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website.

CBSC CONTACT PERSON FOR PROCEDURAL
AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

Erika Keeler, erika.keeler@dgs.ca.gov
Jane Taylor, jane.taylor@dgs.ca.gov
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Telephone No.: (916) 263-0916
Facsimile No.: (916) 263-0959

PROPOSING STATE AGENCY CONTACT
PERSON FOR SUBSTANTIVE AND/OR
TECHNICAL QUESTIONS ON THE PROPOSED
CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Jane Taylor, jane.taylor@dgs.ca.gov
Tom Morrison, tom.morrison@dgs.ca.gov
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Telephone No.: (916) 263-0916
Facsimile No.: (916) 263-0959

GENERAL PUBLIC INTEREST

AIR RESOURCES BOARD

ERRATA

TITLE 17. CALIFORNIA AIR RESOURCES BOARD

By notice dated February 24, 2009, and published in the March 6, 2009, California Regulatory Notice Register, Register No. 10–Z, the Air Resources Board (ARB or the Board) provided Notice of Public Hearing to Consider the Adoption of a Proposed Regulation to Implement the Low Carbon Fuel Standard.

PLEASE BE ADVISED the deadline date for submitting written submissions to the Board was incorrect. The deadline should read as follows:

The public may present comments relating to this matter orally or in writing at the hearing, and in writing or by e–mail before the hearing. To be considered by the Board, written submissions must be received **no later than 12:00 noon, Pacific Standard Time, April 22, 2008 2009**, and addressed to the following:

- Postal mail: Clerk of the Board, Air Resources Board
1001 I Street, Sacramento, California 95814
- Electronic submittal:
<http://www.arb.ca.gov/lispub/comm/bclist.php>
- Facsimile submittal: (916) 322–3928

The complete text of the notice and the Initial Statement of Reasons are available on the ARB Web site for this rulemaking at <http://www.arb.ca.gov/regact/2009/lcfs09/lcfs09.htm>.

Any questions regarding this correction should be directed to Lori Andreoni, Manager, Board Administration & Regulatory Coordination Unit, (916) 322–4011, or Amy Whiting, Regulations Coordinator, (916) 322–6533.

If you require special accommodations or language needs, please contact the Clerk of the Board at (916) 322–5594 or by Fax at (916) 322–3928 as soon as possible, but no later than 10 business days before the scheduled board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

CALIFORNIA AIR RESOURCES BOARD

/s/
James N. Goldstene
Executive Officer

Date: March 25, 2009

DISAPPROVAL DECISION

DEPARTMENT OF WATER RESOURCES

State of California
Office of Administrative Law

In re:

Department of Water Resources

**Regulatory Action: Title 23
California Code of Regulations**

Adopt sections: 490.1, 492.1, 492.2, 492.3, 492.4, 492.5, 492.6, 492.7, 492.8, 492.9, 492.10, 492.11, 492.12, 492.13, 492.14, 492.15, 492.16, 492.17, 493.1, 493.2, 495.1, 495.2, 495.3

Amend sections: 490, 491, 492, 493, 494, 495

**DECISION OF DISAPPROVAL OF
REGULATORY ACTION**

Government Code Section 11349.3

OAL File No. 2009–0209–03 S

SUMMARY OF REGULATORY ACTION

The Department of Water Resources proposed to amend title 23 of the California Code of Regulations in order to update its Model Water Efficient Landscape Ordinance in accordance with the mandate of Government Code section 65595. On February 9, 2009, the Department of Water Resources (“Department”) submitted the proposed regulations to the Office of Administrative Law (“OAL”) for review in accordance with the Administrative Procedure Act (“APA”) and on March 25, 2009, OAL disapproved the regulations. This Decision of Disapproval explains the reasons for OAL’s action.

DECISION

OAL disapproved the proposed regulations for failing to comply with the “clarity” standard of Government Code section 11349.1; the incorporation of materials into the regulation by reference does not comply with the requirements of California Code of Regulations (“CCR”), title 1, section 20; the rulemaking record does not meet the necessity standard with respect to some of the proposed regulations; the Department’s re-

sponses to some comments do not explain the reasons for rejection of the comments as required by Government Code section 11346.9, subdivision (a)(3); and for miscellaneous errors in the accompanying text.

Date: April 1, 2009

Original: Lester Snow
Copy: Richard Soehren

David D. Potter
Senior Staff Counsel

FOR: SUSAN
LAPSLEY
Director

<p>SUMMARY OF REGULATORY ACTIONS</p>

**REGULATIONS FILED WITH
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2009-0211-02
BOARD OF EDUCATION
Special Education — Nonpublic Schools

This action makes substantial revisions to regulations governing special education services provided to handicapped children by nonpublic, nonsectarian schools. The principal change is to mandate such schools provide Board (SBE)-adopted, standards-aligned core curriculum and instructional materials for grades K-8 and standards-aligned core curriculum and instructional materials for grades 9-12.

Title 5
California Code of Regulations
AMEND: 3001, 3051, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070
Filed 03/27/2009
Effective 04/26/2009
Agency Contact: Connie Diaz (916) 319-0860

File# 2009-0218-01
COMMISSION ON PEACE OFFICER STANDARDS
AND TRAINING
Public Safety Dispatcher Selection Requirements

This rulemaking places Public Safety Dispatcher selection requirements into the California Code of Reg-

ulations. The requirements include the Verbal, Reasoning, Memory, and Perceptual Abilities Assessment and the Oral Communication Assessment. The requirements also include a Background Investigation and a Medical Evaluation.

Title 11
California Code of Regulations
ADOPT: 9056, 9057, 9058, 9059, 9060 AMEND:
1018
Filed 04/01/2009
Effective 07/01/2009
Agency Contact:
Melani Singley (916) 227-4258

File# 2009-0218-02
COMMISSION ON PEACE OFFICER STANDARDS
AND TRAINING
Peace Officer Selection Requirements

This regulatory action deals with Peace Officer selection requirements.

Title 11
California Code of Regulations
ADOPT: 9050, 9051, 9052, 9053, 9054, 9055
REPEAL: 1002
Filed 04/01/2009
Effective 07/01/2009
Agency Contact:
Melani Singley (916) 227-4258

File# 2009-0324-02
DEPARTMENT OF FOOD AND AGRICULTURE
Light Brown Apple Moth Interior Quarantine

This emergency regulatory action will expand the regulated quarantine area in Alameda and Marin counties by approximately 61 square miles and expand the regulated quarantine area of Solano and Sonoma counties by approximately 11 square miles, resulting in a total of approximately 2,486 square miles under regulation within the State, for the light brown apple moth "LBAM" ("Epiphyas postvittana") due to recent findings of the pest. The effect of these amendments to the regulation is to establish the authority for the State to perform quarantine activities against LBAM in these additional areas.

Title 3
California Code of Regulations
AMEND: 3434(b)
Filed 03/30/2009
Effective 03/30/2009
Agency Contact:
Stephen S. Brown (916) 654-1017

File# 2009-0209-04
DEPARTMENT OF INSURANCE
Intervention/Participation in a Proceeding Other than a Rate Hearing

This proposed set of changes without regulatory effect would amend sections 2661.3, 2661.4 and 2662.1 in the following ways:

1. Add "or" to the following provision of section 2661.3(a): "A person desiring to intervene and become a party to a rate or class plan proceeding shall file a . . . (Section 2661.3(a))"
2. Move the last sentence of subsection (e) dealing with Petitions to Participate from the Intervenor section (2661.3) to the section dealing with Petitions to Participate (2661.4).
3. Remove a repetitive sentence in 2661.4(a); and,
4. Change an erroneous and non-existent cross-reference to the proper one in section 2662.1 (changes the reference from 2666.1 to 2661.1).

Title 10
California Code of Regulations
AMEND: 2661.3, 2661.4, 2662.1
Filed 03/25/2009
Effective 03/25/2009
Agency Contact: Sara Urakawa (415) 538-4121

File# 2009-0218-04
DEPARTMENT OF INSURANCE
Low Cost Automobile Income Eligibility Guidelines

Department of Insurance submitted this action without regulatory effect to update the information in the California Automobile Insurance Low Cost Program Plan of Operations, incorporated by reference into title 10, California Code of Regulations, section 2498.6. This proposal updates Exhibit C, titled "Income Eligibility Guidelines," to indicate changes in the federal poverty levels from 2008 to 2009. The 2009 federal poverty levels conform to the Annual Update of the Health and Human Services Poverty Guidelines published in the Federal Register by the U.S. Department of Health and Human Services (74 Fed.Reg. 4199 (Jan. 23, 2009)). Exhibit C includes a table showing the updated 2009 federal poverty levels per family size, and corresponding Ins. Code sec. 11629.73(a) 250 percent maximum household gross annual income eligibility levels, which are based on the federal poverty levels.

Title 10
California Code of Regulations
AMEND: 2498.6 (Exhibit C)
Filed 03/27/2009
Agency Contact:
Bryant W. Henley (415) 538-4111

File# 2009-0318-02
DEPARTMENT OF JUSTICE
Contractors State License Board Bond Form

The Department of Justice (for the Contractors State License Board) is adopting section 30.15, title 11, California Code of Regulations, pertaining to the Contractor's Disciplinary Bond form No. 13B-3 (03/09).

Title 11
California Code of Regulations
ADOPT: 30.15
Filed 03/30/2009
Effective 03/30/2009
Agency Contact: Karen W. Yiu (415) 703-5385

File# 2009-0209-05
DEPARTMENT OF PESTICIDE REGULATION
Toxic Air Contaminant — Endosulfan

The Department of Pesticide Regulation submitted this action to amend title 3, California Code of Regulations, section 6860(a) by adding the pesticide chemical endosulfan as a designated toxic air contaminant.

Title 3
California Code of Regulations
AMEND: 6860
Filed 03/25/2009
Effective 04/24/2009
Agency Contact:
Linda Irokawa-Otani (916) 445-3991

File# 2009-0224-01
OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD
High-Voltage Electrical Safety Orders

This regulatory action adopts standards that are similar to federal standards concerning High-Voltage Electrical Safety Orders. These regulations are exempt from OAL review pursuant to Labor Code section 142.3(a)(3).

Title 8
California Code of Regulations
ADOPT: 2710.1, 2716.1, 2718, 2718.1, 2738, 2739.0, 2739.4, 2742.0, 2742.1, 2742.2, 2742.3, 2745.0, 2745.1, 2749.2, 2754.1, 2754.2, 2796, 2799.1, 2799.2, 2799.3, 2799.4, 2799.5, 2799.6, 2812.2, 2812.3, 2832, 2833.1, 2833.2, 2882.2, 2985.0, 2985.1, 2985.2, 2987.0, 2987.1, 2989.0, 2989.1 AMEND: 2700, 2706, 2707, 2710, 2712, 2714, 2715, 2725, 2735, 2739.1, 2743, 2745.2, 2749.1, 2753, 2790, 2791, 2792, 2795, 2797, 2799.0, 2805, 2810, 2812.1, 2816, 2819, 2820, 2833, 2845, 2847, 2863, 2873, 2874, 2875, 2880, 2882.1, 2890, 2893, 2908, 2910, 2931, 2932, 2933, 2934, 2935, 2946, 2974 REPEAL: 2742
Filed 04/01/2009

Effective 04/01/2009
 Agency Contact: Marley Hart (916) 274-5721

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN October 29, 2008 TO
 April 1, 2009**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1

01/20/09 AMEND: 260
 01/20/09 AMEND: Appendix A, Std. Form 400

Title 2

03/05/09 AMEND: 18704
 02/17/09 AMEND: 51.3
 02/02/09 AMEND: 18402, 18450.3
 01/30/09 ADOPT: 18427.5
 01/30/09 ADOPT: 18421.8, 18521.5 AMEND: 18401
 01/27/09 AMEND: 2294
 01/26/09 AMEND: 1859.104.1
 01/21/09 ADOPT: 1859.184.1 AMEND: 1859.2, 1859.103, 1859.184
 01/12/09 AMEND: div. 8, ch. 24, secs. 45100, 45127, 45128
 01/08/09 ADOPT: 18420.1
 01/08/09 ADOPT: 18944.3 AMEND: 18944.1
 12/30/08 AMEND: 714
 12/29/08 ADOPT: 2298
 12/15/08 AMEND: 17463, 17470, 17519
 12/09/08 ADOPT: 25100
 12/08/08 AMEND: 1700
 11/03/08 AMEND: 647.1, 647.2, 647.3, 647.20, 647.20.1, 647.21, 647.22, 647.23, 647.24, 647.25, 647.26, 647.30, 647.31, 647.32, 647.33, 647.35, 647.36, 648.1, 648.3, 648.5, 649.20, 649.21
 10/31/08 AMEND: 18545, 18703.4, 18730, 18940.2, 18942.1, 18943
 10/31/08 ADOPT: 18402.1 AMEND: 18427

Title 3

03/30/09 AMEND: 3434(b)
 03/25/09 AMEND: 6860
 03/23/09 AMEND: 3423(b)
 03/19/09 ADOPT: 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220,

1221, 1222.1, 1222.4, 1209, 1209.1, 1245.1, 1245.2, 1245.3, 1245.4, 1260.2, 1269, 1269.1, 1269.2, 1271 AMEND: 1200, 1201, 1202, 1204, 1205, 1206, 1207, 1208, 1222, 1223, 1223.1, 1235, 1236, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1245.1, 1245.2, 1245.3, 1245.4, 1245.5, 1245.6, 1245.7, 1245.8, 1245.9, 1245.10, 1245.11, 1245.12, 1245.13, 1245.14, 1245.15, 1245.16, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1260.1, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270 REPEAL: 1203, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1237

03/18/09 AMEND: 3435(b)
 03/10/09 AMEND: 3434
 03/05/09 AMEND: 3591.20(a)
 03/04/09 AMEND: 3435
 02/27/09 AMEND: 3434(b)
 02/26/09 AMEND: 850
 02/19/09 AMEND: 3434(b)
 02/13/09 AMEND: 3406(b)
 02/10/09 AMEND: 3060.4(a)(1)(C)(1), 3652(k)
 02/05/09 AMEND: 3434(b)
 02/02/09 AMEND: 3406(b)
 01/21/09 ADOPT: 3591.22(a), 3591.22(b), 3591.22(c), 3591.22(d)
 01/21/09 ADOPT: 3591.21(a), 3591.21(b), 3591.21(c)
 01/20/09 REPEAL: 3664, 3665, 3666, 3667, 3668, 3669
 01/14/09 AMEND: 3434(b)
 01/13/09 AMEND: 3434(b)
 01/12/09 AMEND: 3589(a)
 12/30/08 AMEND: 3417(b)
 12/18/08 AMEND: 3417(b)
 12/18/08 AMEND: 3406(b)
 12/16/08 AMEND: 1358(b)
 12/12/08 AMEND: 3434(b)
 12/10/08 AMEND: 3589
 12/04/08 AMEND: 3435(b)
 11/26/08 AMEND: 3406(b)
 11/20/08 ADOPT: 6400
 11/12/08 AMEND: 3591.5(a)
 11/12/08 AMEND: 3434(b)
 11/07/08 AMEND: 3433(b)
 10/30/08 ADOPT: 1430.142 AMEND: 1430.43 REPEAL: 1430.44.5
 10/29/08 AMEND: 3435(b)

Title 4

03/23/09	AMEND: 10175, 10176, 10177, 10182, 10185, 10187, 10188, 10189, 10190	2908, 2910, 2931, 2932, 2933, 2934, 2935, 2946, 2974 REPEAL: 2742
03/11/09	AMEND: 1865	03/04/09 AMEND: 3248
03/10/09	ADOPT: 12388, 12410	03/02/09 ADOPT: 15475.1, 15475.2, 15475.3, 15482, 15482.1, 15482.2, 15483, 15484, 15485, 15486, 15486.1, 15487, 15488, 15489, 15489.1, 15490, 15490.1, 15491, 15496, 15497, 15497.1, 15498, 15499, 15499.5 AMEND: 15201, 15203, 15203.1, 15203.2, 15203.3, 15203.4, 15203.5, 15203.6, 15203.7, 15203.8, 15203.9, 15203.10, 15204, 15205, 15210, 15210.1, 15210.2, 15210.3, 15211, 15211.1, 15211.2, 15215, 15230, 15251, 15353, 15360, 15405, 15470, 15471, 15472, 15473, 15474, 15475, 15476, 15477, 15478, 15479, 15480, 15481, 15601.7
03/05/09	ADOPT: 2066	
03/05/09	ADOPT: 1504.5 AMEND: 1481, 1486	
03/04/09	AMEND: 2073	
02/23/09	ADOPT: 8102, 8102.1, 8102.2, 8102.3, 8102.5, 8102.6, 8102.7, 8102.8, 8102.9, 8102.11, 8102.12, 8102.13, 8102.14, 8102.15 AMEND: 8090, 8091, 8092, 8093, 8094, 8095, 8096, 8097, 8098, 8099, 8100, 8101 REPEAL: 8102.10	
02/13/09	ADOPT: 12362	
02/11/09	ADOPT: 8078.1 AMEND: 8070, 8072, 8076, 8078	
01/13/09	ADOPT: 4027, 4027.1, 4027.2, 4027.3, 4027.4, 4027.5	
12/29/08	AMEND: 12482	03/02/09 AMEND: 3209, 3299, 4885, 5049, 5085, 5152, 5193, 5207, 5215, 5297, 5299, 5302, 5304, 5449, 6402, 6503, 6600
11/24/08	ADOPT: 8102, 8102.1, 8102.2, 8102.3, 8102.4, 8102.5, 8102.6, 8102.7, 8102.8, 8102.9, 8102.10, 8102.11, 8102.12, 8102.13, 8102.14, 8102.15 AMEND: 8090, 8091, 8092, 8093, 8094, 8095, 8096, 8097, 8098, 8099, 8100, 8101	02/25/09 REPEAL: 10116.4, 10122, 10122.1, 10123, 10123.2, 10123.3, 10124, 10124.1, 10125, 10125.1, 10125.2, 10125.3, 10126, 10127, 10127.1, 10127.2, 10127.3, 10128, 10129, 10129.1, 10130, 10131, 10131.1, 10131.2, 10132, 10132.1, 10133, 10133.2, 10133.4, 10133.10, 10133.11, 10133.12, 10133.13, 10133.14, 10133.15, 10133.16, 10133.17, 10133.18, 10133.19, 10133.20, 10133.21, 10133.22
11/17/08	AMEND: 1505	02/18/09 AMEND: 3664, 3732, 3737, 3944, 4186, 4307.1, 4345, 4353, 4354
10/30/08	AMEND: 1606	02/13/09 AMEND: 3336, 3650, 3653

Title 5

03/27/09	AMEND: 3001, 3051, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070	
03/05/09	AMEND: 80225	
02/17/09	AMEND: 80413, 80487	
02/04/09	ADOPT: 9800, 9810, 9820, 9830	02/09/09 AMEND: 3231, 3277, Appendix B following Section 3299, Appendix A following Section 3326, 3340, 3341, 3575, Appendices A, B, C, D, E, F, G following Section 3583
01/20/09	ADOPT: 9517.1	01/29/09 AMEND: 4994
01/05/09	AMEND: 80004	01/28/09 AMEND: 4999
12/09/08	ADOPT: 18131.1 AMEND: 18131	01/20/09 AMEND: Appendix B following sections 1529, 5208, 8358
11/06/08	AMEND: 42723	01/15/09 AMEND: 2500.7

Title 8

04/01/09	ADOPT: 2710.1, 2716.1, 2718, 2718.1, 2738, 2739.0, 2739.4, 2742.0, 2742.1, 2742.2, 2742.3, 2745.0, 2745.1, 2749.2, 2754.1, 2754.2, 2796, 2799.1, 2799.2, 2799.3, 2799.4, 2799.5, 2799.6, 2812.2, 2812.3, 2832, 2833.1, 2833.2, 2882.2, 2985.0, 2985.1, 2985.2, 2987.0, 2987.1, 2989.0, 2989.1 AMEND: 2700, 2706, 2707, 2710, 2712, 2714, 2715, 2725, 2735, 2739.1, 2743, 2745.2, 2749.1, 2753, 2790, 2791, 2792, 2795, 2797, 2799.0, 2805, 2810, 2812.1, 2816, 2819, 2820, 2833, 2845, 2847, 2863, 2873, 2874, 2875, 2880, 2882.1, 2890, 2893,	01/13/09 ADOPT: 29, 31.1, 31.3, 31.7, 32.6, 36.5, 41.5, 41.6, 41.7, 63, 120, 121, 122, 123, 124 AMEND: 1, 10, 11, 11.5, 12, 13, 14, 15, 16, 17, 18, 19, 20, 30, 30.5, 31, 31.5, 32, 33, 34, 35, 35.5, 36, 38, 39, 39.5, 40, 41, 43, 44, 45, 46, 46.1, 47, 49, 49.2, 49.4, 49.6, 49.8, 49.9, 50, 51, 52, 54, 55, 56, 57, 60, 61, 62, 65, 100, 102, 103, 104, 105,
----------	--	--

	106, 107, 108, 109, 110, 111, 112, 113, 116, 117, 118, 119, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159 REPEAL: 10.5, 32.5, 37, 53, 70, 71, 72, 73, 74, 75, 76, 76.5, 77, 101, 114, 115		10416, 10417, 10514, 10520, 10548, 10555, 10563, 10590, 10591, 10592, 10610, 10630, 10758, 10762, 10771, 10867, 10890, 10952, 10955, 10957, 10995, 10996
12/22/08	ADOPT: 16404, 16430, 16435.5 AMEND: 16421, 16422, 16423, 16424, 16425, 16426, 16427, 16428, 16429, 16431, 16432, 16434, 16435, 16436, 16437, 16439	11/12/08	AMEND: 15600, 15601, 15602, 15603, 15604, 15605, 15606, 15607, 15611
12/02/08	AMEND: 2940.6, Appendix C	11/06/08	AMEND: 2540.8, 2540.9, 2548.23, 2719, 2740, 2741, 2880, 2980
12/01/08	AMEND: 5198(f)(2)(A)		
11/19/08	AMEND: 1658(p)	Title 9	
11/17/08	ADOPT: 10116, 10116.1, 10116.2, 10116.3, 10116.5, 10116.6, 10116.7, 10116.8 AMEND: 10123.1 renumbered to 10116.4, 10001 renumbered to 10116.9, 10002 renumbered to 10117, 10003 renumbered to 10118, 10004 renumbered to 10119, 10005 renumbered to 10120, 10123, 10127, 10127.1, 10128, 10133.13, 10133.14, 10133.16, 10133.22, 10133.53, 10133.54, 10133.55, 10133.56, 10133.57, 10133.58 REPEAL: 10133.3, 10133.50	02/06/09	ADOPT: 4000, 4005
11/17/08	ADOPT: 10210, 10211, 10212, 10213, 10214, 10215, 10216, 10217, 10218, 10222, 10223, 10225, 10227, 10228, 10229, 10230, 10232, 10232.1, 10232.2, 10233, 10236, 10240, 10241, 10243, 10244, 10245, 10246, 10250, 10250.1, 10251, 10253, 10253.1, 10254, 10256, 10260, 10270, 10271, 10272, 10273, 10275, 10280, 10281, 10290, 10291, 10293, 10294, 10294.5, 10295, 10296, 10297 AMEND: 10252, 10252.1 REPEAL: 10250	01/07/09	AMEND: 7400
11/17/08	ADOPT: 10150.1, 10150.2, 10150.3, 10150.4, 10151, 10151.1, 10166.1 AMEND: 10150, 10160, 10160.1, 10160.5, 10161, 10161.1, 10162, 10164, 10165, 10166, 10167 REPEAL: 10168	11/18/08	ADOPT: 9550
11/17/08	ADOPT: 10397, 10403, 10409, 10508, 10550, 10593, 10603, 10629, 10770.5, 10770.6, 10782, 10785, 10844, 10845 AMEND: 10301, 10302, 10324, 10346, 10400, 10410, 10411, 10412, 10450, 10500, 10505, 10507, 10510, 10541, 10561, 10589, 10608, 10616, 10626, 10750, 10751, 10753, 10754, 10755, 10770, 10779, 10840, 10842, 10843, 10846, 10848, 10850, 10860, 10865, 10866, 10946, 10950, 10953 REPEAL: 10306, 10308, 10347, 10390, 10391, 10392, 10395, 10396, 10414, 10415,	Title 10	
		03/27/09	AMEND: 2498.6 (Exhibit C)
		03/25/09	AMEND: 2661.3, 2661.4, 2662.1
		03/23/09	AMEND: 2498.6
		02/26/09	AMEND: 2699.6805
		02/23/09	AMEND: 2318.6, 2353.1
		02/23/09	AMEND: 2498.6
		02/19/09	AMEND: 5000, 5110, 5111, 5112, 5113, 5114, 5116, 5117 REPEAL: 5119
		02/05/09	ADOPT: 2308.1, 2308.2, 2308.3
		01/15/09	AMEND: 2699.6707, 2699.6711, 2699.6721, 2699.6723, 2699.6725, 2699.6809
		01/14/09	AMEND: 2698.100, 2698.200, 2698.201, 2698.206, 2698.300, 2698.301
		01/12/09	AMEND: 2498.5
		12/31/08	ADOPT: 2194.50, 2194.51, 2194.52, 2194.53, 2194.54, 2194.55
		12/02/08	AMEND: 2652.1
		11/12/08	AMEND: 2498.4.9
		11/12/08	AMEND: 2498.4.9
		11/07/08	AMEND: 2498.5
		11/03/08	AMEND: 2498.5
		Title 11	
		04/01/09	ADOPT: 9056, 9057, 9058, 9059, 9060 AMEND: 1018
		04/01/09	ADOPT: 9050, 9051, 9052, 9053, 9054, 9055 REPEAL: 1002
		03/30/09	ADOPT: 30.15
		03/03/09	AMEND: 9070, 9077
		02/18/09	REPEAL: 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327
		02/03/09	ADOPT: 64.7
		01/28/09	AMEND: 51.19
		12/31/08	AMEND: 1005(d)
		12/02/08	AMEND: 1005, 1007, 1008
		11/07/08	AMEND: 1005, 1081
		Title 12	
		02/26/09	ADOPT: 800, 800.1, 801, 802, 803, 804, 805, 806, 807, 808, 809

CALIFORNIA REGULATORY NOTICE REGISTER 2009, VOLUME NO. 15-Z

01/27/09 AMEND: 501
 01/12/09 AMEND: 503

Title 13
 03/18/09 ADOPT: 1962.1 AMEND: 1900, 1962, 1962.1 renumber as 1962.2
 03/10/09 ADOPT: 1160.6 AMEND: 1160.3, 1160.4
 02/26/09 ADOPT: 29.00
 02/05/09 ADOPT: 20.05 AMEND: 20.04
 02/05/09 AMEND: 25.08
 01/20/09 AMEND: 2700, 2701, 2702, 2703, 2704, 2705, 2706, 2708, 2709, 2710
 12/22/08 AMEND: 553.70
 12/05/08 AMEND: 110.04
 12/01/08 AMEND: 1956.8
 11/24/08 ADOPT: 2027
 11/03/08 AMEND: 25.06, 25.07, 25.08, 25.09, 25.10, 25.14, 25.15, 25.16, 25.17, 25.18, 25.19, 25.20, 25.21, 25.22

Title 13, 17
 12/03/08 AMEND: 2299.3, 93118.3

Title 14
 03/18/09 AMEND: 632
 03/16/09 ADOPT: 20004.1, 20009.1, 20009.2 AMEND: 20000, 20001, 20002, 20003, 20004, 20005, 20008, 20009
 03/04/09 AMEND: 2000, 2090, 2516, 2530, 2620, 2630, 2660, 2670, 2720, 2730
 03/03/09 ADOPT: 27.32 AMEND: 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 27.51, 28.26, 28.27, 28.28, 28.29, 28.48, 28.49, 28.51, 28.52, 28.53, 28.54, 28.55, 28.56, 28.57, 28.58
 03/02/09 AMEND: 791.7(a), Form FG OSPR-1924, Form FG OSPR-1925, Form FG OSPR-1972
 02/25/09 AMEND: 1038, 1052
 02/23/09 ADOPT: 749.4
 01/28/09 AMEND: 701
 01/13/09 AMEND: 300
 01/12/09 ADOPT: 4970.00, 4970.01, 4970.02, 4970.03, 4970.04, 4970.05, 4970.06.1, 4970.06.2, 4970.06.3, 4970.07, 4970.07.1, 4970.07.2, 4970.08, 4970.09, 4970.10, 4970.10.1, 4970.10.2, 4970.10.3, 4970.10.4, 4970.11, 4970.12, 4970.13, 4970.14, 4970.14.1, 4970.14.2, 4970.14.3, 4970.15, 4970.15.1, 4970.15.2, 4970.15.3, 4970.15.4, 4970.16, 4970.17, 4970.18, 4970.19, 4970.19.1, 4970.19.2, 4970.19.3, 4970.19.4, 4970.19.5, 4970.19.6, 4970.20, 4970.21, 4970.22, 4970.23, 4970.23.1, 4970.23.2, 4970.24, 4970.25.1, 4970.25.2, 4970.25.3, 4970.26 REPEAL: 4970.49, 4970.50, 4970.51, 4970.52, 4970.53, 4970.54, 4970.55, 4970.56, 4970.57, 4970.58, 4970.59, 4970.60, 4970.61, 4970.62, 4970.63, 4970.64, 4970.65, 4970.66, 4970.67, 4970.68, 4970.69, 4970.70, 4970.71, 4970.72
 12/31/08 AMEND: 957 REPEAL: 957.11, 957.12
 12/29/08 AMEND: 243, 245 REPEAL: 241
 12/17/08 ADOPT: 1032 AMEND: 895, 895.1, 929.1, 949.1, 969.1, 1032.7, 1032.9, 1037.3, 1054.5, 1055.3, 1056.3, 1090.1, 1090.2, 1090.4, 1090.6, 1090.17, 1092.03, 1092.04, 1092.06, 1092.18, 1104.3 REPEAL: 1032
 12/11/08 AMEND: Division 5, Appendix M
 12/10/08 ADOPT: 120.1, 120.2 AMEND: 120, 120.3 REPEAL: 120.01
 11/26/08 AMEND: 1257
 11/24/08 AMEND: 749.3
 11/13/08 ADOPT: 18660.40
 11/07/08 AMEND: 895.1, 919.9, 939.9
 11/07/08 AMEND: 1038(i)
 11/07/08 AMEND: 895.1, 898, 914.8, 916, 916.2, 916.9, 916.11, 916.12, 923.3, 923.9, 934.8, 936, 936.2, 936.9, 936.11, 936.12, 943.3, 943.9, 954.8, 956, 956.2, 956.9, 956.11, 956.12, 963.3, 963
 10/30/08 AMEND: 29.85

Title 15
 02/05/09 ADOPT: 3077, 3077.1, 3077.2, 3077.3, 3077.4 AMEND: 3000, 3043.6, 3375
 02/02/09 ADOPT: 1800, 1806, 1812, 1814, 1830, 1831, 1840, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1856, 1857, 1860, 1866, 1867, 1868, 1870, 1872, 1876, 1878, 1888, 1890, 1892
 12/19/08 REPEAL: 4826, 4985
 12/16/08 ADOPT: 3099
 12/15/08 ADOPT: 3334 AMEND: 3000
 12/11/08 AMEND: 3323
 12/09/08 AMEND: 3000, 3001, 3041.3, 3075.3, 3294.5, 3356, 3369.5, 3370, 3376.1, 3382, 3383, 3393, 3401, 3402, 3405, 3406, 3407, 3408, 3410, 3411, 3414, 3430, 3432, 3433
 11/26/08 ADOPT: 1700, 1706, 1712, 1714, 1730, 1731, 1740, 1747, 1747.5, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1756, 1757, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788, 1790, 1792
 10/30/08 AMEND: 3000, 3375, 3376.1, 3379

Title 16

03/24/09 ADOPT: 1398.12
 03/20/09 AMEND: 1937, 1950, 1950.5, 1953
 03/11/09 AMEND: 1715, 1784, Form 17M-13,
 Form 17M-14, Form 17M-26
 03/04/09 AMEND: 4181
 03/04/09 AMEND: 1351.5, 1352
 03/04/09 ADOPT: 389
 03/04/09 AMEND: 998
 03/04/09 AMEND: 950.2
 03/03/09 AMEND: 305 REPEAL: 306.1
 02/11/09 AMEND: 950.3
 02/03/09 ADOPT: 2068.7
 01/28/09 AMEND: 950.2
 01/28/09 ADOPT: 1832.5
 01/09/09 ADOPT: 2504.1, 2517.5, 2564.1, 2575.5
 AMEND: 2537, 2540.6, 2590, 2592.6
 12/30/08 AMEND: 1387
 12/18/08 AMEND: 3340.28, 3340.29
 12/17/08 AMEND: 4170
 12/11/08 AMEND: 1336
 12/09/08 AMEND: 1399.25 REPEAL: 1399.26
 11/24/08 AMEND: 1419, 1419.1, 1419.3
 10/30/08 AMEND: 1399.571

Title 17

03/11/09 AMEND: 93119
 02/03/09 ADOPT: 100701
 01/29/09 ADOPT: 33060 AMEND: 33007, 33010,
 33020, 33025, 33030, 33040
 01/28/09 AMEND: 950.2
 01/28/09 ADOPT: 1832.5
 12/30/08 AMEND: 30195.1
 12/26/08 ADOPT: 100501
 12/02/08 ADOPT: 95100, 95101, 95102, 95103,
 95104, 95105, 95106, 95107, 95108,
 95109, 95110, 95111, 95112, 95113,
 95114, 95115, 95125, 95130, 95131,
 95132, 95133
 10/30/08 AMEND: 100407, 100408

Title 18

03/19/09 AMEND: 23701, 23772
 03/11/09 AMEND: 1506, 1524
 03/11/09 AMEND: 1705
 02/05/09 AMEND: 1620
 01/02/09 AMEND: 1702.5
 12/01/08 AMEND: 1602.5
 11/14/08 AMEND: 1591, 1602

Title 19

11/14/08 AMEND: 2900, 2910, 2915, 2920, 2930,
 2940, 2945, 2950, 2955, 2960, 2965,
 2966, 2970, 2980

Title 21

11/26/08 AMEND: 6633.2

Title 22

03/12/09 AMEND: 51517
 03/03/09 ADOPT: 63000.48, 63051, 63052
 AMEND: 63000.16, 63000.25,
 63000.43, 63000.46, 63000.66,
 63000.68, 63000.77, 63010, 63011,
 63013, 63020, 63021, 63029, 63030,
 63040, 63050, 63055 REPEAL: 63051
 02/04/09 ADOPT: 66260.201, 66260.202,
 66273.7, 66273.33.5, 66273.41,
 66273.70, 66273.71, 66273.72,
 66273.73, 66273.74, 66273.75,
 66273.76, and 66273.77 AMEND:
 66260.10, 66260.23, 66261.4, 66261.9,
 66261.50, appendix X of chapter 11,
 66264.1, 66265.1, 66273.1, 66273.2,
 66273.3, 66273.4, 66273.5, 66273.6,
 66273.8, 66273.9, 66273.30, 66273.31,
 66273.32, 66273.33, 66273.34,
 66273.35, 66273.36, 66273.37,
 66273.38, 66273.39, 66273.40,
 66273.51, 66273.52, 66273.53,
 66273.54, 66273.55, 66273.56,
 66273.60, 66273.61, 66273.62, and
 67100.2 REPEAL: 6 6273.7.1,
 66273.7.2, 66273.7.3, 66273.7.4,
 66273.7.5, 66273.7.6, 66273.7.7,
 66273.7.8, 66273.7.9, 66273.7.10,
 66273.10, 66273.11, 66273.12,
 66273.13, 66273.14, 66273.15,
 66273.16, 66273.17, 66273.18,
 66273.19, 66273.20, 66273.21,
 66273.41, 66273.70, 66273.80,
 66273.81, 66273.82, 66273.83,
 66273.84, 66273.85, 66273.86,
 66273.87, 66273.88, 66273.89, and
 66273.90 Articles Affected: Amend
 article 3; Adopt new article 4; Renumber
 old article 4 to article 5; Renumber old
 article 5 to article 6; Repeal old article 6;
 Repeal old article 7 and adopt new article
 7.
 01/29/09 AMEND: 97174
 01/28/09 AMEND: 41508, 41509, 41510, 41511,
 41512, 41514, 41515, 41515.1, 41515.2,
 41516, 41516.1, 41516.3, 41517,
 41517.3, 41517.5, 41517.7, 41518,
 41518.2, 41518.3, 41518.4, 41518.5,
 41518.7, 41518.8, 41518.9, 41519,
 41610, 41611, 41670, 41671, 41672,
 41700, 41800, 41811, 41815, 41819,
 41823, 41827, 41831, 41832, 41835,
 41839, 41844, 41848, 41852, 41856,
 41864, 41866, 41868, 41872, 41900,

42000, 42050, 42075, 42110, 42115,
 42120, 42125, 42130, 42131, 42132,
 42140, 42160, 42180, 42305, 42320,
 42321, 42326, 42330, 42400, 42401,
 42402, 42403, 42404, 42405, 42406,
 42407, 42420, 42700, 42701, 42702,
 42703, 42705, 42706, 42707, 42708,
 42709, 42710, 42711, 42712, 42713,
 42714, 42715, 42716, 42717, 42718,
 42719, 42720 REPEAL: 42800, 42801
 01/26/09 AMEND: 51313.6, 51320, 51476,
 51510, 51510.1, 51510.2, 51510.3,
 51511, 51513, 51520 REPEAL: 51513.5,
 51520.1, 51520.2, 59998
 01/23/09 AMEND: 51000.6.1, 51000.8, 51000.16,
 51000.20, 51000.20.1, 51000.24.1,
 51000.25.2, 51000.30, 51000.50,
 51000.51, 51000.52, 51000.53,
 51000.55, 51000.60
 01/22/09 ADOPT: 72038, 72077.1, 72329.1
 AMEND: 72077, 72329
 01/15/09 AMEND: 101115
 01/06/09 AMEND: 66270.60, 67450.30
 12/09/08 AMEND: 51521
 12/09/08 AMEND: 100031, 100032, 100033,
 100034, 100035, 100036, 100037,
 100038, 100039, 100040, 100042,
 100043 REPEAL: 100041
 11/24/08 AMEND: 2706-1
 11/20/08 AMEND: 3254(i)-2
 11/13/08 ADOPT: 97234, 97267 AMEND: 97215,
 97225, 97226, 97227, 97241, 97244,
 97248
 11/06/08 AMEND: 2706-2, 3302-1, 3303.1(c)-1
 10/29/08 AMEND: 64413.1, 64414, 64431,
 64432, 64432.2, 64432.8, 64433.3,
 64445.1, 64447.2, 64482

Title 23

02/19/09 ADOPT: 3939.35
 02/03/09 AMEND: 3989
 01/07/09 ADOPT: 3939.34
 01/05/09 ADOPT: 3006
 12/09/08 ADOPT: 3939.33
 12/01/08 ADOPT: 3949.6
 11/06/08 AMEND: 2200, 2200.4, 2200.5, 2200.6
 11/06/08 ADOPT: 3939.32
 11/05/08 AMEND: 1062, 1064, 1077, 3833.1

Title 25

02/11/09 ADOPT: 4200, 4202, 4204, 4206, 4208,
 4210, 4212, 4214, 4216
 01/21/09 ADOPT: 1322, 1426, 2426 AMEND:
 1000, 1002, 1004, 1005, 1006, 1018,
 1020, 1020.1, 1020.6, 1032, 1183, 1210,
 1211, 1212, 1216, 1312, 1320, 1333,
 1429, 1432, 1438, 1468, 1474, 1504,
 1612, 1752, 1756, 2002, 2004, 2005,
 2006, 2018, 2183, 2210, 2211, 2212,
 2216, 2312, 2327, 2429, 2438, 2474,
 2504, 2612, 2752, 2756
 12/05/08 ADOPT: 7150, 7151, 7152, 7153, 7154,
 7155, 7156, 7157, 7158, 7159, 7160

Title 27

02/18/09 AMEND: 20921
 01/05/09 AMEND: 27001
 01/05/09 AMEND: 27000
 12/02/08 AMEND: 25805(b)

Title MPP

02/09/09 AMEND: 42-721, 42-780, 44-303,
 44-307, 44-318, 82-182
 02/05/09 ADOPT: 40-037, 70-101, 70-102,
 70-103, 70-104, 70-105 AMEND:
 30-755, 30-770, 40-105, 42-430,
 42-431, 42-433, 42-711, 49-020,
 49-030, 49-060, 63-403, 69-201,
 69-202, 69-205