

24385. The Motor Vehicle Pollution Control Board shall select annually from its membership a chairman and vice chairman. Only those members who have been appointed by the Governor shall be eligible for these offices.

24385.5 All meetings of the board shall be open and public and all persons shall be permitted to attend any meetings of the board.

24386. The Motor Vehicle Pollution Control Board shall have the powers and authority necessary to carry out the duties imposed on it by this chapter, including but not limited to, the following:

(1) To adopt rules and regulations in accordance with the provisions of the Administrative Procedure Act (commencing at Section 11370 of the Government Code), necessary for proper execution of the powers and duties granted to, and imposed upon the board by this chapter.

(2) To employ such technical and other personnel as may be necessary for the performance of its powers and duties.

(3) To determine and publish the criteria for approval of motor vehicle pollution control devices. In determining the criteria the board shall take into consideration the cost of the device and its installation, its durability, the ease and facility of determining whether the device, when installed on a motor vehicle, is properly functioning, and any other factors which, in the opinion of the board, render such a device suitable or unsuitable for the control of motor vehicle air pollution or for the health, safety, and welfare of the public.

(4) To issue certificates of approval for any motor vehicle pollution control device where, after being tested by the board or tested and recommended by a laboratory designated by the board as an authorized vehicle pollution control testing laboratory, the board finds that the device operates within the standards set by the state department under Section 426.5 and meets the criteria adopted under subdivision (3) of this section; provided that no certificate of approval shall be issued for any device required by subdivision (d) of Section 24390 of this code if:

(a) The cost of such device, including installation, is more than sixty-five dollars (\$65);

(b) The annual maintenance cost of the device, including any adjustment necessary for its proper operation in order to meet the standards set pursuant to Section 426.5, is likely to exceed fifteen dollars (\$15) a year; or

(c) The device does not equal or exceed the performance criteria established by the Motor Vehicle Pollution Control Board for devices for new motor vehicles or, in the alternative, have an expected useful life of 50,000 miles of operation.

(5) To exempt from Article 3 of this chapter designated classifications of motor vehicles for which certified devices are not available, and motor vehicles whose emissions are found by appropriate tests to meet state standards without additional equipment, and motor-driven cycles, implements of husbandry, and vehicles which qualify for special license plates under Section 5004 of the Vehicle Code.

(6) To revoke, suspend, or restrict a certificate of approval previously issued or an exemption previously granted, upon a determination by the Board that the device or motor vehicle no longer operates within the standards set by the state department under Section 426.5 or no longer meets the criteria adopted under subdivision (3) of this section or no longer should be exempted. Provided that once any motor vehicle is equipped with a certified device it shall not thereafter be deemed to be in violation of this chapter or Section 27156 of the Vehicle Code because a certificate of approval for such device is subsequently revoked, suspended, or restricted, and replacement parts for such device may continue to be supplied and used for such vehicle, unless such revocation, suspension or restriction of a certificate of approval is based upon a finding that the certified device has been found to be unsafe in actual use or is otherwise mechanically defective, in which event such motor vehicle must be brought into compliance with this chapter within 30 days after such finding.

(7) Proceedings under this chapter with respect to the denial of applications for the issuance of certificates of approval or the granting of exemptions, or for the revocation, suspension, or restriction of certificates of approval previously issued, or exemptions previously granted, by the board shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code, and the board shall have all the powers granted therein.