STATE OF CALIFORNIA--OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

NONSUBSTANTIVE

STD. 400 (REV. 01-2013)

For use by Secretary of State only

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

AUG 29 2018

3:10 pm

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-	2018-0724-03N	

For use by Office of Administrative Law (OAL) only

2018 JUL 24 P 3:23

OFFICE OF ADMINISTRATIVE LAW

NOTICE | REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY: Air Resources Board

AGENCY FILE NUMBER (If any):

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE
TITLE(S)
FIRST SECTION AFFECTED
2. REQUESTED PUBLICATION DATE

3. NOTICE TYPE
☐ Notice re Proposed Regulatory Action ☐ Other
4. AGENCY CONTACT PERSON
TELEPHONE NUMBER
FAX NUMBER (Optional)

OAL USE ONLY
ACTION ON PROPOSED NOTICE
☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/ Withdrawn
NOTICE REGISTER NUMBER
PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S)
Administrative Hearing Procedures

1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)

ADOPT

AMEND
60065.18 and 60075.17

REPEAL

TITLE(S)
17

3. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code §11346)
☐ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)
☐ Emergency (Gov. Code, §11346.1(b))
☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.
☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)
☐ Emergency Readopt (Gov. Code, §11346.1(h))
☐ File & Print
☐ Other (Specify)
☒ Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
☐ Print Only

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

☐ Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343 4(a))
☐ Effective on filing with Secretary of State
☒ §100 Changes Without Regulatory Effect
☐ Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399) (SAM §6660)
☐ Fair Political Practices Commission
☐ State Fire Marshal
☐ Other (Specify)

7. CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional)
Bradley Bechtold	(916) 322-6533		bradley.bechtold@arb.ca.gov

8. **I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.**

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE
7/23/18

TYPED NAME AND TITLE OF SIGNATORY
Richard W. Corey, Executive Officer

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

AUG 29 2018

Office of Administrative Law

FINAL REGULATION ORDER

Note: The pre-existing regulation text is set forth below in normal type. The proposed amendments are shown in underline to indicate additions and ~~strikethrough~~ to indicate deletions. "***" indicates that sections of regulation not printed are not changed.

Amend title 17, California Code of Regulations, sections 60065.18 and 60075.17 to read as follows:

Subarticle 4. Issuance of and Response to Complaints

§ 60065.18. Response/Request for Hearing

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(d) If the respondent fails to respond to the complaint in the time periods provided in this section, the matter shall be considered a default, pursuant to section ~~60065.41~~60065.38 and the respondent shall be considered to have waived his or her right to appear in the matter covered by the complaint.

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NOTE: Authority cited: Sections 39600, 39601, 42410, 43023, 43028 and 43031(a), Health and Safety Code. Reference: *Mathews v. Eldridge,* 424 U.S. 319 (1976); Sections 42410, 43023, 43028, and 4303 and 43031(a), Health and Safety Code.

Subarticle 5. Initiating Proceeding to Contest a Citation

§ 60075.17. Filing a Request for Hearing.

(a) Upon receiving a citation, the citee may:

(1) Initiate proceedings under these rules by filing a written request for hearing to contest a citation issued by the state board; or

(2) Pay the penalty demanded in the citation.

(b) A citee shall file a request for hearing to contest a citation with the executive officer.

(c) For citations arising under section 44011.6 of the Health and Safety Code, the request for hearing shall be filed within 45 days of the citee's receipt of the citation by personal delivery or certified mail.

(d) For all other citations issued by the state board, the request for hearing shall be filed within 30 days of the citee's receipt of the citation by personal delivery or certified mail.

(e) The executive officer may extend the applicable filing period set forth in subparagraphs (~~b~~c) and (~~c~~d) for good cause.

(f) If the citee fails to notify the executive officer of his or her intent to contest the citation within the applicable period set forth in subparagraphs (~~b~~c) and (~~c~~d), and if the citation penalty amount has not been paid in full, the citation becomes a final order not subject to review by any court or agency.

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NOTE: Authority cited: Sections 39600, 39601, 42410, 43023, 43028 and 43031(a), and 44011.6(m), Health and Safety Code. Reference: *Mathews v. Eldridge,* 424 U.S. 319 (1976); Sections 42410, 43023, 43028, 43031(a), and 44011.6, Health and Safety Code.