

Questions and Answers

Registration of Specially Constructed Vehicles

1. What is a Specially Constructed Vehicle?

As defined in Section 580 of the California Vehicle Code, a Specially Constructed Vehicle “is a vehicle which is built for private use, not for resale, and is not constructed by a licensed manufacturer or remanufacturer.”

Section 580 states that a Specially Constructed Vehicle may be built from any of the following:

1. a kit;
2. new or used parts;
3. a combination of new and used parts; or
4. a dismantled vehicle which, when reconstructed, does not resemble the original make.

A vehicle that has been repaired or restored to its original design by replacing parts does not qualify as a Specially Constructed Vehicle under Section 580.

Example: A Volkswagen "Beetle" with modified fenders, engine compartment lid, and front end, but still recognizable as a Volkswagen is not considered a Specially Constructed Vehicle.

2. How does a vehicle owner register a Specially Constructed Vehicle?

As with all motor vehicles that require registration, the Vehicle Code (section 4000 and following) directs vehicle owners to apply with Department of Motor Vehicles (DMV). This includes Specially Constructed Vehicles. Health and Safety Code section 44017.4 requires that after registration fees are paid, the vehicle must be inspected by a State authorized Referee station to determine the model year of the vehicle. If applicable, the vehicle also must pass a Smog Check inspection. See www.dmv.ca.gov for more information.

3. What is a Referee station?

A Referee station is a Smog Check facility authorized under contract with the Bureau of Automotive Repair (BAR) to perform inspections of vehicles requiring special attention. There are approximately 30 Referee stations in the State.

To schedule an appointment with a Referee station, call 1.800.622.7733.

4. Does a Specially Constructed Vehicle have to pass a Smog Check?

It depends on the model year that is established for the vehicle.

Existing law requires 1976 and newer model year vehicles to have a Smog Check performed as follows:

1. upon initial registration in California;
2. upon transfer of ownership; and
3. every other year upon renewal of registration.

Beginning January 2010, state law will require 1998 and newer model year diesel-powered vehicles to be inspected. Therefore, if a Specially Constructed Vehicle is determined to have a gas engine and a model year of 1976 or newer or, after January 2010, a diesel engine and a model year of 1998 or newer, a Smog Check inspection will be required.

5. How are the emissions control system requirements of a Specially Constructed Vehicle determined?

The Referee determines the emission control system requirements based on the model year assigned to the vehicle.

A tamper-resistant label specifying the requirements is attached underneath the hood of the vehicle. The label allows independent Smog Check stations to perform future inspections on the vehicle.

The Referee only requires those emission control systems that are applicable to the assigned model year.

6. How is the model year of a Specially Constructed Vehicle determined?

It depends on the sequence in which the vehicle is initially registered in California with the Department of Motor Vehicles (DMV).

Health and Safety Code section 44017.4 provides that the first 500 applicants each year, for initial registration of a Specially Constructed Vehicle, have the option to choose whether the model year determination will be based on the engine or the vehicle body. DMV issues a "Certificate of Sequence" to eligible vehicle owners.

After the first 500 applications, all vehicles undergoing initial registration as a Specially Constructed Vehicle must be assigned the model year in which the application for registration occurs or the registration must be denied pursuant to Vehicle Code section 4750.1.

Therefore, after the first 500 applications, a vehicle being registered in 2009 as a Specially Constructed Vehicle must be registered as a model year 2009.

7. How does a vehicle owner obtain a Certificate of Sequence?

The owner can apply in person at a DMV field office to register a vehicle as a Specially Constructed Vehicle. It must be one of the first 500 applications received that year. A list of DMV field offices is available online at www.dmv.ca.gov/fo/fotoc.htm

If the application is accepted, DMV will issue a Certificate of Sequence to the vehicle owner. DMV headquarters will mail the certificate within ten business days.

8. What happens after a Specially Constructed Vehicle is issued a Certificate of Sequence by DMV?

As required by Health and Safety Code section 44017.4, the owner must take the vehicle to a Referee station for inspection to determine its model year and emissions control system requirements.

If the owner chooses to have the model year based on the engine, the Referee will compare the vehicle's engine to other previously manufactured engines. Similarly, if the consumer chooses to have the model year based on the vehicle body, the Referee will compare the vehicle to other previously manufactured vehicles. The Referee will then determine the model year for the vehicle.

If the engine (or vehicle body) does not sufficiently resemble one previously manufactured, the model year "1960" is assigned to the vehicle.

9. Are there any restrictions on transferring of a Certificate of Sequence?

Yes, as published by the Department of Motor Vehicles on its Web site:

"SPCNS Certificates of Sequence **cannot** be transferred to a different vehicle or reissued in someone else's name."

However, if a Specially Constructed Vehicle is involved in a private party sale, DMV states that, "the seller of a vehicle must provide the buyer the SPCNS Certificate of Sequence along with the bill of sale and any additional registration documents. In addition, fees deposited in one year cannot be held over for the next year's allocation of certificates."

10. What happens if a Specially Constructed Vehicle is NOT issued a Certificate of Sequence by DMV?

In accordance with Vehicle Code section 4750.1, it will be assigned the model year in which the application for initial registration in California occurs or the registration will be denied. For example, DMV will assign the 2009 model year to the 501st, and later, vehicle being initially registered in 2009 as a Specially Constructed Vehicle.

As published by DMV (dmv.ca.gov/vr/spcns.htm) "After the first 500 vehicles have been registered in any calendar year, all others will be assigned the same model-year as the calendar year in which the application is submitted"

The owner then must take the vehicle to a Referee station to have the vehicle's emission control system inspected to ensure that the vehicle complies with the emission requirements for the year of the registration. Once the required emission control system configuration is determined, the Referee will place a BAR Label on the vehicle indicating the required emission controls.

The vehicle will then be required to receive a Smog Check inspection at a Licensed Smog Check Station. A Smog Check Certificate of Compliance will be required to complete the DMV Registration. The vehicle will be subject to future Smog Check certification on a biennial basis. (dmv.ca.gov/vr/spcnsreg.htm)

11. Can the owner of a currently registered Specially Constructed Vehicle apply for one of the first 500 registrations in a subsequent year, and be issued a Certificate of Sequence?

Yes, under Vehicle Code section 4750.1 (b). This would allow the owner to establish a different model year for the vehicle and potentially different emissions control system requirements.

12. My vehicle cannot pass a Smog Check because it does not meet current emission standards. Can I wait until next year to apply for a Certificate of Sequence from DMV?

If it is unable to pass a Smog Check, you may consider registering the vehicle for non-operation until deciding to apply for a Certificate of Sequence.