

ASSEMBLY BILL

No. 2581

Introduced by Assembly Member Conway

February 24, 2012

An act to amend Section 5205.5 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2581, as introduced, Conway. Vehicles: high-occupancy vehicle lanes.

Existing law authorizes the Department of Transportation to designate certain lanes for the exclusive use of high-occupancy vehicles (HOV), which lanes may also be used, until January 1, 2015, by certain low-emission and hybrid vehicles not carrying the requisite number of passengers otherwise required for the use of an HOV lane. The Department of Motor Vehicles is required to make available for issuance distinctive decals, labels, and other identifiers that clearly distinguish those vehicles.

This bill would make technical nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5205.5 of the Vehicle Code, as added by
2 Section 1 of Chapter 37 of the Statutes of 2010, is amended to
3 read:

1 5205.5. (a) For the purposes of implementing Section 21655.9,
2 the department shall make available for issuance, for a fee
3 determined by the department to be sufficient to reimburse the
4 department for the actual costs incurred pursuant to this section,
5 distinctive decals, labels, and other identifiers that clearly
6 distinguish the following vehicles from other vehicles:

7 (1) A vehicle that meets California’s super ultra-low emission
8 vehicle (SULEV) standard for exhaust emissions and the federal
9 inherently low-emission vehicle (ILEV) evaporative emission
10 standard, as defined in Part 88 (commencing with Section
11 88.101-94) of Title 40 of the Code of Federal Regulations.

12 (2) A vehicle that was produced during the 2004 model-year or
13 earlier and meets California’s ultra-low emission vehicle (ULEV)
14 standard for exhaust emissions and the federal ILEV standard.

15 (b) The department shall include a summary of the provisions
16 of this section on each motor vehicle registration renewal notice,
17 or on a separate insert, if space is available and the summary can
18 be included without incurring additional printing or postage costs.

19 (c) (1) The Department of Transportation shall remove
20 individual HOV lanes, or portions of those lanes, during periods
21 of peak congestion from the access provisions provided in
22 subdivision (a), following a finding by the Department of
23 Transportation as follows:

24 ~~(1)~~

25 (A) The lane, or portion thereof, exceeds a level of service C,
26 as discussed in subdivision (b) of Section 65089 of the Government
27 Code.

28 ~~(2)~~

29 (B) The operation or projected operation of the vehicles
30 described in subdivision (a) in these lanes, or portions thereof, will
31 significantly increase congestion.

32 ~~The~~

33 (2) *The finding made pursuant to paragraph (1) also shall*
34 *demonstrate the infeasibility of alleviating the congestion by other*
35 *means, including, but not limited to, reducing the use of the lane*
36 *by noneligible vehicles, or further increasing vehicle occupancy.*

37 (d) The State Air Resources Board shall publish and maintain
38 a listing of all vehicles eligible for participation in the programs
39 described in this section. The board shall provide that listing to
40 the department.

1 (e) For purposes of subdivision (a), the Department of the
2 California Highway Patrol and the department, in consultation
3 with the Department of Transportation, shall design and specify
4 the placement of the decal, label, or other identifier on the vehicle.
5 Each decal, label, or other identifier issued for a vehicle shall
6 display a unique number, and that number shall be printed on, or
7 affixed to, the vehicle registration.

8 (f) If the Metropolitan Transportation Commission, serving as
9 the Bay Area Toll Authority, grants toll-free and reduced-rate
10 passage on toll bridges under its jurisdiction to any vehicle pursuant
11 to Section 30102.5 of the Streets and Highways Code, it shall also
12 grant the same toll-free and reduced-rate passage to a vehicle
13 displaying an identifier issued by the department pursuant to
14 paragraph (1) or (2) of subdivision (a).

15 (g) If the Director of Transportation determines that federal law
16 does not authorize the state to allow vehicles that are identified by
17 distinctive decals, labels, or other identifiers on vehicles described
18 in subdivision (a) to use highway lanes or highway access ramps
19 for high-occupancy vehicles regardless of vehicle occupancy, the
20 Director of Transportation shall submit a notice of that
21 determination to the Secretary of State.

22 ~~(h) This section shall become operative on January 1, 2011.~~

23 ~~(i)~~

24 (h) This section shall remain in effect only until January 1, 2015,
25 or only until the date the Secretary of State receives the notice
26 described in subdivision (g), whichever occurs first, and as of that
27 date is repealed.