

AMENDED IN SENATE JULY 10, 2013

AMENDED IN ASSEMBLY APRIL 9, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 266

Introduced by Assembly Members Blumenfield and Bloom

February 7, 2013

An act to amend Section 21655.9 of, and to amend and repeal Section 5205.5 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 266, as amended, Blumenfield. Vehicles: high-occupancy vehicle lanes.

Existing law authorizes the Department of Transportation to designate certain lanes for the exclusive use of high-occupancy vehicles (HOVs), which lanes may also be used, until January 1, 2015, or until the Secretary of State receives a specified notice, by certain low-emission, hybrid, or alternative fuel vehicles not carrying the requisite number of passengers otherwise required for the use of an HOV lane, if the vehicle displays a valid identifier issued by the Department of Motor Vehicles. A violation of provisions relating to HOV lane use by vehicles with those identifiers is a crime.

This bill would extend the operation of those provisions to January 1, 2018, for certain low-emission vehicles, and would extend the operation of those provisions *vehicles* to January 1, 2020, for other specified low-emission vehicles, as specified, 2019, or, in either case, until the Secretary of State receives that specified notice, whichever occurs first. *The bill would until January 1, 2015, or until the Secretary of State receives that specified notice, authorize the department to issue*

a valid identifier to a vehicle that meets California's transitional zero-emission vehicle (TZEV) standard. The bill would also repeal duplicate provisions of law, delete obsolete provisions of law relating to hybrid vehicles, and make additional conforming changes.

By extending a crime that otherwise would be inoperative, the bill would impose a state-mandated local program.

This bill would incorporate additional substantive changes in Sections 5205.5 and 21655.9 of the Vehicle Code made by SB 286, to become operative if SB 286 and this bill become effective on or before January 1, 2014, and this bill is enacted last.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 5205.5 of the Vehicle Code, as amended
2 by Section 2 of Chapter 674 of the Statutes of 2012, is amended
3 to read:

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

10 (1) A vehicle that meets California's super ultra-low emission
11 vehicle (SULEV) standard for exhaust emissions and the federal
12 inherently low-emission vehicle (ILEV) evaporative emission
13 standard, as defined in Part 88 (commencing with Section
14 88.101-94) of Title 40 of the Code of Federal Regulations.

15 (2) A vehicle that was produced during the 2004 model-year or
16 earlier and meets California ultra-low emission vehicle (ULEV)
17 standard for exhaust emissions and the federal ILEV standard.

18 (3) A vehicle that meets California's enhanced advanced
19 technology partial zero-emission vehicle (enhanced AT PZEV)
20 *standard or transitional zero-emission vehicle (TZEV) standard.*

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

5 (c) The Department of Transportation shall remove individual
6 HOV lanes, or portions of those lanes, during periods of peak
7 congestion from the access provisions provided in subdivision (a),
8 following a finding by the Department of Transportation as follows:

9 (1) The lane, or portion thereof, exceeds a level of service C,
10 as discussed in subdivision (b) of Section 65089 of the Government
11 Code.

12 (2) The operation or projected operation of the vehicles
13 described in subdivision (a) in these lanes, or portions thereof, will
14 significantly increase congestion.

15 (3) The finding ~~also~~ shall *also* demonstrate the infeasibility of
16 alleviating the congestion by other means, including, but not
17 limited to, reducing the use of the lane by noneligible vehicles or
18 further increasing vehicle occupancy.

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

23 (e) (1) For purposes of subdivision (a), the Department of the
24 California Highway Patrol and the department, in consultation
25 with the Department of Transportation, shall design and specify
26 the placement of the decal, label, or other identifier on the vehicle.
27 Each decal, label, or other identifier issued for a vehicle shall
28 display a unique number, which number shall be printed on, or
29 affixed to, the vehicle registration.

30 (2) Decals, labels, or other identifiers designed pursuant to this
31 subdivision for a vehicle described in paragraph (3) of subdivision
32 (a) shall be distinguishable from the decals, labels, or other
33 identifiers that are designed for vehicles described in paragraphs
34 (1) and (2) of subdivision (a).

35 (f) (1) Except as provided in paragraph (2), for purposes of
36 paragraph (3) of subdivision (a), the department shall issue no
37 more than 40,000 distinctive decals, labels, or other identifiers that
38 clearly distinguish a vehicle specified in paragraph (3) of
39 subdivision (a).

1 (2) The department may issue a decal, label, or other identifier
2 for a vehicle that satisfies all of the following conditions:

3 (A) The vehicle is of a type identified in paragraph (3) of
4 subdivision (a).

5 (B) The owner of the vehicle is the owner of a vehicle for which
6 a decal, label, or other identifier described in paragraph (1) was
7 previously issued and that vehicle for which the decal, label, or
8 other identifier was previously issued is determined by the
9 department, on the basis of satisfactory proof submitted by the
10 owner to the department, to be a nonrepairable vehicle or a total
11 loss salvage vehicle.

12 (C) The owner of the vehicle applied for a decal, label, or other
13 identifier pursuant to this paragraph within six months of the date
14 on which the vehicle for which a decal, label, or other identifier
15 was previously issued is declared to be a nonrepairable vehicle or
16 a total loss salvage vehicle.

17 (g) If the Metropolitan Transportation Commission, serving as
18 the Bay Area Toll Authority, grants toll-free and reduced-rate
19 passage on toll bridges under its jurisdiction to a vehicle pursuant
20 to Section 30102.5 of the Streets and Highways Code, it shall also
21 grant the same toll-free and reduced-rate passage to a vehicle
22 displaying an identifier issued by the department pursuant to
23 paragraph (1) or (2) of subdivision ~~(a) if the vehicle is registered~~
24 ~~to an address outside of the region identified in Section 66502 of~~
25 ~~the Government Code.~~ (a).

26 (h) (1) Notwithstanding Section 21655.9, and except as
27 provided in paragraph (2), a vehicle described in subdivision (a)
28 that displays a decal, label, or identifier issued pursuant to this
29 section shall be exempt from toll charges imposed on
30 single-occupant vehicles in high-occupancy toll lanes as described
31 in Section 149.7 of the Streets and Highways Code unless
32 prohibited by federal law.

33 (2) (A) Paragraph (1) does not apply to the imposition of a toll
34 imposed for passage on a toll road or toll highway, that is not a
35 high-occupancy toll lane as described in Section 149.7 of the
36 Streets and Highways Code.

37 (B) On or before March 1, 2014, paragraph (1) does not apply
38 to the imposition of a toll imposed for passage in lanes designated
39 for tolls pursuant to the federally supported ~~value-pricing~~ *value*
40 *pricing* and transit development demonstration program operated

1 pursuant to Section 149.9 of the Streets and Highways Code for
2 State Highway Route 10 or 110.

3 (C) Paragraph (1) does not apply to the imposition of a toll
4 charged for crossing a state-owned bridge.

5 (i) If the Director of Transportation determines that federal law
6 does not authorize the state to allow vehicles that are identified by
7 distinctive decals, labels, or other identifiers on vehicles described
8 in subdivision (a) to use highway lanes or highway access ramps
9 for high-occupancy vehicles regardless of vehicle occupancy, the
10 Director of Transportation shall submit a notice of that
11 determination to the Secretary of State.

12 ~~(j) (1) This section shall remain in effect only until January 1,~~
13 ~~2020, or until the date the Secretary of State receives the notice~~
14 ~~described in subdivision (i), whichever occurs first, and as of that~~
15 ~~date is repealed.~~

16 ~~(2) With respect to a vehicle described in paragraph (3) of~~
17 ~~subdivision (a), this section shall become operative on January 1,~~
18 ~~2012, and shall be operative only until January 1, 2018, or until~~
19 ~~the date the Secretary of State receives the notice described in~~
20 ~~subdivision (i), whichever occurs first.~~

21 *(j) (1) This section shall not apply to a vehicle described in*
22 *paragraph (3) of subdivision (a) on or after January 1, 2015, or*
23 *the date that the Secretary of State receives the notice described*
24 *in subdivision (i), whichever occurs first.*

25 *(2) This section shall become inoperative on January 1, 2019,*
26 *or on the date that the Secretary of State receives the notice*
27 *described in subdivision (i), whichever occurs first, and, as of*
28 *January 1, 2019, is repealed, unless a later enacted statute, that*
29 *becomes operative on or before January 1, 2019, deletes or extends*
30 *the dates on which it becomes inoperative and is repealed.*

31 *SEC. 1.5. Section 5205.5 of the Vehicle Code, as amended by*
32 *Section 2 of Chapter 674 of the Statutes of 2012, is amended to*
33 *read:*

34 5205.5. (a) For purposes of implementing Section 21655.9,
35 the department shall make available for issuance, for a fee
36 determined by the department to be sufficient to reimburse the
37 department for the actual costs incurred pursuant to this section,
38 distinctive decals, labels, and other identifiers that clearly
39 distinguish the following vehicles from other vehicles:

1 (1) A vehicle that meets California's super ultra-low emission
2 vehicle (SULEV) standard for exhaust emissions and the federal
3 inherently low-emission vehicle (ILEV) evaporative emission
4 standard, as defined in Part 88 (commencing with Section
5 88.101-94) of Title 40 of the Code of Federal Regulations.

6 (2) A vehicle that was produced during the 2004 model-year or
7 earlier and meets California ultra-low emission vehicle (ULEV)
8 standard for exhaust emissions and the federal ILEV standard.

9 ~~(3) A hybrid vehicle or an alternative fuel vehicle that meets
10 California's advanced technology partial zero-emission vehicle
11 (AT-PZEV) standard for criteria pollutant emissions and has a 45
12 miles per gallon or greater fuel economy highway rating.~~

13 ~~(4) A hybrid vehicle that was produced during the 2004
14 model-year or earlier and has a 45 miles per gallon or greater fuel
15 economy highway rating, and meets California's ULEV, SULEV,
16 or partial zero-emission vehicle (PZEV) standards.~~

17 ~~(5)~~

18 (3) A vehicle that meets California's enhanced advanced
19 technology partial zero-emission vehicle (enhanced AT PZEV)
20 *standard or transitional zero emission vehicle (TZEV)* standard.

21 ~~(b) Neither an owner of a hybrid vehicle that meets the AT
22 PZEV standard, with the exception of a vehicle that meets the
23 federal ILEV standard, nor an owner of a hybrid vehicle described
24 in paragraph (4) of subdivision (a), is entitled to a decal, label, or
25 other identifier pursuant to this section unless the federal
26 government acts to approve the use of high-occupancy vehicle
27 (HOV) lanes by vehicles of the types identified in paragraph (3)
28 or (4) of subdivision (a), regardless of the number of occupants.~~

29 ~~(e)~~

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

34 ~~(d)~~

35 (c) The Department of Transportation shall remove individual
36 HOV lanes, or portions of those lanes, during periods of peak
37 congestion from the access provisions provided in subdivision (a),
38 following a finding by the Department of Transportation as follows:

1 (1) The lane, or portion thereof, exceeds a level of service C,
2 as discussed in subdivision (b) of Section 65089 of the Government
3 Code.

4 (2) The operation or projected operation of the vehicles
5 described in subdivision (a) in these lanes, or portions thereof, will
6 significantly increase congestion.

7 *(3) The finding shall also demonstrate the infeasibility of*
8 *alleviating the congestion by other means, including, but not*
9 *limited to, reducing the use of the lane by noneligible vehicles or*
10 *further increasing vehicle occupancy.*

11 (e)

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

16 (f)

17 (e) (1) For purposes of subdivision (a), the Department of the
18 California Highway Patrol and the department, in consultation
19 with the Department of Transportation, shall design and specify
20 the placement of the decal, label, or other identifier on the vehicle.
21 Each decal, label, or other identifier issued for a vehicle shall
22 display a unique number, which number shall be printed on, or
23 affixed to, the vehicle registration.

24 (2) Decals, labels, or other identifiers designed pursuant to this
25 subdivision for a vehicle described in paragraph ~~(5)~~ (3) of
26 subdivision (a) shall be distinguishable from the decals, labels, or
27 other identifiers that are designed for vehicles described in
28 paragraphs ~~(1), (2), (3), and (4)~~ (1) and (2) of subdivision (a).

29 ~~(g) (1) (A) Except as provided in subparagraph (B), for~~
30 ~~purposes of subdivision (a), the department shall issue no more~~
31 ~~than 85,000 distinctive decals, labels, or other identifiers that~~
32 ~~clearly distinguish the vehicles specified in paragraphs (3) and (4)~~
33 ~~of subdivision (a).~~

34 ~~(B) The department may issue a decal, label, or other identifier~~
35 ~~for a vehicle that satisfies all of the following conditions:~~

36 ~~(i) The vehicle is of a type identified in paragraph (3) or (4) of~~
37 ~~subdivision (a).~~

38 ~~(ii) The owner of the vehicle is the owner of a vehicle for which~~
39 ~~a decal, label, or identifier described in subparagraph (A) was~~
40 ~~previously issued and that vehicle for which the decal, label, or~~

1 identifier was previously issued is determined by the department,
2 on the basis of satisfactory proof submitted by the owner to the
3 department, to be a nonrepairable vehicle or a total loss salvage
4 vehicle.

5 (iii) ~~The owner of the vehicle applied for a decal, label, or other~~
6 ~~identifier pursuant to this subparagraph on or before March 31,~~
7 ~~2009, or within six months of the date on which the vehicle for~~
8 ~~which a decal, label, or identifier was previously issued is declared~~
9 ~~to be a nonrepairable vehicle or a total loss salvage vehicle,~~
10 ~~whichever date is later.~~

11 (2) ~~The department shall notify the Department of Transportation~~
12 ~~immediately after the date on which the department has issued~~
13 ~~50,000 decals, labels, and other identifiers under this section for~~
14 ~~the vehicles described in paragraphs (3) and (4) of subdivision (a).~~

15 (3) ~~The Department of Transportation shall determine whether~~
16 ~~significant HOV lane breakdown has occurred throughout the state,~~
17 ~~in accordance with the following timeline:~~

18 (A) ~~For lanes that are nearing capacity, the Department of~~
19 ~~Transportation shall make the determination not later than 90 days~~
20 ~~after the date provided by the department under paragraph (2).~~

21 (B) ~~For lanes that are not nearing capacity, the Department of~~
22 ~~Transportation shall make the determination not later than 180~~
23 ~~days after the date provided by the department under paragraph~~
24 ~~(2).~~

25 (4) ~~In making the determination that significant HOV lane~~
26 ~~breakdown has occurred, the Department of Transportation shall~~
27 ~~consider the following factors in the HOV lane:~~

28 (A) ~~Reduction in level of service.~~

29 (B) ~~Sustained stop-and-go conditions.~~

30 (C) ~~Slower than average speed than the adjacent mixed-flow~~
31 ~~lanes.~~

32 (D) ~~Consistent increase in travel time.~~

33 (5) ~~After making the determinations pursuant to subparagraphs~~
34 ~~(A) and (B) of paragraph (3), if the Department of Transportation~~
35 ~~determines that significant HOV lane breakdown has occurred~~
36 ~~throughout the state, the Department of Transportation shall~~
37 ~~immediately notify the department of that determination, and the~~
38 ~~department, on the date of receiving that notification, shall~~
39 ~~discontinue issuing the decals, labels, or other identifiers for the~~
40 ~~vehicles described in paragraphs (3) and (4) of subdivision (a).~~

1 ~~(h)~~

2 (f) (1) Except as provided in paragraph (2), for purposes of
3 paragraph ~~(5)~~ (3) of subdivision (a), the department shall issue no
4 more than 40,000 distinctive decals, labels, or other identifiers that
5 clearly distinguish a vehicle specified in paragraph ~~(5)~~ (3) of
6 subdivision (a).

7 (2) The department may issue a decal, label, or other identifier
8 for a vehicle that satisfies all of the following conditions:

9 (A) The vehicle is of a type identified in paragraph ~~(5)~~ (3) of
10 subdivision (a).

11 (B) The owner of the vehicle is the owner of a vehicle for which
12 a decal, label, or other identifier described in paragraph (1) was
13 previously issued and that vehicle for which the decal, label, or
14 other identifier was previously issued is determined by the
15 department, on the basis of satisfactory proof submitted by the
16 owner to the department, to be a nonrepairable vehicle or a total
17 loss salvage vehicle.

18 (C) The owner of the vehicle applied for a decal, label, or other
19 identifier pursuant to this paragraph within six months of the date
20 on which the vehicle for which a decal, label, or other identifier
21 was previously issued is declared to be a nonrepairable vehicle or
22 a total loss salvage vehicle.

23 ~~(i)~~

24 (g) If the Metropolitan Transportation Commission, serving as
25 the Bay Area Toll Authority, grants toll-free and reduced-rate
26 passage on toll bridges under its jurisdiction to a vehicle pursuant
27 to Section 30102.5 of the Streets and Highways Code, it shall also
28 grant the same toll-free and reduced-rate passage to a vehicle
29 displaying an identifier issued by the department pursuant to
30 paragraph (1) or (2) of subdivision ~~(a)~~ and to a vehicle displaying
31 a valid identifier issued by the department pursuant to paragraph
32 (3) or (4) of subdivision (a) if the vehicle is registered to an address
33 outside of the region identified in Section 66502 of the Government
34 Code: (a).

35 ~~(j) An owner of a vehicle specified in paragraph (3) or (4) of~~
36 ~~subdivision (a) whose vehicle is registered to an address in the~~
37 ~~region identified in Section 66502 of the Government Code and~~
38 ~~who seeks a vehicle identifier under subdivision (a) in order to~~
39 ~~have access to an HOV lane within the jurisdiction of the Bay Area~~
40 ~~Toll Authority shall do both of the following:~~

1 ~~(1) Obtain and maintain an active account to operate within the~~
2 ~~automatic vehicle identification system described in Section 27565~~
3 ~~of the Streets and Highways Code and shall submit to the~~
4 ~~department a form, approved by the department and issued by the~~
5 ~~Bay Area Toll Authority, that contains the vehicle owner's name,~~
6 ~~the license plate number and vehicle identification number of the~~
7 ~~vehicle, the vehicle make and year model, and the automatic~~
8 ~~vehicle identification system account number, as a condition to~~
9 ~~obtaining a vehicle identifier pursuant to subdivision (a) that allows~~
10 ~~for the use of that vehicle in HOV lanes regardless of the number~~
11 ~~of occupants.~~

12 ~~(2) Be eligible for toll-free or reduced-rate passage on toll~~
13 ~~bridges within the jurisdiction of the Bay Area Toll Authority only~~
14 ~~if, at time of passage, the vehicle meets the passenger occupancy~~
15 ~~rate requirement established for that toll-free or reduced-rate~~
16 ~~passage.~~

17 ~~(k)~~

18 ~~(h) (1) Notwithstanding Section 21655.9, and except as~~
19 ~~provided in paragraph (2), a vehicle described in subdivision (a)~~
20 ~~that displays a decal, label, or identifier issued pursuant to this~~
21 ~~section shall be exempt from toll charges imposed on~~
22 ~~single-occupant vehicles in high-occupancy toll lanes as described~~
23 ~~in Section 149.7 of the Streets and Highways Code unless~~
24 ~~prohibited by federal law.~~

25 ~~(2) (A) Paragraph (1) does not apply to the imposition of a toll~~
26 ~~imposed for passage on a toll road or toll highway, that is not a~~
27 ~~high-occupancy toll lane as described in Section 149.7 of the~~
28 ~~Streets and Highways Code.~~

29 ~~(B) On or before March 1, 2014, paragraph (1) does not apply~~
30 ~~to the imposition of a toll imposed for passage in lanes designated~~
31 ~~for tolls pursuant to the federally supported ~~value-pricing~~ *value*~~
32 ~~*pricing* and transit development demonstration program operated~~
33 ~~pursuant to Section 149.9 of the Streets and Highways Code for~~
34 ~~State Highway Route 10 or 110.~~

35 ~~(C) Paragraph (1) does not apply to the imposition of a toll~~
36 ~~charged for crossing a state-owned bridge.~~

37 ~~(t)~~

38 ~~(i) If the Director of Transportation determines that federal law~~
39 ~~does not authorize the state to allow vehicles that are identified by~~
40 ~~distinctive decals, labels, or other identifiers on vehicles described~~

1 in subdivision (a) to use highway lanes or highway access ramps
2 for high-occupancy vehicles regardless of vehicle occupancy, the
3 Director of Transportation shall submit a notice of that
4 determination to the Secretary of State.

5 ~~(m) (1) This section shall remain in effect only until January~~
6 ~~1, 2015, or until the date the Secretary of State receives the notice~~
7 ~~described in subdivision (l), whichever occurs first, and as of that~~
8 ~~date is repealed.~~

9 ~~(2) However, with respect to a vehicle described in paragraph~~
10 ~~(3) or (4) of subdivision (a), this section shall be operative only~~
11 ~~until July 1, 2011, or only until the date the Secretary of State~~
12 ~~receives the notice described in subdivision (l), whichever occurs~~
13 ~~first.~~

14 ~~(3) With respect to a vehicle described in paragraph (5) of~~
15 ~~subdivision (a), this section shall become operative on January 1,~~
16 ~~2012, and shall be operative only until January 1, 2015, or until~~
17 ~~the date the Secretary of State receives the notice described in~~
18 ~~subdivision (l), whichever occurs first.~~

19 *(j) This section shall become inoperative on January 1, 2019,*
20 *or on the date that the Secretary of State receives the notice*
21 *described in subdivision (i), whichever occurs first, and, as of*
22 *January 1, 2019, is repealed, unless a later enacted statute, that*
23 *becomes operative on or before January 1, 2019, deletes or extends*
24 *the dates on which it becomes inoperative and is repealed.*

25 SEC. 2. Section 5205.5 of the Vehicle Code, as added by
26 Section 1 of Chapter 37 of the Statutes of 2010, is repealed.

27 SEC. 3. Section 21655.9 of the Vehicle Code is amended to
28 read:

29 21655.9. (a) (1) Whenever the Department of Transportation
30 or a local authority authorizes or permits exclusive or preferential
31 use of highway lanes or highway access ramps for high-occupancy
32 vehicles pursuant to Section 21655.5, the use of those lanes or
33 ramps shall also be extended to vehicles that are issued distinctive
34 decals, labels, or other identifiers pursuant to Section 5205.5
35 regardless of vehicle occupancy or ownership.

36 (2) A local authority during periods of peak congestion shall
37 suspend for a lane the access privileges extended pursuant to
38 paragraph (1) for those vehicles issued distinctive decals, labels,
39 or other identifiers pursuant to Section 5205.5, if a periodic review

1 of lane performance by that local authority discloses both of the
2 following factors regarding the lane:

3 (A) The lane, or a portion of the lane, exceeds a level of service
4 C, as described in subdivision (b) of Section 65089 of the
5 Government Code.

6 (B) The operation or projected operation of vehicles in the lane,
7 or a portion of the lane, will significantly increase congestion.

8 (b) A person shall not drive a vehicle described in subdivision
9 (a) of Section 5205.5 with a single occupant upon a high-occupancy
10 vehicle lane pursuant to this section unless the decal, label, or other
11 identifier issued pursuant to Section 5205.5 is properly displayed
12 on the vehicle, and the vehicle registration described in Section
13 5205.5 is with the vehicle.

14 (c) A person shall not operate or own a vehicle displaying a
15 decal, label, or other identifier, as described in Section 5205.5, if
16 that decal, label, or identifier was not issued for that vehicle
17 pursuant to Section 5205.5. A violation of this subdivision is a
18 misdemeanor.

19 (d) If the provisions in Section 5205.5 authorizing the
20 department to issue decals, labels, or other identifiers to hybrid
21 and alternative fuel vehicles are repealed, vehicles displaying those
22 decals, labels, or other identifiers shall not access high-occupancy
23 vehicle lanes without meeting the occupancy requirements
24 otherwise applicable to those lanes.

25 ~~(e) (1) This section shall remain in effect only until January 1,~~
26 ~~2020, or until the date that the Secretary of State receives the notice~~
27 ~~described in subdivision (i) of Section 5205.5, whichever occurs~~
28 ~~first, and as of that date is repealed.~~

29 ~~(2) With respect to a vehicle described in paragraph (3) of~~
30 ~~subdivision (a) of Section 5205.5, this section shall become~~
31 ~~operative on January 1, 2012, and shall be operative only until~~
32 ~~January 1, 2018, or until the date the Secretary of State receives~~
33 ~~the notice described in subdivision (i) of Section 5205.5, whichever~~
34 ~~occurs first.~~

35 *(e) (1) This section shall not apply to a vehicle described in*
36 *paragraph (3) of subdivision (a) of Section 5205.5 on or after*
37 *January 1, 2015, or the date that the Secretary of State receives*
38 *the notice described in subdivision (i) of Section 5205.5, whichever*
39 *occurs first.*

1 (2) *This section shall become inoperative on January 1, 2019,*
2 *or on the date that the Secretary of State receives the notice*
3 *described in subdivision (i) of Section 5205.5, whichever occurs*
4 *first, and, as of January 1, 2019, is repealed, unless a later enacted*
5 *statute, that becomes operative on or before January 1, 2019,*
6 *deletes or extends the dates on which it becomes inoperative and*
7 *is repealed.*

8 *SEC. 3.5. Section 21655.9 of the Vehicle Code is amended to*
9 *read:*

10 21655.9. (a) (1) Whenever the Department of Transportation
11 or a local authority authorizes or permits exclusive or preferential
12 use of highway lanes or highway access ramps for high-occupancy
13 vehicles pursuant to Section 21655.5, the use of those lanes or
14 ramps shall also be extended to vehicles that are issued distinctive
15 decals, labels, or other identifiers pursuant to Section 5205.5
16 regardless of vehicle occupancy or ownership.

17 (2) A local authority during periods of peak congestion shall
18 suspend for a lane the access privileges extended pursuant to
19 paragraph (1) for those vehicles issued distinctive decals, labels,
20 or other identifiers pursuant to Section 5205.5, if a periodic review
21 of lane performance by that local authority discloses both of the
22 following factors regarding the lane:

23 (A) The lane, or a portion of the lane, exceeds a level of service
24 C, as described in subdivision (b) of Section 65089 of the
25 Government Code.

26 (B) The operation or projected operation of vehicles in the lane,
27 or a portion of the lane, will significantly increase congestion.

28 (b) A person shall not drive a vehicle described in subdivision
29 (a) of Section 5205.5 with a single occupant upon a high-occupancy
30 vehicle lane pursuant to this section unless the decal, label, or other
31 identifier issued pursuant to Section 5205.5 is properly displayed
32 on the vehicle, and the vehicle registration described in Section
33 5205.5 is with the vehicle.

34 (c) A person shall not operate or own a vehicle displaying a
35 decal, label, or other identifier, as described in Section 5205.5, if
36 that decal, label, or identifier was not issued for that vehicle
37 pursuant to Section 5205.5. A violation of this subdivision is a
38 misdemeanor.

39 (d) If the provisions in Section 5205.5 authorizing the
40 department to issue decals, labels, or other identifiers to hybrid

1 and alternative fuel vehicles are repealed, vehicles displaying those
2 decals, labels, or other identifiers shall not access high-occupancy
3 vehicle lanes without meeting the occupancy requirements
4 otherwise applicable to those lanes.

5 ~~(e) (1) This section shall remain in effect only until January 1,~~
6 ~~2015, or until the date that the Secretary of State receives the notice~~
7 ~~described in subdivision (l) of Section 5205.5, whichever occurs~~
8 ~~first, and as of that date is repealed.~~

9 ~~(2) However, with respect to a vehicle described in paragraph~~
10 ~~(3) or (4) of subdivision (a) of Section 5205.5, this section shall~~
11 ~~be operative only until July 1, 2011, or until the date the Secretary~~
12 ~~of State receives the notice described in subdivision (l) of Section~~
13 ~~5205.5, whichever occurs first.~~

14 ~~(3) With respect to a vehicle described in paragraph (5) of~~
15 ~~subdivision (a) of Section 5205.5, this section shall become~~
16 ~~operative on January 1, 2012, and shall be operative only until~~
17 ~~January 1, 2015, or until the date the Secretary of State receives~~
18 ~~the notice described in subdivision (l) of Section 5205.5, whichever~~
19 ~~occurs first.~~

20 *(e) This section shall become inoperative on January 1, 2019,*
21 *or on the date that the Secretary of State receives the notice*
22 *described in subdivision (i) of Section 5205.5, whichever occurs*
23 *first, and, as of January 1, 2019, is repealed, unless a later enacted*
24 *statute, that becomes operative on or before January 1, 2019,*
25 *deletes or extends the dates on which it becomes inoperative and*
26 *is repealed.*

27 *SEC. 4. (a) Section 1.5 of this bill incorporates substantive*
28 *amendments to Section 5205.5 of the Vehicle Code proposed by*
29 *both this bill and Senate Bill 286. It shall only become operative*
30 *if (1) both bills are enacted and become effective on or before*
31 *January 1, 2014, (2) each bill amends Section 5205.5 of the Vehicle*
32 *Code, and (3) this bill is enacted after Senate Bill 286, in which*
33 *case Section 1 of this bill shall not become operative.*

34 *(b) Section 3.5 of this bill incorporates substantive amendments*
35 *to Section 21655.9 of the Vehicle Code proposed by both this bill*
36 *and Senate Bill 286. It shall only become operative if (1) both bills*
37 *are enacted and become effective on or before January 1, 2014,*
38 *(2) each bill amends Section 21655.9 of the Vehicle Code, and (3)*
39 *this bill is enacted after Senate Bill 286, in which case Section 3*
40 *of this bill shall not become operative.*

1 ~~SEC. 4.~~

2 *SEC. 5.* No reimbursement is required by this act pursuant to
3 Section 6 of Article XIII B of the California Constitution because
4 the only costs that may be incurred by a local agency or school
5 district will be incurred because this act creates a new crime or
6 infraction, eliminates a crime or infraction, or changes the penalty
7 for a crime or infraction, within the meaning of Section 17556 of
8 the Government Code, or changes the definition of a crime within
9 the meaning of Section 6 of Article XIII B of the California
10 Constitution.

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