

AMENDED IN ASSEMBLY APRIL 24, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1721**

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**Introduced by Assembly Member Linder**  
*(Coauthor: Assembly Member Lowenthal)*

February 13, 2014

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1721, as amended, Linder. Vehicles: high-occupancy vehicle lanes.

Existing *federal* law authorizes, until September 30, 2017, a state to allow specified labeled vehicles to use lanes designated for high-occupancy vehicles (HOVs).

Existing law authorizes the Department of Transportation to designate certain lanes for the exclusive use of HOVs, which may also be used, until January 1, 2019, or until the date the federal authorization expires, or until the Secretary of State receives that specified notice, whichever occurs first, by certain eligible low-emission and hybrid vehicles not carrying the requisite number of passengers otherwise required for the use of an HOV lane if the vehicle displays a vehicle identifier issued by the Department of Motor Vehicles. *Existing law exempts a vehicle, eligible under these provisions to use HOV lanes, from toll charges imposed on single-occupant vehicles in designated high-occupancy toll (HOT) lanes unless prohibited by federal law.*

*This bill would instead grant a vehicle, eligible under these provisions to use HOV lanes, a toll-free or reduced-rate passage in HOT lanes.*

Existing law requires that a vehicle, eligible under these provisions to use HOV lanes, be exempt from toll charges imposed on single-occupant vehicles in designated high-occupancy toll (HOT) lanes unless prohibited by federal law. Existing law excludes from this exemption tolls pursuant to the federally supported value pricing and transit development demonstration program involving high-occupancy toll (HOT) lanes conducted by the Los Angeles County Metropolitan Transportation Authority for State Highway Route 10 or 110.

This bill would also exclude from the above-described exemption a toll imposed for passage in HOT lanes designated for State Highway Route 15 in Riverside County.

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 is amended
- 2 to read:
- 3 5205.5. (a) For purposes of implementing Section 21655.9,
- 4 the department shall make available for issuance, for a fee
- 5 determined by the department to be sufficient to reimburse the
- 6 department for the actual costs incurred pursuant to this section,
- 7 distinctive decals, labels, and other identifiers that clearly
- 8 distinguish the following vehicles from other vehicles:
- 9 (1) A vehicle that meets California’s super ultra-low emission
- 10 vehicle (SULEV) standard for exhaust emissions and the federal
- 11 inherently low-emission vehicle (ILEV) evaporative emission
- 12 standard, as defined in Part 88 (commencing with Section
- 13 88.101-94) of Title 40 of the Code of Federal Regulations.
- 14 (2) A vehicle that was produced during the 2004 model-year or
- 15 earlier and meets ~~California~~ California’s ultra-low emission vehicle
- 16 (ULEV) standard for exhaust emissions and the federal ILEV
- 17 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.
- 21 (b) The department shall include a summary of the provisions
- 22 of this section on each motor vehicle registration renewal notice,
- 23 or on a separate insert, if space is available and the summary can
- 24 be included without incurring additional printing or postage costs.

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

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

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

11 (3) The finding shall also demonstrate the infeasibility of  
12 alleviating the congestion by other means, including, but not  
13 limited to, reducing the use of the lane by noneligible vehicles or  
14 further increasing vehicle occupancy.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 ~~(D) Paragraph (1) does not apply to the imposition of a toll~~  
2 ~~imposed for passage in lanes designated for tolls pursuant to~~  
3 ~~Section 149.8 of the Streets and Highways Code for State Highway~~  
4 ~~Route 15.~~

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) This section shall become inoperative on January 1, 2019,  
13 or the date the federal authorization pursuant to Section 166 of  
14 Title 23 of the United States Code expires, or the date the Secretary  
15 of State receives the notice described in subdivision (i), whichever  
16 occurs first, and, as of January 1, 2019, is repealed, unless a later  
17 enacted statute, that becomes operative on or before January 1,  
18 2019, deletes or extends the dates on which it becomes inoperative  
19 and is repealed.