

AMENDED IN SENATE AUGUST 6, 2014

AMENDED IN ASSEMBLY APRIL 24, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1721

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

February 13, 2014

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.

This bill would incorporate additional changes in Section 5205.5 of the Vehicle Code proposed by AB 2013, that would become operative only if AB 2013 and this bill are both chaptered and become effective on or before January 1, 2015, and this bill is chaptered last.

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.

25 (c) The Department of Transportation shall remove individual
26 HOV lanes, or portions of those lanes, during periods of peak
27 congestion from the access provisions provided in subdivision (a),
28 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 (d) The State Air Resources Board shall publish and maintain
12 a listing of all vehicles eligible for participation in the programs
13 described in this section. The board shall provide that listing to
14 the department.

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

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

27 (f) (1) Except as provided in paragraph (2), for purposes of
28 paragraph (3) of subdivision (a), the department shall issue no
29 more than 55,000 distinctive decals, labels, or other identifiers that
30 clearly distinguish a vehicle specified in paragraph (3) of
31 subdivision (a).

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

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

36 (B) The owner of the vehicle is the owner of a vehicle for which
37 a decal, label, or other identifier described in paragraph (1) was
38 previously issued and that vehicle for which the decal, label, or
39 other identifier was previously issued is determined by the
40 department, on the basis of satisfactory proof submitted by the

1 owner to the department, to be a nonrepairable vehicle or a total
2 loss salvage vehicle.

3 (C) The owner of the vehicle applied for a decal, label, or other
4 identifier pursuant to this paragraph within six months of the date
5 on which the vehicle for which a decal, label, or other identifier
6 was previously issued is declared to be a nonrepairable vehicle or
7 a total loss salvage vehicle.

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

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

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

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

35 (i) If the Director of Transportation determines that federal law
36 does not authorize the state to allow vehicles that are identified by
37 distinctive decals, labels, or other identifiers on vehicles described
38 in subdivision (a) to use highway lanes or highway access ramps
39 for high-occupancy vehicles regardless of vehicle occupancy, the

1 Director of Transportation shall submit a notice of that
2 determination to the Secretary of State.

3 (j) This section shall become inoperative on January 1, 2019,
4 or the date the federal authorization pursuant to Section 166 of
5 Title 23 of the United States Code expires, or the date the Secretary
6 of State receives the notice described in subdivision (i), whichever
7 occurs first, and, as of January 1, 2019, is repealed, unless a later
8 enacted statute, that becomes operative on or before January 1,
9 2019, deletes or extends the dates on which it becomes inoperative
10 and is repealed.

11 *SEC. 1.5. Section 5205.5 of the Vehicle Code is amended to*
12 *read:*

13 5205.5. (a) For purposes of implementing Section 21655.9,
14 the department shall make available for issuance, for a fee
15 determined by the department to be sufficient to reimburse the
16 department for the actual costs incurred pursuant to this section,
17 distinctive decals, labels, and other identifiers that clearly
18 distinguish the following vehicles from other vehicles:

19 (1) A vehicle that meets California's super ultra-low emission
20 vehicle (SULEV) standard for exhaust emissions and the federal
21 inherently low-emission vehicle (ILEV) evaporative emission
22 standard, as defined in Part 88 (commencing with Section
23 88.101-94) of Title 40 of the Code of Federal Regulations.

24 (2) A vehicle that was produced during the 2004 model-year or
25 earlier and meets ~~California~~ California's ultra-low emission vehicle
26 (ULEV) standard for exhaust emissions and the federal ILEV
27 standard.

28 (3) A vehicle that meets California's enhanced advanced
29 technology partial zero-emission vehicle (enhanced AT PZEV)
30 standard or transitional zero-emission vehicle (TZEV) standard.

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

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

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

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

27 (f) (1) Except as provided in paragraph (2), for purposes of
28 paragraph (3) of subdivision (a), the department shall issue no
29 more than ~~55,000~~ 70,000 distinctive decals, labels, or other
30 identifiers that clearly distinguish a vehicle specified in paragraph
31 (3) of subdivision (a).

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

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

36 (B) The owner of the vehicle is the owner of a vehicle for which
37 a decal, label, or other identifier described in paragraph (1) was
38 previously issued and that vehicle for which the decal, label, or
39 other identifier was previously issued is determined by the
40 department, on the basis of satisfactory proof submitted by the

1 owner to the department, to be a nonrepairable vehicle or a total
2 loss salvage vehicle.

3 (C) The owner of the vehicle applied for a decal, label, or other
4 identifier pursuant to this paragraph within six months of the date
5 on which the vehicle for which a decal, label, or other identifier
6 was previously issued is declared to be a nonrepairable vehicle or
7 a total loss salvage vehicle.

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

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

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

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

35 (i) If the Director of Transportation determines that federal law
36 does not authorize the state to allow vehicles that are identified by
37 distinctive decals, labels, or other identifiers on vehicles described
38 in subdivision (a) to use highway lanes or highway access ramps
39 for high-occupancy vehicles regardless of vehicle occupancy, the

1 Director of Transportation shall submit a notice of that
2 determination to the Secretary of State.

3 (j) This section shall become inoperative on January 1, 2019,
4 or the date the federal authorization pursuant to Section 166 of
5 Title 23 of the United States Code expires, or the date the Secretary
6 of State receives the notice described in subdivision (i), whichever
7 occurs first, and, as of January 1, 2019, is repealed, unless a later
8 enacted statute, that becomes operative on or before January 1,
9 2019, deletes or extends the dates on which it becomes inoperative
10 and is repealed.

11 *SEC. 2. Section 1.5 of this bill incorporates amendments to*
12 *Section 5205.5 of the Vehicle Code proposed by both this bill and*
13 *Assembly Bill 2013. It shall only become operative if (1) both bills*
14 *are enacted and become effective on or before January 1, 2015,*
15 *(2) each bill amends Section 5205.5 of the Vehicle Code, and (3)*
16 *this bill is enacted after Assembly Bill 2013, in which case Section*
17 *1 of this bill shall not become operative.*

18 ~~SECTION 1. Section 5205.5 of the Vehicle Code is amended~~
19 ~~to read:~~

20 ~~5205.5. (a) For purposes of implementing Section 21655.9,~~
21 ~~the department shall make available for issuance, for a fee~~
22 ~~determined by the department to be sufficient to reimburse the~~
23 ~~department for the actual costs incurred pursuant to this section,~~
24 ~~distinctive decals, labels, and other identifiers that clearly~~
25 ~~distinguish the following vehicles from other vehicles:~~

26 ~~(1) A vehicle that meets California's super ultra-low emission~~
27 ~~vehicle (SULEV) standard for exhaust emissions and the federal~~
28 ~~inherently low-emission vehicle (ILEV) evaporative emission~~
29 ~~standard, as defined in Part 88 (commencing with Section~~
30 ~~88.101-94) of Title 40 of the Code of Federal Regulations.~~

31 ~~(2) A vehicle that was produced during the 2004 model-year or~~
32 ~~earlier and meets California's ultra-low emission vehicle (ULEV)~~
33 ~~standard for exhaust emissions and the federal ILEV standard.~~

34 ~~(3) A vehicle that meets California's enhanced advanced~~
35 ~~technology partial zero-emission vehicle (enhanced AT PZEV)~~
36 ~~standard or transitional zero-emission vehicle (TZEV) standard.~~

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

1 ~~(e) 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 granted a toll-free or reduced-rate passage in~~
24 ~~high-occupancy toll lanes as described in Section 149.7 of the~~
25 ~~Streets and Highways Code unless prohibited by federal law.~~

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

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

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

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 (j) This section shall become inoperative on January 1, 2019,
6 or the date the federal authorization pursuant to Section 166 of
7 Title 23 of the United States Code expires, or the date the Secretary
8 of State receives the notice described in subdivision (i), whichever
9 occurs first, and, as of January 1, 2019, is repealed, unless a later
10 enacted statute, that becomes operative on or before January 1,
11 2019, deletes or extends the dates on which it becomes inoperative
12 and is repealed.