

AMENDED IN SENATE AUGUST 7, 2014

AMENDED IN SENATE JUNE 12, 2014

AMENDED IN ASSEMBLY APRIL 2, 2014

AMENDED IN ASSEMBLY MARCH 17, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2013

Introduced by Assembly Member Muratsuchi

February 20, 2014

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2013, as amended, Muratsuchi. Vehicles: high-occupancy vehicle lanes.

Existing federal law, until September 30, 2017, authorizes 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. Under existing law, until January 1, 2019, or until federal authorization expires, or until the Secretary of State receives a specified notice, those lanes may be used by certain 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 (DMV). Existing law authorizes the DMV to issue no more than ~~40,000~~ 55,000 of those identifiers.

This bill would increase the number of those identifiers that the DMV is authorized to issue to 70,000.

This bill would incorporate additional changes in Section 5205.5 of the Vehicle Code proposed by AB 1721, that would become operative only if AB 1721 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: yes. 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~~ 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 in high-occupancy toll lanes as described
20 in Section 149.7 of the Streets and Highways Code unless
21 prohibited by federal law.

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

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

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

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

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

9 *SEC. 1.5. Section 5205.5 of the Vehicle Code is amended to*
10 *read:*

11 5205.5. (a) For purposes of implementing Section 21655.9,
12 the department shall make available for issuance, for a fee
13 determined by the department to be sufficient to reimburse the
14 department for the actual costs incurred pursuant to this section,
15 distinctive decals, labels, and other identifiers that clearly
16 distinguish the following vehicles from other vehicles:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (B) The owner of the vehicle is the owner of a vehicle for which
34 a decal, label, or other identifier described in paragraph (1) was
35 previously issued and that vehicle for which the decal, label, or
36 other identifier was previously issued is determined by the
37 department, on the basis of satisfactory proof submitted by the
38 owner to the department, to be a nonrepairable vehicle or a total
39 loss salvage vehicle.

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

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

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

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

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

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

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

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

9 *SEC. 2. Section 1.5 of this bill incorporates amendments to*
10 *Section 5205.5 of the Vehicle Code proposed by both this bill and*
11 *Assembly Bill 1721. It shall only become operative if (1) both bills*
12 *are enacted and become effective on or before January 1, 2015,*
13 *(2) each bill amends Section 5205.5 of the Vehicle Code, and (3)*
14 *this bill is enacted after Assembly Bill 1721, in which case Section*
15 *1 of this bill shall not become operative.*

16 SECTION 1. ~~Section 5205.5 of the Vehicle Code is amended~~
17 ~~to read:~~

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

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

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

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

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

39 ~~(c) The Department of Transportation shall remove individual~~
40 ~~HOV lanes, or portions of those lanes, during periods of peak~~

1 congestion from the access provisions provided in subdivision (a);
2 following a finding by the Department of Transportation as follows:

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

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

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

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

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

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

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

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

38 (B) The owner of the vehicle is the owner of a vehicle for which
39 a decal, label, or other identifier described in paragraph (1) was
40 previously issued and that vehicle for which the decal, label, or

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

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

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

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

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

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

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

36 (i) If the Director of Transportation determines that federal law
37 does not authorize the state to allow vehicles that are identified by
38 distinctive decals, labels, or other identifiers on vehicles described
39 in subdivision (a) to use highway lanes or highway access ramps
40 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.~~

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