

Introduced by Senator YeeFebruary 14, 2013

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

LEGISLATIVE COUNSEL'S DIGEST

SB 286, as introduced, Yee. 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, or until the Secretary of State receives that specified notice. By extending a crime that otherwise would be repealed, the bill would impose a state-mandated local program.

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 added by
2 Section 1 of Chapter 37 of the Statutes of 2010, is amended to
3 read:

4 5205.5. (a) For the 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's ultra-low emission vehicle (ULEV)
17 standard for exhaust emissions and the federal ILEV standard.

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

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

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

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

36 (d) The State Air Resources Board shall publish and maintain
37 a listing of all vehicles eligible for participation in the programs

1 described in this section. The board shall provide that listing to
2 the department.

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

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

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

25 (i) This section shall remain in effect only until January 1, ~~2015,~~
26 ~~2018,~~ or only until the date the Secretary of State receives the
27 notice described in subdivision (g), whichever occurs first, and as
28 of that date is repealed.

29 SEC. 2. Section 5205.5 of the Vehicle Code, as amended by
30 Section 2 of Chapter 674 of the Statutes of 2012, is amended to
31 read:

32 5205.5. (a) For purposes of implementing Section 21655.9,
33 the department shall make available for issuance, for a fee
34 determined by the department to be sufficient to reimburse the
35 department for the actual costs incurred pursuant to this section,
36 distinctive decals, labels, and other identifiers that clearly
37 distinguish the following vehicles from other vehicles:

38 (1) A vehicle that meets California's super ultra-low emission
39 vehicle (SULEV) standard for exhaust emissions and the federal
40 inherently low-emission vehicle (ILEV) evaporative emission

1 standard, as defined in Part 88 (commencing with Section
2 88.101-94) of Title 40 of the Code of Federal Regulations.

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

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

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

14 (5) A vehicle that meets California's enhanced advanced
15 technology partial zero-emission vehicle (enhanced AT PZEV)
16 standard.

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

25 (c) The department shall include a summary of the provisions
26 of this section on each motor vehicle registration renewal notice,
27 or on a separate insert, if space is available and the summary can
28 be included without incurring additional printing or postage costs.

29 (d) The Department of Transportation shall remove individual
30 HOV lanes, or portions of those lanes, during periods of peak
31 congestion from the access provisions provided in subdivision (a),
32 following a finding by the Department of Transportation as follows:

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

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

39 (e) The State Air Resources Board shall publish and maintain
40 a listing of all vehicles eligible for participation in the programs

1 described in this section. The board shall provide that listing to
2 the department.

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

10 (2) Decals, labels, or other identifiers designed pursuant to this
11 subdivision for a vehicle described in paragraph (5) of subdivision
12 (a) shall be distinguishable from the decals, labels, or other
13 identifiers that are designed for vehicles described in paragraphs
14 (1), (2), (3), and (4) of subdivision (a).

15 (g) (1) (A) Except as provided in subparagraph (B), for
16 purposes of subdivision (a), the department shall issue no more
17 than 85,000 distinctive decals, labels, or other identifiers that
18 clearly distinguish the vehicles specified in paragraphs (3) and (4)
19 of subdivision (a).

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

22 (i) The vehicle is of a type identified in paragraph (3) or (4) of
23 subdivision (a).

24 (ii) The owner of the vehicle is the owner of a vehicle for which
25 a decal, label, or identifier described in subparagraph (A) was
26 previously issued and that vehicle for which the decal, label, or
27 identifier was previously issued is determined by the department,
28 on the basis of satisfactory proof submitted by the owner to the
29 department, to be a nonrepairable vehicle or a total loss salvage
30 vehicle.

31 (iii) The owner of the vehicle applied for a decal, label, or other
32 identifier pursuant to this subparagraph on or before March 31,
33 2009, or within six months of the date on which the vehicle for
34 which a decal, label, or identifier was previously issued is declared
35 to be a nonrepairable vehicle or a total loss salvage vehicle,
36 whichever date is later.

37 (2) The department shall notify the Department of Transportation
38 immediately after the date on which the department has issued
39 50,000 decals, labels, and other identifiers under this section for
40 the vehicles described in paragraphs (3) and (4) of subdivision (a).

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

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

7 (B) For lanes that are not nearing capacity, the Department of
8 Transportation shall make the determination not later than 180
9 days after the date provided by the department under paragraph
10 (2).

11 (4) In making the determination that significant HOV lane
12 breakdown has occurred, the Department of Transportation shall
13 consider the following factors in the HOV lane:

14 (A) Reduction in level of service.

15 (B) Sustained stop-and-go conditions.

16 (C) Slower than average speed than the adjacent mixed-flow
17 lanes.

18 (D) Consistent increase in travel time.

19 (5) After making the determinations pursuant to subparagraphs
20 (A) and (B) of paragraph (3), if the Department of Transportation
21 determines that significant HOV lane breakdown has occurred
22 throughout the state, the Department of Transportation shall
23 immediately notify the department of that determination, and the
24 department, on the date of receiving that notification, shall
25 discontinue issuing the decals, labels, or other identifiers for the
26 vehicles described in paragraphs (3) and (4) of subdivision (a).

27 (h) (1) Except as provided in paragraph (2), for purposes of
28 paragraph (5) of subdivision (a), the department shall issue no
29 more than 40,000 distinctive decals, labels, or other identifiers that
30 clearly distinguish a vehicle specified in paragraph (5) 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 (5) 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 (i) 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) and to a vehicle displaying
15 a valid identifier issued by the department pursuant to paragraph
16 (3) or (4) of subdivision (a) if the vehicle is registered to an address
17 outside of the region identified in Section 66502 of the Government
18 Code.

19 (j) An owner of a vehicle specified in paragraph (3) or (4) of
20 subdivision (a) whose vehicle is registered to an address in the
21 region identified in Section 66502 of the Government Code and
22 who seeks a vehicle identifier under subdivision (a) in order to
23 have access to an HOV lane within the jurisdiction of the Bay Area
24 Toll Authority shall do both of the following:

25 (1) Obtain and maintain an active account to operate within the
26 automatic vehicle identification system described in Section 27565
27 of the Streets and Highways Code and shall submit to the
28 department a form, approved by the department and issued by the
29 Bay Area Toll Authority, that contains the vehicle owner's name,
30 the license plate number and vehicle identification number of the
31 vehicle, the vehicle make and year model, and the automatic
32 vehicle identification system account number, as a condition to
33 obtaining a vehicle identifier pursuant to subdivision (a) that allows
34 for the use of that vehicle in HOV lanes regardless of the number
35 of occupants.

36 (2) Be eligible for toll-free or reduced-rate passage on toll
37 bridges within the jurisdiction of the Bay Area Toll Authority only
38 if, at time of passage, the vehicle meets the passenger occupancy
39 rate requirement established for that toll-free or reduced-rate
40 passage.

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

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

12 (B) On or before March 1, 2014, paragraph (1) does not apply
13 to the imposition of a toll imposed for passage in lanes designated
14 for tolls pursuant to the federally supported value-pricing and
15 transit development demonstration program operated pursuant to
16 Section 149.9 of the Streets and Highways Code for State Highway
17 Route 10 or 110.

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

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

27 (m) (1) This section shall remain in effect only until January
28 1, ~~2015~~, 2018, or until the date the Secretary of State receives the
29 notice described in subdivision (l), whichever occurs first, and as
30 of that date is repealed.

31 (2) However, with respect to a vehicle described in paragraph
32 (3) or (4) of subdivision (a), this section shall be operative only
33 until July 1, 2011, or only until the date the Secretary of State
34 receives the notice described in subdivision (l), whichever occurs
35 first.

36 (3) With respect to a vehicle described in paragraph (5) of
37 subdivision (a), this section shall become operative on January 1,
38 2012, and shall be operative only until January 1, ~~2015~~, 2018, or
39 until the date the Secretary of State receives the notice described
40 in subdivision (l), whichever occurs first.

1 SEC. 3. Section 21655.9 of the Vehicle Code is amended to
2 read:

3 21655.9. (a) (1) Whenever the Department of Transportation
4 or a local authority authorizes or permits exclusive or preferential
5 use of highway lanes or highway access ramps for high-occupancy
6 vehicles pursuant to Section 21655.5, the use of those lanes or
7 ramps shall also be extended to vehicles that are issued distinctive
8 decals, labels, or other identifiers pursuant to Section 5205.5
9 regardless of vehicle occupancy or ownership.

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

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

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

21 (b) A person shall not drive a vehicle described in subdivision
22 (a) of Section 5205.5 with a single occupant upon a high-occupancy
23 vehicle lane pursuant to this section unless the decal, label, or other
24 identifier issued pursuant to Section 5205.5 is properly displayed
25 on the vehicle, and the vehicle registration described in Section
26 5205.5 is with the vehicle.

27 (c) A person shall not operate or own a vehicle displaying a
28 decal, label, or other identifier, as described in Section 5205.5, if
29 that decal, label, or identifier was not issued for that vehicle
30 pursuant to Section 5205.5. A violation of this subdivision is a
31 misdemeanor.

32 (d) If the provisions in Section 5205.5 authorizing the
33 department to issue decals, labels, or other identifiers to hybrid
34 and alternative fuel vehicles are repealed, vehicles displaying those
35 decals, labels, or other identifiers shall not access high-occupancy
36 vehicle lanes without meeting the occupancy requirements
37 otherwise applicable to those lanes.

38 (e) (1) This section shall remain in effect only until January 1,
39 ~~2015~~, 2018, or until the date that the Secretary of State receives

1 the notice described in subdivision (*l*) of Section 5205.5, whichever
2 occurs first, and as of that date is repealed.

3 (2) However, with respect to a vehicle described in paragraph
4 (3) or (4) of subdivision (a) of Section 5205.5, this section shall
5 be operative only until July 1, 2011, or until the date the Secretary
6 of State receives the notice described in subdivision (*l*) of Section
7 5205.5, whichever occurs first.

8 (3) With respect to a vehicle described in paragraph (5) of
9 subdivision (a) of Section 5205.5, this section shall become
10 operative on January 1, 2012, and shall be operative only until
11 January 1, ~~2015~~, 2018, or until the date the Secretary of State
12 receives the notice described in subdivision (*l*) of Section 5205.5,
13 whichever occurs first.

14 SEC. 4. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution because
16 the only costs that may be incurred by a local agency or school
17 district will be incurred because this act creates a new crime or
18 infraction, eliminates a crime or infraction, or changes the penalty
19 for a crime or infraction, within the meaning of Section 17556 of
20 the Government Code, or changes the definition of a crime within
21 the meaning of Section 6 of Article XIII B of the California
22 Constitution.