

AMENDED IN ASSEMBLY AUGUST 6, 2013

AMENDED IN ASSEMBLY JUNE 24, 2013

AMENDED IN ASSEMBLY JUNE 11, 2013

AMENDED IN SENATE MARCH 18, 2013

SENATE BILL

No. 286

**Introduced by Senators Yee and Pavley
(Coauthors: Senators Correa and Lieu)
(Coauthor: Assembly Member Ting)**

February 14, 2013

An act to amend Sections 21655.9 and 42001.6 of, and to amend and repeal Section 5205.5 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 286, as amended, 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 *for certain zero-emission vehicles* to January 1, ~~2018~~, 2019, or until the Secretary of State receives that specified ~~notice~~: *notice, whichever occurs first*. The bill would ~~permit~~ *authorize* the department to issue a valid identifier to a vehicle that meets California's transitional ~~zero-emission~~

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 By extending a crime that otherwise would be repealed, the bill would impose a state-mandated local program.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 AB 266, to become operative if AB 266 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~~ zero-emission vehicle
 21 (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 (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 in high-occupancy toll lanes as described
25 in Section 149.7 of the Streets and Highways Code unless
26 prohibited by federal law.

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

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

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

39 (i) If the Director of Transportation determines that federal law
40 does not authorize the state to allow vehicles that are identified by

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

6 ~~(j) (1) This section shall remain in effect only until January 1,~~
7 ~~2018, or until the date the Secretary of State receives the notice~~
8 ~~described in subdivision (i), whichever occurs first, and as of that~~
9 ~~date is repealed.~~

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

15 *(j) (1) This section shall not apply to a vehicle described in*
16 *paragraphs (1) and (2) of subdivision (a) on or after January 1,*
17 *2015, or the date the Secretary of State receives the notice*
18 *described in subdivision (i), whichever occurs first.*

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

25 *SEC. 1.5. Section 5205.5 of the Vehicle Code, as amended by*
26 *Section 2 of Chapter 674 of the Statutes of 2012, is amended to*
27 *read:*

28 5205.5. (a) For purposes of implementing Section 21655.9,
29 the department shall make available for issuance, for a fee
30 determined by the department to be sufficient to reimburse the
31 department for the actual costs incurred pursuant to this section,
32 distinctive decals, labels, and other identifiers that clearly
33 distinguish the following vehicles from other vehicles:

34 (1) A vehicle that meets California's super ultra-low emission
35 vehicle (SULEV) standard for exhaust emissions and the federal
36 inherently low-emission vehicle (ILEV) evaporative emission
37 standard, as defined in Part 88 (commencing with Section
38 88.101-94) of Title 40 of the Code of Federal Regulations.

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

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

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

12 ~~(5)~~

13 (3) A vehicle that meets California's enhanced advanced
14 technology partial zero-emission vehicle (enhanced AT PZEV)
15 ~~standard.~~ *standard or transitional zero-emission vehicle (TZEV)*
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 ~~(e)~~

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

30 ~~(d)~~

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

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

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

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

5 (e)

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

10 (f)

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

18 (2) Decals, labels, or other identifiers designed pursuant to this
19 subdivision for a vehicle described in paragraph ~~(5)~~ (3) of
20 subdivision (a) shall be distinguishable from the decals, labels, or
21 other identifiers that are designed for vehicles described in
22 paragraphs (1), (2), (3), and (4) (1) and (2) of subdivision (a).

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

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

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

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

39 ~~(iii) The owner of the vehicle applied for a decal, label, or other~~
40 ~~identifier pursuant to this subparagraph on or before March 31,~~

1 2009, or within six months of the date on which the vehicle for
2 which a decal, label, or identifier was previously issued is declared
3 to be a nonrepairable vehicle or a total loss salvage vehicle,
4 whichever date is later.

5 (2) The department shall notify the Department of Transportation
6 immediately after the date on which the department has issued
7 50,000 decals, labels, and other identifiers under this section for
8 the vehicles described in paragraphs (3) and (4) of subdivision (a).

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

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

15 (B) For lanes that are not nearing capacity, the Department of
16 Transportation shall make the determination not later than 180
17 days after the date provided by the department under paragraph
18 (2).

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

22 (A) Reduction in level of service.

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

24 (C) Slower than average speed than the adjacent mixed-flow
25 lanes.

26 (D) Consistent increase in travel time.

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

35 (h)

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

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

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

35 ~~(1) Obtain and maintain an active account to operate within the~~
36 ~~automatic vehicle identification system described in Section 27565~~
37 ~~of the Streets and Highways Code and shall submit to the~~
38 ~~department a form, approved by the department and issued by the~~
39 ~~Bay Area Toll Authority, that contains the vehicle owner's name,~~
40 ~~the license plate number and vehicle identification number of the~~

1 vehicle, the vehicle make and year model, and the automatic
2 vehicle identification system account number, as a condition to
3 obtaining a vehicle identifier pursuant to subdivision (a) that allows
4 for the use of that vehicle in HOV lanes regardless of the number
5 of occupants.

6 ~~(2) Be eligible for toll-free or reduced-rate passage on toll~~
7 ~~bridges within the jurisdiction of the Bay Area Toll Authority only~~
8 ~~if, at time of passage, the vehicle meets the passenger occupancy~~
9 ~~rate requirement established for that toll-free or reduced-rate~~
10 ~~passage.~~

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

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

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

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

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

39 ~~(m) (1) This section shall remain in effect only until January~~
40 ~~1, 2015, or until the date the Secretary of State receives the notice~~

1 ~~described in subdivision (l), whichever occurs first, and as of that~~
2 ~~date is repealed.~~

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

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

13 *(j) This section shall become inoperative on January 1, 2019,*
14 *or on the date the Secretary of State receives the notice described*
15 *in subdivision (i), whichever occurs first, and, as of January 1,*
16 *2019, is repealed, unless a later enacted statute, that becomes*
17 *operative on or before January 1, 2019, deletes or extends the*
18 *dates on which it becomes inoperative and is repealed.*

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

21 SEC. 3. Section 21655.9 of the Vehicle Code is amended to
22 read:

23 21655.9. (a) (1) Whenever the Department of Transportation
24 or a local authority authorizes or permits exclusive or preferential
25 use of highway lanes or highway access ramps for high-occupancy
26 vehicles pursuant to Section 21655.5, the use of those lanes or
27 ramps shall also be extended to vehicles that are issued distinctive
28 decals, labels, or other identifiers pursuant to Section 5205.5
29 regardless of vehicle occupancy or ownership.

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

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

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

1 (b) A person shall not drive a vehicle described in subdivision
2 (a) of Section 5205.5 with a single occupant upon a high-occupancy
3 vehicle lane pursuant to this section unless the decal, label, or other
4 identifier issued pursuant to Section 5205.5 is properly displayed
5 on the vehicle, and the vehicle registration described in Section
6 5205.5 is with the vehicle.

7 (c) A person shall not operate or own a vehicle displaying a
8 decal, label, or other identifier, as described in Section 5205.5, if
9 that decal, label, or identifier was not issued for that vehicle
10 pursuant to Section 5205.5. A violation of this subdivision is a
11 misdemeanor.

12 (d) If the provisions in Section 5205.5 authorizing the
13 department to issue decals, labels, or other identifiers to hybrid
14 and alternative fuel vehicles are repealed, vehicles displaying those
15 decals, labels, or other identifiers shall not access high-occupancy
16 vehicle lanes without meeting the occupancy requirements
17 otherwise applicable to those lanes.

18 ~~(e) (1) This section shall remain in effect only until January 1,~~
19 ~~2018, or until the date that the Secretary of State receives the notice~~
20 ~~described in subdivision (i) of Section 5205.5, whichever occurs~~
21 ~~first, and as of that date is repealed.~~

22 ~~(2) With respect to a vehicle described in paragraph (3) of~~
23 ~~subdivision (a) of Section 5205.5, this section shall become~~
24 ~~operative on January 1, 2012, and shall be operative only until~~
25 ~~January 1, 2018, or until the date the Secretary of State receives~~
26 ~~the notice described in subdivision (i) of Section 5205.5, whichever~~
27 ~~occurs first.~~

28 *(e) (1) This section shall not apply to a vehicle described in*
29 *paragraphs (1) and (2) of subdivision (a) of Section 5205.5 on or*
30 *after January 1, 2015, or the date the Secretary of State receives*
31 *the notice described in subdivision (i) of Section 5205.5, whichever*
32 *occurs first.*

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

39 *SEC. 3.5. Section 21655.9 of the Vehicle Code is amended to*
40 *read:*

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

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

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

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

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

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

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

36 ~~(e) (1) This section shall remain in effect only until January 1,~~
37 ~~2015, or until the date that the Secretary of State receives the notice~~
38 ~~described in subdivision (f) of Section 5205.5, whichever occurs~~
39 ~~first, and as of that date is repealed.~~

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

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

12 *(e) This section shall become inoperative on January 1, 2019,*
13 *or on the date the Secretary of State receives the notice described*
14 *in subdivision (i) of Section 5205.5, whichever occurs first, and,*
15 *as of January 1, 2019, is repealed, unless a later enacted statute,*
16 *that becomes operative on or before January 1, 2019, deletes or*
17 *extends the dates on which it becomes inoperative and is repealed.*

18 SEC. 4. Section 42001.6 of the Vehicle Code is amended to
19 read:

20 42001.6. Every person convicted of an infraction for a violation
21 of Section 22511.1 is punishable by a fine of one hundred dollars
22 (\$100).

23 No part of any fine imposed shall be suspended, except the court
24 may suspend that portion of the fine above twenty-five dollars
25 (\$25) for a violation of Section 22511.1 if the person convicted
26 possessed at the time of the offense, but failed to display, a valid
27 zero-emission vehicle decal identification issued pursuant to
28 subdivision (a) of Section 5205.5. The fine may be paid in
29 installments if the court determines that the defendant is unable to
30 pay the entire amount in one payment.

31 SEC. 5. *(a) Section 1.5 of this bill incorporates substantive*
32 *amendments to Section 5205.5 of the Vehicle Code proposed by*
33 *both this bill and Assembly Bill 266. It shall only become operative*
34 *if (1) both bills are enacted and become effective on or before*
35 *January 1, 2014, (2) each bill amends Section 5205.5 of the Vehicle*
36 *Code, and (3) this bill is enacted after Assembly Bill 266, in which*
37 *case Section 1 of this bill shall not become operative.*

38 *(b) Section 3.5 of this bill incorporates substantive amendments*
39 *to Section 21655.9 of the Vehicle Code proposed by both this bill*
40 *and Assembly Bill 266. It shall only become operative if (1) both*

1 *bills are enacted and become effective on or before January 1,*
2 *2014, (2) each bill amends Section 21655.9 of the Vehicle Code,*
3 *and (3) this bill is enacted after Assembly Bill 266, in which case*
4 *Section 3 of this bill shall not become operative.*

5 ~~SEC. 5.~~

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

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