

ASSEMBLY BILL

No. 1964

Introduced by Assembly Member Bloom

February 12, 2016

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1964, as introduced, Bloom. High-occupancy vehicle lanes: vehicle exceptions.

Existing federal law authorizes, until September 30, 2019, a state to allow low emission and energy-efficient vehicles, as specified, to use lanes designated for high-occupancy vehicles (HOVs). Existing federal law also authorizes, until September 30, 2025, a state to allow alternative fuel vehicles, as defined, and new qualified plug-in electric drive motor vehicles, as defined, to use HOV lanes.

Existing state law authorizes the Department of Transportation to designate certain lanes for the exclusive use of HOVs. Existing law also authorizes super ultra-low emission vehicles, ultra-low emission vehicles, partial zero-emission vehicles, or transitional zero-emission vehicles, as specified, that display a valid identifier issued by the Department of Motor Vehicles to use these HOV lanes until January 1, 2019, or until the date federal authorization expires, or until the Secretary of State receives a specified notice, whichever occurs first. A violation of provisions relating to HOV lane use by vehicles without those identifiers is a crime.

This bill would extend the operation of the provisions allowing specified vehicles to use HOV lanes until January 1, 2029, or until the

date federal authorization expires, or until the Secretary of State receives a specified notice, whichever occurs first.

By extending a crime under these provisions, this 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 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’s ultra-low emission vehicle (ULEV)
16 standard for exhaust emissions and the federal ILEV standard.

17 (3) A vehicle that meets California’s enhanced advanced
18 technology partial zero-emission vehicle (enhanced AT PZEV)
19 standard or transitional zero-emission vehicle (TZEV) standard.

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

24 (c) The Department of Transportation shall remove individual
25 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.
21 Each decal, label, or other identifier issued for a vehicle shall
22 display a unique number, which shall be printed on, or affixed to,
23 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 85,000 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 granted a toll-free or reduced-rate passage in
21 high-occupancy toll lanes as described in Section 149.7 of the
22 Streets and Highways Code unless prohibited by federal 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 2029, or the date the federal authorization pursuant to Section 166
5 of Title 23 of the United States Code expires, or the date the
6 Secretary of State receives the notice described in subdivision (i),
7 whichever occurs first, and, as of January 1, ~~2019~~, 2029, is
8 repealed, unless a later enacted statute, that becomes operative on
9 or before January 1, ~~2019~~, 2029, deletes or extends the dates on
10 which it becomes inoperative and is repealed.

11 SEC. 2. Section 21655.9 of the Vehicle Code is amended to
12 read:

13 21655.9. (a) (1) Whenever the Department of Transportation
14 or a local authority authorizes or permits exclusive or preferential
15 use of highway lanes or highway access ramps for high-occupancy
16 vehicles pursuant to Section 21655.5, the use of those lanes or
17 ramps shall also be extended to vehicles that are issued distinctive
18 decals, labels, or other identifiers pursuant to Section 5205.5
19 regardless of vehicle occupancy or ownership.

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

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

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

31 (b) A person shall not drive a vehicle described in subdivision
32 (a) of Section 5205.5 with a single occupant upon a high-occupancy
33 vehicle lane pursuant to this section unless the decal, label, or other
34 identifier issued pursuant to Section 5205.5 is properly displayed
35 on the vehicle, and the vehicle registration described in Section
36 5205.5 is with the vehicle.

37 (c) A person shall not operate or own a vehicle displaying a
38 decal, label, or other identifier, as described in Section 5205.5, if
39 that decal, label, or identifier was not issued for that vehicle

1 pursuant to Section 5205.5. A violation of this subdivision is a
2 misdemeanor.

3 (d) If the provisions in Section 5205.5 authorizing the
4 department to issue decals, labels, or other identifiers to hybrid
5 and alternative fuel vehicles are repealed, vehicles displaying those
6 decals, labels, or other identifiers shall not access high-occupancy
7 vehicle lanes without meeting the occupancy requirements
8 otherwise applicable to those lanes.

9 (e) This section shall become inoperative on January 1, ~~2019~~,
10 2029, or the date the federal authorization pursuant to Section 166
11 of Title 23 of the United States Code expires, or the date the
12 Secretary of State receives the notice described in subdivision (i)
13 of Section 5205.5, whichever occurs first, and, as of January 1,
14 ~~2019~~, 2029, is repealed, unless a later enacted statute, that becomes
15 operative on or before January 1, ~~2019~~, 2029, deletes or extends
16 the dates on which it becomes inoperative and is repealed.

17 SEC. 3. No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 the only costs that may be incurred by a local agency or school
20 district will be incurred because this act creates a new crime or
21 infraction, eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section 17556 of
23 the Government Code, or changes the definition of a crime within
24 the meaning of Section 6 of Article XIII B of the California
25 Constitution.