

AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1964**

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**Introduced by Assembly Member Bloom**

February 12, 2016

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1964, as amended, 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. *Existing law authorizes the Department of Motor Vehicles to issue those identifiers until January 1, 2019, or until*

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

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. *The bill would end the authority of the Department of Motor Vehicles to issue those identifiers for specified vehicles on January 1, 2018, and would provide that those identifiers issued before January 1, 2018, are valid until January 1, 2019. The bill would authorize the department to issue other identifiers until the date federal authorization expires, or until the Secretary of State receives a specified notice, whichever occurs first. The bill would provide that those other identifiers issued on or after January 1, 2018, but before January 1, 2019, would be valid until January 1, 2021. The bill would provide that those other identifiers issued after January 1, 2019, would be valid until January 1 of the 3rd year after the year of issuance. The bill would make conforming changes allowing vehicles displaying those other identifiers to use HOV lanes.*

~~By extending a crime under these provisions,~~ *the operation of an existing crime,* 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~~ *reasonable* costs incurred pursuant to
- 7 this section, distinctive decals, labels, and other identifiers that
- 8 clearly distinguish the following vehicles from other vehicles:
- 9 (1) ~~Until January 1, 2018,~~ a vehicle that meets California's
- 10 super ultra-low emission vehicle (SULEV) standard for exhaust

1 emissions and the federal inherently low-emission vehicle (ILEV)  
2 evaporative emission standard, as defined in Part 88 (commencing  
3 with Section 88.101-94) of Title 40 of the Code of Federal  
4 Regulations. *A decal, label, and other identifier issued pursuant  
5 to this paragraph is valid until January 1, 2019.*

6 (2) ~~A~~ *Until January 1, 2018, a vehicle that was produced during  
7 the 2004 model year or earlier and meets California's ultra-low  
8 emission vehicle (ULEV) standard for exhaust emissions and the  
9 federal ILEV standard. A decal, label, and other identifier issued  
10 pursuant to this paragraph is valid until January 1, 2019.*

11 (3) (A) A vehicle that meets California's enhanced advanced  
12 technology partial zero-emission vehicle (enhanced AT PZEV)  
13 standard or transitional zero-emission vehicle (TZEV) standard.  
14 *A decal, label, and other identifier issued pursuant to this  
15 paragraph before January 1, 2018, is valid until January 1, 2019.*

16 (B) *A decal, label, and other identifier issued pursuant to this  
17 paragraph on or after January 1, 2018, and before January 1,  
18 2019, is valid until January 1, 2022. A decal, label, and other  
19 identifier issued pursuant to this paragraph on or after January  
20 1, 2019, is valid until January 1 of the third year after the year of  
21 issuance.*

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

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

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

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

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

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

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

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

17 ~~(f) (1) Except as provided in paragraph (2), for purposes of~~  
18 ~~paragraph (3) of subdivision (a), the department shall issue no~~  
19 ~~more than 85,000 distinctive decals, labels, or other identifiers that~~  
20 ~~clearly distinguish a vehicle specified in paragraph (3) of~~  
21 ~~subdivision (a).~~

22 (3) *Decals, labels, or other identifiers issued pursuant to*  
23 *paragraph (3) of subdivision (a) before January 1, 2019, shall be*  
24 *distinguishable from the decals, labels, or other identifiers issued*  
25 *on or after January 1, 2019.*

26 ~~(2)~~

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

29 ~~(A)~~

30 (1) The vehicle is of a type identified in paragraph (3) of  
31 subdivision (a).

32 ~~(B)~~

33 (2) 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.

40 ~~(C)~~

1 (3) 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~~ a *valid* identifier issued by the department pursuant  
12 to 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 *valid* decal, label, or identifier issued pursuant to  
16 this section shall be granted a toll-free or reduced-rate passage in  
17 high-occupancy toll lanes as described in Section 149.7 of the  
18 Streets and Highways Code unless 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 and~~  
26 ~~transit development demonstration program operated pursuant to~~  
27 ~~Section 149.9 of the Streets and Highways Code for State Highway~~  
28 ~~Route 10 or 110.~~

29 ~~(C)~~

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

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 (j) This section shall become inoperative on ~~January 1, 2029,~~  
40 ~~or~~ the date the federal authorization pursuant to Section 166 of

1 Title 23 of the United States Code expires, or the date the Secretary  
2 of State receives the notice described in subdivision (i), whichever  
3 occurs ~~first, and, as of January 1, 2029, is repealed, unless a later~~  
4 ~~enacted statute, that becomes operative on or before January 1,~~  
5 ~~2029, deletes or extends the dates on which it becomes inoperative~~  
6 ~~and is repealed. first.~~

7 *(k) If this section becomes inoperative pursuant to subdivision*  
8 *(j), a driver of a vehicle with an otherwise valid decal, label, or*  
9 *other identifier issued pursuant to this section shall not be cited*  
10 *for a violation of Section 21655.5 within 60 days of the date that*  
11 *this section becomes inoperative.*

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

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

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

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

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

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

38 (c) A person shall not operate or own a vehicle displaying a  
39 decal, label, or other identifier, as described in Section 5205.5, if  
40 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~~, *become inoperative*,  
6 vehicles displaying those decals, labels, or other identifiers shall  
7 not access high-occupancy vehicle lanes without meeting the  
8 occupancy requirements otherwise applicable to those lanes.

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

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.