

AMENDED IN ASSEMBLY APRIL 11, 2016

AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

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 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. *Existing law prohibits the Department of Motor Vehicles from issuing more than 85,000 identifiers that clearly distinguish a partial or transitional zero-emission vehicle, as specified.*

This bill would extend the operation of the provisions allowing specified vehicles to use HOV lanes 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,~~ *for specified vehicles* are valid until January 1, 2019. The bill would authorize the ~~department~~ *Department of Motor Vehicles* to issue other identifiers until the date federal authorization expires, or until the Secretary of State receives a specified notice, whichever occurs first. ~~The~~

~~The~~ bill would provide that ~~those other~~ identifiers issued *for partial or transitional zero-emission vehicles* 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 *for those vehicles on or after January 1, 2019,* would be valid until January 1 of the 3rd year after the year of issuance. ~~The~~ *The bill would remove the limit of 85,000 identifiers for those vehicles, and would instead prohibit the Department of Motor Vehicles from issuing identifiers if the sale of new vehicles of that category reaches at least 8.6% of the total new car market share for 2 consecutive years, upon notification by the State Air Resources Board, as specified.*

~~The~~ bill would make conforming changes allowing vehicles displaying ~~those other~~ *specified* identifiers to use HOV lanes.

By extending 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 reasonable costs incurred pursuant to this
7 section, distinctive decals, labels, and other identifiers that clearly
8 distinguish the following vehicles from other vehicles:

9 (1) ~~Until January 1, 2018, a~~ A vehicle that meets California's
10 super ultra-low emission vehicle (SULEV) standard for exhaust
11 emissions and the federal inherently low-emission vehicle (ILEV)
12 evaporative emission standard, as defined in Part 88 (commencing
13 with Section 88.101-94) of Title 40 of the Code of Federal
14 Regulations. A decal, label, and other identifier issued pursuant
15 to this paragraph is valid until January 1, 2019.

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

21 (3) (A) A vehicle that meets California's enhanced advanced
22 technology partial zero-emission vehicle (enhanced AT PZEV)
23 standard or transitional zero-emission vehicle (TZEV) standard.
24 A decal, label, and other identifier issued pursuant to this paragraph
25 before January 1, 2018, is valid until January 1, 2019.

26 (B) A decal, label, and other identifier issued pursuant to this
27 paragraph on or after January 1, 2018, and before January 1, 2019,
28 is valid until January 1, ~~2022~~ 2021. A decal, label, and other
29 identifier issued pursuant to this paragraph on or after January 1,
30 2019, is valid until January 1 of the third year after the year of
31 issuance.

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

36 (c) The Department of Transportation shall remove individual
37 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 (3) Decals, labels, or other identifiers issued pursuant to
30 paragraph (3) of subdivision (a) before January 1, 2019, shall be
31 distinguishable from the decals, labels, or other identifiers issued
32 on or after January 1, 2019.

33 (f) (1) *Except as provided in paragraph (3), the department*
34 *shall no longer issue decals, labels, or other identifiers pursuant*
35 *to paragraph (3) of subdivision (a) if the sale of new vehicles*
36 *described in paragraph (3) of subdivision (a) reaches at least 8.6*
37 *percent of the total new car market share for two consecutive*
38 *years, calculated cumulatively for each of the two years, upon*
39 *being notified by the State Air Resources Board pursuant to*
40 *paragraph (2). The department shall not reinstate the issuance of*

1 *decals, labels, or other identifiers if there is a subsequent decrease*
2 *in the sale of the new vehicles resulting in less than 8.6 percent of*
3 *the total new car market share in a later year.*

4 (2) *The State Air Resources Board shall notify the department,*
5 *the Department of Transportation, and the Secretary of State if*
6 *the sale of new vehicles described in paragraph (3) of subdivision*
7 *(a) reaches at least 8.6 percent of the total new car market share*
8 *for two consecutive years, calculated cumulatively for each of the*
9 *two years.*

10 ~~(f)~~

11 (3) The department may issue a decal, label, or other identifier
12 for a vehicle that satisfies all of the following conditions:

13 ~~(1)~~

14 (A) The vehicle is of a type identified in paragraph (3) of
15 subdivision (a).

16 ~~(2)~~

17 (B) The owner of the vehicle is the owner of a vehicle for which
18 a decal, label, or other identifier was previously issued and that
19 vehicle for which the decal, label, or other identifier was previously
20 issued is determined by the department, on the basis of satisfactory
21 proof submitted by the owner to the department, to be a
22 nonrepairable vehicle or a total loss salvage vehicle.

23 ~~(3)~~

24 (C) The owner of the vehicle applied for a decal, label, or other
25 identifier pursuant to this paragraph within six months of the date
26 on which the vehicle for which a decal, label, or other identifier
27 was previously issued is declared to be a nonrepairable vehicle or
28 a total loss salvage vehicle.

29 (g) If the Metropolitan Transportation Commission, serving as
30 the Bay Area Toll Authority, grants toll-free and reduced-rate
31 passage on toll bridges under its jurisdiction to a vehicle pursuant
32 to Section 30102.5 of the Streets and Highways Code, it shall also
33 grant the same toll-free and reduced-rate passage to a vehicle
34 displaying a valid identifier issued by the department pursuant to
35 paragraph (1) or (2) of subdivision (a).

36 (h) (1) Notwithstanding Section 21655.9, and except as
37 provided in paragraph (2), a vehicle described in subdivision (a)
38 that displays a valid decal, label, or identifier issued pursuant to
39 this section shall be granted a toll-free or reduced-rate passage in

1 high-occupancy toll lanes as described in Section 149.7 of the
 2 Streets and Highways Code unless prohibited by federal law.

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

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

9 (i) If the Director of Transportation determines that federal law
 10 does not authorize the state to allow vehicles that are identified by
 11 distinctive decals, labels, or other identifiers on vehicles described
 12 in subdivision (a) to use highway lanes or highway access ramps
 13 for high-occupancy vehicles regardless of vehicle occupancy, the
 14 Director of Transportation shall submit a notice of that
 15 determination to the Secretary of State.

16 (j) This section shall become inoperative on the date the federal
 17 authorization pursuant to Section 166 of Title 23 of the United
 18 States Code expires, or the date the Secretary of State receives the
 19 notice described in subdivision (i), whichever occurs first.

20 (k) If this section becomes inoperative pursuant to subdivision
 21 (j), a driver of a vehicle with an otherwise valid decal, label, or
 22 other identifier issued pursuant to this section shall not be cited
 23 for a violation of Section 21655.5 within 60 days of the date that
 24 this section becomes inoperative.

25 SEC. 2. Section 21655.9 of the Vehicle Code is amended to
 26 read:

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

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

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

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

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

12 (c) A person shall not operate or own a vehicle displaying a
13 decal, label, or other identifier, as described in Section 5205.5, if
14 that decal, label, or identifier was not issued for that vehicle
15 pursuant to Section 5205.5. A violation of this subdivision is a
16 misdemeanor.

17 (d) If the provisions in Section 5205.5 authorizing the
18 department to issue decals, labels, or other identifiers to hybrid
19 and alternative fuel vehicles become inoperative, vehicles
20 displaying those decals, labels, or other identifiers shall not access
21 high-occupancy vehicle lanes without meeting the occupancy
22 requirements otherwise applicable to those lanes.

23 (e) This section shall become inoperative on the date the federal
24 authorization pursuant to Section 166 of Title 23 of the United
25 States Code expires, or the date the Secretary of State receives the
26 notice described in subdivision (i) of Section 5205.5, whichever
27 occurs first.

28 SEC. 3. No reimbursement is required by this act pursuant to
29 Section 6 of Article XIII B of the California Constitution because
30 the only costs that may be incurred by a local agency or school
31 district will be incurred because this act creates a new crime or
32 infraction, eliminates a crime or infraction, or changes the penalty
33 for a crime or infraction, within the meaning of Section 17556 of
34 the Government Code, or changes the definition of a crime within
35 the meaning of Section 6 of Article XIII B of the California
36 Constitution.

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