

AMENDED IN ASSEMBLY MAY 5, 2016  
AMENDED IN ASSEMBLY APRIL 11, 2016  
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**  
*(Coauthor: Assembly Member Linder)*

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

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

21 (3) (A) A vehicle that meets ~~California's~~ *the state's* enhanced  
22 advanced technology partial zero-emission vehicle (enhanced AT  
23 PZEV) standard or transitional zero-emission vehicle (TZEV)  
24 standard. A decal, label, and other identifier issued pursuant to  
25 this paragraph before January 1, 2018, is valid until January 1,  
26 2019.

27 (B) A decal, label, and other identifier issued pursuant to this  
28 paragraph on or after January 1, 2018, and before January 1, 2019,  
29 is valid until January 1, 2021. A decal, label, and other identifier  
30 issued pursuant to this paragraph on or after January 1, 2019, is  
31 valid until January 1 of the third year after the year of 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~~, *of the lane*, exceeds a level of  
4 service C, as discussed in subdivision (b) of Section 65089 of the  
5 Government Code.

6 (2) The operation or projected operation of the vehicles  
7 described in subdivision (a) in these lanes, or portions ~~thereof~~, *of*  
8 *the lanes*, will 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 years,  
38 calculated cumulatively for each of the two years, upon being  
39 notified by the State Air Resources Board pursuant to paragraph  
40 (2). The department shall not reinstate the issuance of decals,

1 labels, or other identifiers if there is a subsequent decrease in the  
2 sale of the new vehicles resulting in less than 8.6 percent of the  
3 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 the  
6 sale of new vehicles described in paragraph (3) of subdivision (a)  
7 reaches at least 8.6 percent of the total new car market share for  
8 two consecutive years, calculated cumulatively for each of the two  
9 years.

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

12 (A) The vehicle is of a type identified in paragraph (3) of  
13 subdivision (a).

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

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

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

32 (h) (1) Notwithstanding Section 21655.9, and except as  
33 provided in paragraph (2), a vehicle described in subdivision (a)  
34 that displays a valid decal, label, or identifier issued pursuant to  
35 this section shall be granted a toll-free or reduced-rate passage in  
36 high-occupancy toll lanes as described in Section 149.7 of the  
37 Streets and Highways Code unless prohibited by federal law.

38 (2) (A) Paragraph (1) does not apply to the imposition of a toll  
39 imposed for passage on a toll road or toll highway, that is not a

1 high-occupancy toll lane as described in Section 149.7 of the  
2 Streets and Highways Code.

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

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

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

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

21 SEC. 2. 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 valid decal, label,  
4 or other identifier issued pursuant to Section 5205.5 is properly  
5 displayed on the vehicle, and the vehicle registration described in  
6 Section 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 become inoperative, vehicles  
15 displaying those decals, labels, or other identifiers shall not access  
16 high-occupancy vehicle lanes without meeting the occupancy  
17 requirements otherwise applicable to those lanes.

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

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

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