

Assembly Bill No. 71

CHAPTER 330

An act to amend, repeal, and add Section 40000.13 of, and to add and repeal Sections 5205.5 and 21655.9 of, the Vehicle Code, relating to vehicles.

[Approved by Governor September 7, 1999. Filed
with Secretary of State September 7, 1999.]

LEGISLATIVE COUNSEL'S DIGEST

AB 71, Cunneen. High-occupancy vehicle lanes: low-emission vehicles.

(1) Existing law authorizes the Department of Transportation, with respect to highways under its jurisdiction, to authorize or permit the exclusive or preferential use of highway lanes for high-occupancy vehicles.

This bill would require the Department of Transportation whenever it authorizes or permits exclusive or preferential use of highway lanes or highway access ramps for high-occupancy vehicles, to also extend the use of those lanes or ramps to vehicles that have been issued distinctive decals, labels, or other identifiers because the vehicles meet (1) California's ultra low-emission vehicle (ULEV) standards beginning July 1, 2000, and through December 31, 2003, or (2) California's super ultra-low emission vehicle (SULEV) standards on and after January 1, 2004, and through December 31, 2007, for exhaust emissions, as specified, and (3) the federal inherently low-emission vehicle (ILEV) evaporative standard, as defined in federal regulations, regardless of vehicle occupancy or ownership.

In addition, for the purpose of implementing these provisions, the bill would require the Department of Motor Vehicles to make available for issuance distinctive decals, labels, or other identifiers for vehicles described above that clearly distinguishes them from other vehicles. The Department of the California Highway Patrol would be required to specify the placement and design of the decals, labels, or other identifiers. The bill would require the Department of Motor Vehicles to include a summary of the provisions relating to the distinctive decals, labels, or other identifiers on each motor vehicle registration renewal notice or on a separate insert, as specified.

(2) The bill would prohibit any person from operating or owning a vehicle that displays a decal, label, or other identifier if that identifier was not issued to that vehicle. Because a violation of this prohibition would be a crime, the bill would impose a state-mandated local program.

(3) 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.

(4) The bill would provide that its provisions shall remain in effect only until January 1, 2008, and as of that date are repealed, unless a later enacted statute deletes or extends that date.

The people of the State of California do enact as follows:

SECTION 1. The Legislature hereby finds and declares all of the following:

(a) The federal Clean Air Act Amendments of 1990 (Public Law 101-549) sought to accelerate the deployment of inherently low emission vehicles (ILEVs) through the use of nonmonetary incentives in areas that do not meet federal ambient air quality standards.

(b) Federal regulations to implement these federal Clean Air Act Amendments were adopted by the United States Environmental Protection Agency in 1993, and are set forth in Part 88 (commencing with Section 88.101-94) of Title 40 of the Code of Federal Regulations. These federal regulations direct states to exempt federally certified and labeled ILEVs in fleets from high-occupancy vehicle (HOV) restrictions for single-occupant vehicles (Sec. 88.313-93, Title 40, C.F.R.). Five years later, California has not yet conformed to those federal regulations.

(c) In addition to these federal requirements pertaining to ILEVs in fleets the Transportation Equity Act for the 21st Century (Public Law 105-178), commonly known as TEA-21, encourages and permits states to extend the HOV lane access exemption to nonfleet owners of ILEVs.

(d) In most instances, existing HOV lanes in California are uncongested and underutilized, resulting in less than optimal traffic flow. Traffic flow efficiency and air quality would, therefore, be improved by an exemption for ILEVs from the HOV lane access restrictions in these uncongested HOV lanes.

(e) The federal regulations provide a mechanism for California and other states to remove congested HOV lanes, or portions thereof, from having access by single-occupant ILEVs, thus guaranteeing that ILEVs cannot be a cause of congestion in HOV lanes.

(f) The federal regulations affirm a state's authority to establish ILEV identification requirements, in addition to the EPA requirements, that are necessary and appropriate to facilitate enforcement.



(g) California's urban air quality is the worst of any state in the United States, with over 80 percent of our population living in areas that do not meet federal or state ambient air quality standards, and approximately 75 percent of our urban smog coming from mobile sources, primarily light-duty cars and trucks.

(h) The people of California want and need healthful air quality, and are well served by incentive-based approaches to encourage early deployment of cleaner vehicles at little or no cost to the state.

SEC. 2. Section 5205.5 is added to the Vehicle Code, to read:

5205.5. (a) For the purposes of implementing Section 21655.9, beginning July 1, 2000, and through December 31, 2003, the department, in consultation with the Department of the California Highway Patrol, shall make available for issuance, for a fee determined by the department to be sufficient to reimburse the department for actual costs incurred pursuant to this section, distinctive decals, labels, or other identifiers for vehicles that meet California's ultra-low emission vehicle (ULEV) standard for exhaust emissions and the federal ILEV evaporative emission standard, as defined in Part 88 (commencing with Section 88.101-94) of Title 40 of the Code of Federal Regulations, in a manner that clearly distinguishes them from other vehicles.

(b) For the purposes of implementing Section 21655.9, beginning January 1, 2004, and through December 31, 2007, the department shall make available for issuance, for a fee determined by the department to be sufficient to reimburse the department for actual costs incurred pursuant to this section, distinctive decals, labels, and other identifiers for vehicles that meet California's super ultra-low emission vehicle (SULEV) standard for exhaust emissions and the federal inherently low-emission vehicle (ILEV) evaporative emission standard, as defined in Part 88 (commencing with Section 88.101-94) of Title 40 of the Code of Federal Regulations, in a manner that clearly distinguishes them from other vehicles.

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

(d) The Governor may remove individual high-occupancy vehicle (HOV) lanes, or portions of those lanes, during periods of peak congestion from the ILEV access provisions provided in subdivisions (a) and (b), following a finding by the Department of Transportation as follows:

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

(2) The operation or projected operation of the vehicles described in subdivisions (a) and (b) in these lanes, or portions thereof, will significantly increase congestion.



The finding also shall demonstrate the infeasibility of alleviating the congestion by other means, including, but not limited to, reducing the use of the lane by noneligible vehicles, further increasing vehicle occupancy, or adding additional capacity.

(e) For purposes of subdivisions (a) and (b), the Department of the California Highway Patrol shall design and specify the placement of the decal, label, or other identifier on the vehicle. Each decal, label, or other identifier issued for a vehicle shall display a unique number, which number shall be printed on, or affixed to, the vehicle registration.

(f) This section shall remain in effect only until January 1, 2008, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2008, deletes or extends that date.

SEC. 3. Section 21655.9 is added to the Vehicle Code, to read:

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

(b) No person shall drive a vehicle described in subdivisions (a) and (b) of Section 5205.5 with a single occupant upon a high-occupancy vehicle lane pursuant to this section unless the decal, label, or other identifier issued pursuant to Section 5205.5 are properly displayed on the vehicle, and the vehicle registration described in Section 5205.5 is with the vehicle.

(c) No person shall operate or own a vehicle displaying a decal, label, or other identifier, as described in Section 5205.5, if that decal, label, or identifier was not issued for that vehicle pursuant to Section 5205.5. A violation of this subdivision is a misdemeanor.

(d) This section shall remain in effect only until January 1, 2008, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2008, deletes or extends that date.

SEC. 4. Section 40000.13 of the Vehicle Code is amended to read:

40000.13. A violation of any of the following provisions is a misdemeanor, and not an infraction:

(a) Section 16560, relating to interstate highway carriers.

(b) Sections 20002 and 20003, relating to duties at accidents.

(c) Section 21200.5, relating to riding a bicycle while under the influence of an alcoholic beverage or any drug.

(d) Section 21651, subdivision (b), relating to wrong-way driving on divided highways.

(e) Section 21655.9, subdivision (c), relating to illegal use of decals, labels, or other identifiers.

(f) Section 22520.5, a second or subsequent conviction of an offense relating to vending on or near freeways.

(g) Section 22520.6, a second or subsequent conviction of an offense relating to roadside rest areas and vista points.

(h) This section shall remain in effect only until January 1, 2008, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2008, deletes or extends that date.

SEC. 5. Section 40000.13 is added to the Vehicle Code, to read:

40000.13. A violation of any of the following provisions is a misdemeanor, and not an infraction:

(a) Section 16560, relating to interstate highway carriers.

(b) Sections 20002 and 20003, relating to duties at accidents.

(c) Section 21200.5, relating to riding a bicycle while under the influence of an alcoholic beverage or any drug.

(d) Section 21651, subdivision (b), relating to wrong-way driving on divided highways.

(e) Section 22520.5, a second or subsequent conviction of an offense relating to vending on or near freeways.

(f) Section 22520.6, a second or subsequent conviction of an offense relating to roadside rest areas and vista points.

(g) This section shall become operative on January 1, 2008.

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

