

AMENDED IN SENATE APRIL 8, 2015

SENATE BILL

No. 39

Introduced by Senator Pavley
(Coauthors: Senators Allen and Hertzberg)
(Coauthors: Assembly Members Chu and Ting)

December 1, 2014

An act to amend Section 5205.5 of the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 39, as amended, Pavley. Vehicles: high-occupancy vehicle lanes.

Existing federal law, until September 30, 2017, authorizes a state to allow specified labeled vehicles to use lanes designated for high-occupancy vehicles (HOVs).

Existing law authorizes the Department of Transportation to designate certain lanes for the exclusive use of HOVs. Under existing law, until January 1, 2019, or until federal authorization expires, or until the Secretary of State receives a specified notice, those lanes may be used by certain vehicles not carrying the requisite number of passengers otherwise required for the use of an HOV lane, if the vehicle displays a valid identifier issued by the Department of Motor Vehicles (DMV). ~~Until January 1, 2015, existing law authorizes the DMV to issue no more than 55,000 of those identifiers. On and after January 1, 2015, existing~~ Existing law authorizes the DMV to issue no more than 70,000 of those identifiers.

This bill would increase the number of those identifiers that the DMV is authorized to issue to ~~an unspecified amount. 85,000.~~

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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
26 congestion from the access provisions provided in subdivision (a),
27 following a finding by the Department of Transportation as follows:
28 (1) The lane, or portion thereof, exceeds a level of service C,
29 as discussed in subdivision (b) of Section 65089 of the Government
30 Code.
31 (2) The operation or projected operation of the vehicles
32 described in subdivision (a) in these lanes, or portions thereof, will
33 significantly increase congestion.
34 (3) The finding shall also demonstrate the infeasibility of
35 alleviating the congestion by other means, including, but not

1 limited to, reducing the use of the lane by noneligible vehicles or
2 further increasing vehicle occupancy.

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

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

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

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

24 (2) The department may issue a decal, label, or other identifier
25 for a vehicle that satisfies all of the following conditions:

26 (A) The vehicle is of a type identified in paragraph (3) of
27 subdivision (a).

28 (B) The owner of the vehicle is the owner of a vehicle for which
29 a decal, label, or other identifier described in paragraph (1) was
30 previously issued and that vehicle for which the decal, label, or
31 other identifier was previously issued is determined by the
32 department, on the basis of satisfactory proof submitted by the
33 owner to the department, to be a nonrepairable vehicle or a total
34 loss salvage vehicle.

35 (C) The owner of the vehicle applied for a decal, label, or other
36 identifier pursuant to this paragraph within six months of the date
37 on which the vehicle for which a decal, label, or other identifier
38 was previously issued is declared to be a nonrepairable vehicle or
39 a total loss salvage vehicle.

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

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

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

(B) On or before March 1, 2014, paragraph (1) does not apply to the imposition of a toll imposed for passage in lanes designated for tolls pursuant to the federally supported value pricing and transit development demonstration program operated pursuant to Section 149.9 of the Streets and Highways Code for State Highway Route 10 or 110.

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

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

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

1 SEC. 2. This act is an urgency statute necessary for the
2 immediate preservation of the public peace, health, or safety within
3 the meaning of Article IV of the Constitution and shall go into
4 immediate effect. The facts constituting the necessity are:

5 In order to ensure, at the earliest possible time, that new owners
6 of certain qualifying clean alternative fuel vehicles will be eligible
7 for participation in the program, and to provide long-term
8 incentives for consumers of clean alternative fuel vehicles, it is
9 necessary that this act take effect immediately.