

ASSEMBLY BILL

No. 2600

**Introduced by Assembly Member Lieu
(Coauthor: Assembly Member Frommer)**

February 24, 2006

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2600, as introduced, Lieu. Vehicles: HOV lanes.

(1) Existing law requires the Department of Motor Vehicles, until January 1, 2008, to make available for issuance, distinctive decals, labels, and other identifiers for a vehicle that meets the California's super ultra-low emission vehicle standards for exhaust emission and the federal inherently low-emission vehicle (ILEV) evaporative emission standards, and vehicles produced during the 2004 model year or earlier that meets the California ultra-low emission vehicle standards for exhaustive emissions and the ILEV standards.

This bill would extend the requirement on the department regarding these vehicles to until January 1, 2013.

(2) Existing law authorizes, until January 1, 2008, vehicles that are identified by distinctive decals, labels, and other identifiers as vehicles meeting certain emission standards to use highway lanes or highway access ramps for high-occupancy vehicles regardless of vehicle occupancy or ownership.

This bill would extend the authorization to until January 1, 2013.

(3) Existing law prohibits, until January 1, 2008, a person from operating or owning a vehicle that displays a decal, label, or other identifier if that identifier was not issued to that vehicle. Existing law provides that a violation of this prohibition is a misdemeanor.

This bill would extend this prohibition to until January 1, 2013. Because of a violation of this prohibition is a crime, this bill would create state-mandated local program.

(4) 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 is added to the Vehicle Code, to
2 read:

3 5205.5. (a) For the purposes of implementing Section
4 21655.9, the department shall make available for issuance, for a
5 fee determined by the department to be sufficient to reimburse
6 the department for the actual costs incurred pursuant to this
7 section, distinctive decals, labels, and other identifiers that
8 clearly 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 ultra-low emission vehicle (ULEV)
16 standard for exhaust emissions and the federal ILEV standard.

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

22 (c) The Department of Transportation shall remove individual
23 high-occupancy vehicle (HOV) lanes, or portions of those lanes,
24 during periods of peak congestion from the access provisions
25 provided in subdivision (a), following a finding by the
26 Department of Transportation as follows:

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

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

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

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

15 (e) For purposes of subdivision (a), the Department of the
16 California Highway Patrol and the department, in consultation
17 with the Department of Transportation, shall design and specify
18 the placement of the decal, label, or other identifier on the
19 vehicle. Each decal, label, or other identifier issued for a vehicle
20 shall display a unique number, which number shall be printed on,
21 or affixed to, the vehicle registration.

22 (f) If the Metropolitan Transportation Commission, serving as
23 the Bay Area Toll Authority, grants toll-free and reduced-rate
24 passage on toll bridges under its jurisdiction to a vehicle pursuant
25 to Section 30102.5 of the Streets and Highways Code, it shall
26 also grant the same toll-free and reduced-rate passage to a
27 vehicle displaying an identifier issued by the department
28 pursuant to subdivision (a).

29 (g) This section shall become operative on January 1, 2008,
30 and remains in effect only until January 1, 2013, and as of that
31 date is repealed, unless a later enacted statute, that is enacted
32 before January 1, 2013, deletes or extends that date.

33 SEC. 2. Section 21655.9 of the Vehicle Code is amended to
34 read:

35 21655.9. (a) Whenever the Department of Transportation
36 authorizes or permits exclusive or preferential use of highway
37 lanes or highway access ramps for high-occupancy vehicles
38 pursuant to Section 21655.5, the use of those lanes or ramps shall
39 also be extended to vehicles that are issued distinctive decals,

1 labels, or other identifiers pursuant to Section 5205.5 regardless
2 of vehicle occupancy or ownership.

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

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

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

20 (e) This section shall remain in effect only until January 1,
21 ~~2008~~ 2013, and as of that date is repealed, unless a later enacted
22 statute, that is enacted before January 1, ~~2008~~ 2013, deletes or
23 extends that date.

24 SEC. 3. Section 40000.13 of the Vehicle Code, as amended
25 by Section 4 of Chapter 330 of the Statutes of 1999, is amended
26 to read:

27 40000.13. A violation of any of the following provisions is a
28 misdemeanor, and not an infraction:

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

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

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

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

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

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

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

1 (h) This section shall remain in effect only until January 1,
2 ~~2008~~ 2013, and as of that date is repealed, unless a later enacted
3 statute, that is enacted before January 1, ~~2008~~ 2013, deletes or
4 extends that date.

5 SEC. 4. Section 40000.13 of the Vehicle Code, as added by
6 Section 5 of Chapter 330 of the Statutes of 1999, is amended to
7 read:

8 40000.13. A violation of any of the following provisions is a
9 misdemeanor, and not an infraction:

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

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

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

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

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

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

20 (g) This section shall become operative on January 1, ~~2008~~
21 2013.

22 SEC. 5. No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution because
24 the only costs that may be incurred by a local agency or school
25 district will be incurred because this act creates a new crime or
26 infraction, eliminates a crime or infraction, or changes the
27 penalty for a crime or infraction, within the meaning of Section
28 17556 of the Government Code, or changes the definition of a
29 crime within the meaning of Section 6 of Article XIII B of the
30 California Constitution.