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AB-544 Vehicles: high-occupancy vehicle lanes. (2017-2018)

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Assembly Bill No. 544

CHAPTER 630

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

[Approved by Governor October 10, 2017. Filed with Secretary of State October 10, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 544, Bloom. Vehicles: high-occupancy vehicle lanes.

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 those 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 (SULEV), ultra-low emission vehicles (ULEV), advanced technology partial zero-emission vehicles (AT PZEV), or transitional zero-emission vehicles (TZEV), 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. Existing law makes the use by a driver of an HOV lane without those identifiers a crime. Existing law requires the Department of Transportation to remove individual HOV lanes, or portions of those lanes, during peak periods of congestion from access by vehicles displaying the identifiers if the department makes specified findings.

This bill would extend the authority of drivers of 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 authorize the Department of Motor Vehicles to issue identifiers until the date federal authorization expires, or until the Secretary of State receives a certain notice, whichever occurs first.

The bill would make certain existing identifiers valid until January 1, 2019, would make certain identifiers issued on or after January 1, 2019, valid until January 1, 2022, and would make other identifiers issued on or after January 1, 2019, valid until January 1 of the 4th year after the year in which they were issued, as specified. The bill would provide, subject to exception, that a vehicle may not be issued an identifier more than once. The bill would additionally condition eligibility for the identifiers on the applicant not having received a rebate pursuant to the Clean Vehicle Rebate Project for a vehicle purchased on or after January 1, 2018, unless the applicant meets certain income restrictions. The bill would provide that if these provisions become inoperative, the driver of a vehicle with an otherwise valid decal, label, or other identifier would not be cited for a violation of the HOV lane provisions within 60 days of the date that those provisions became inoperative. The bill would make additional conforming changes.

The bill would repeal these provisions on September 30, 2025.

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 Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 5205.5 of the Vehicle Code is amended to read:

5205.5. (a) For purposes of implementing Section 21655.9, the department shall make available for issuance, for a fee determined by the department to be sufficient to reimburse the department for the reasonable costs incurred pursuant to this section, and pursuant to the eligibility provisions in subdivision (b), distinctive decals, labels, and other identifiers that clearly distinguish the following vehicles from other vehicles:

(1) A vehicle that meets the state'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.

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

(3) A vehicle that meets the state's enhanced advanced technology partial zero-emission vehicle (enhanced AT PZEV) standard or transitional zero-emission vehicle (TZEV) standard.

(4) A decal, label, or other identifier issued pursuant to paragraph (1) or (3) before January 1, 2017, is valid until January 1, 2019.

(5) (A) A decal, label, or other identifier issued pursuant to paragraph (1) or (3) on or after January 1, 2017, and before January 1, 2019, is valid until January 1, 2019.

(B) A decal, label, or other identifier issued pursuant to paragraph (1) or (3) on or after January 1, 2019, for a vehicle that had been issued a decal, label, or other identifier pursuant to paragraph (1) or (3) between January 1, 2017, and January 1, 2019, is valid until January 1, 2022.

(6) Except as provided in subparagraph (B) of paragraph (5), a decal, label, or other identifier issued pursuant to paragraph (1) or (3) on or after January 1, 2019, is valid until January 1 of the fourth year after the year of issuance.

(7) Except as provided in subparagraph (B) of paragraph (5), a vehicle shall not be issued a decal, label, or other identifier more than once.

(b) (1) The department shall not issue a decal, label, or other identifier to an applicant who has received a consumer rebate pursuant to the Clean Vehicle Rebate Project, established as part of the Air Quality Improvement Program pursuant to Article 3 (commencing with Section 44274) of Chapter 8.9 of Part 5 of Division 26 of the Health and Safety Code, for a vehicle purchased on or after January 1, 2018, unless the rebate was issued to a buyer whose gross annual income falls below one hundred fifty thousand dollars (\$150,000) for a person who files a tax return as a single person, two hundred four thousand dollars (\$204,000) for a person who files a tax return as a head of household, and three hundred thousand dollars (\$300,000) for a person who files a joint tax return.

(2) The department shall collaborate with the State Air Resources Board to establish procedures to implement this subdivision, including, but not limited to, all of the following:

(A) Amend the application form for a decal, label, or other identifier issued pursuant to this section and the application for a rebate under the Clean Vehicle Rebate Project to include a statement indicating that the applicant cannot participate in both programs unless the applicant meets the income restrictions in paragraph (1). Each application shall require the applicant to provide a signature to confirm that the applicant understands this condition.

(B) Notify consumers of the eligibility criteria and conditions using existing education and outreach efforts.

(C) Establish appropriate compliance and enforcement measures.

(D) Establish information sharing between the department and the board to implement the requirements of this subdivision.

(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 Department of Transportation shall remove individual HOV lanes, or portions of those lanes, during periods of peak congestion from the access provisions provided in subdivision (a), following a finding by the Department of Transportation as follows:

(1) The lane, or portion of the lane, 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 subdivision (a) in these lanes, or portions of those lanes, will significantly increase congestion.

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

(e) The State Air Resources Board shall publish and maintain a list of all vehicles eligible for participation in the programs described in this section. The board shall provide that list to the department.

(f) (1) For purposes of subdivision (a), the Department of the California Highway Patrol and the department, in consultation with the Department of Transportation, 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 shall be printed on, or affixed to, the vehicle registration.

(2) Decals, labels, or other identifiers designed pursuant to this subdivision for a vehicle described in paragraph (3) of subdivision (a) and issued before January 1, 2019, shall be distinguishable from the decals, labels, or other identifiers that are designed for vehicles described in paragraphs (1) and (2) of subdivision (a).

(3) Decals, labels, or other identifiers issued pursuant to paragraph (1) or (3) of subdivision (a) before January 1, 2019, shall be distinguishable from the decals, labels, or other identifiers issued on or after January 1, 2019.

(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 a valid 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 valid 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) 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 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.

(k) If this section becomes inoperative pursuant to subdivision (j) the driver of a vehicle with an otherwise valid decal, label, or other identifier issued pursuant to this section shall not be cited for a violation of Section 21655.9 within 60 days of the date that this section becomes inoperative.

(l) This section is repealed as of September 30, 2025.

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

21655.9. (a) (1) Whenever the Department of Transportation or a local authority 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.

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

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

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

(b) A person shall not drive a vehicle described in subdivision (a) 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 is properly displayed on the vehicle, and the vehicle registration described in Section 5205.5 is with the vehicle.

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

(e) (1) This section shall become inoperative on 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) of Section 5205.5, whichever occurs first.

(2) With respect to a vehicle described in paragraph (2) of subdivision (a) of Section 5205.5, this section shall become inoperative on January 1, 2019.

(f) (1) The Department of Transportation shall prepare and submit a report to the Legislature on or before December 1, 2017, on the degradation status of high-occupancy vehicle lanes on the state highway system.

(2) The requirement that a report be submitted pursuant to paragraph (1) shall be inoperative on December 1, 2021, pursuant to Section 10231.5 of the Government Code.

(3) A report submitted pursuant to paragraph (1) shall be submitted in compliance with Section 9795 of the Government Code.

(g) This section is repealed as of September 30, 2025.

SEC. 3. 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.