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AB-2285 Transportation. (2019-2020)

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Assembly Bill No. 2285

CHAPTER 100

An act to amend Section 39719.2 of the Health and Safety Code, and to amend Sections 4853 and 21809 of the Vehicle Code, relating to transportation.

[Approved by Governor September 18, 2020. Filed with Secretary of State September 18, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2285, Committee on Transportation. Transportation.

(1) The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The act authorizes the state board to include the use of market-based compliance mechanisms. Existing law requires all moneys, except for fines and penalties, collected by the state board as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation by the Legislature.

The California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program, upon appropriation from the Greenhouse Gas Reduction Fund, funds zero- and near-zero-emission truck, bus, and off-road vehicle and equipment technologies and related projects. The program provides that projects eligible for funding include, among others, technology development, demonstration, precommercial pilots, and early commercial deployments of zero- and near-zero-emission medium- and heavy-duty truck technology, and requires, until December 31, 2020, no less than 20% of funding made available for that purpose to support early commercial deployment of existing zero- and near-zero-emission heavy-duty truck technology.

This bill would extend the requirement that 20% of that funding be made available for that same purpose until December 31, 2021.

(2) Existing law requires a vehicle to display a license plate issued by the Department of Motor Vehicles on the rear of the vehicle. Existing law requires a vehicle to display tabs upon the license plate indicating the month and year of expiration of the vehicle registration and makes it a crime to display expired tabs. Existing law authorizes the Department of Motor Vehicles to conduct a pilot program, to be limited to no more than 0.5 percent of registered vehicles, to be completed no later than January 1, 2021, to evaluate the use of alternatives to stickers, tabs, license plates, and registration cards, subject to certain requirements, and if the department conducts a pilot program, requires the department to submit a report of the results of the pilot program, as specified, to the Legislature no later than July 1, 2020.

This bill would extend the authorization for the Department of Motor Vehicles to complete the pilot program to January 1, 2023.

(3) Existing law requires a person driving a vehicle on a freeway approaching, among other things, a stationary authorized emergency vehicle that is displaying emergency lights to approach with due caution and, before passing in a lane immediately adjacent to one of those specified vehicles, absent other direction by a peace officer, either proceed to make a lane change into

an available lane not immediately adjacent to one of those specified vehicles, or slow to a reasonable and prudent speed that is safe for existing weather, road, and vehicular or pedestrian traffic conditions, as specified. Existing law makes a violation of that provision an infraction, punishable by a fine of not more than \$50. Existing law defines a freeway, for purposes of the Vehicle Code, to mean a highway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands or in respect to which those owners have only a limited or restricted right or easement of access. Existing law also defines a highway as a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel, and includes a street.

This bill would instead require a person driving a vehicle on a highway approaching, among other things, a stationary authorized emergency vehicle that is displaying emergency lights to approach with due caution and, before passing in a lane immediately adjacent to one of those specified vehicles, absent other direction by a peace officer, either proceed to make a lane change into an available lane not immediately adjacent to one of those specified vehicles, or slow to a reasonable and prudent speed that is safe for existing weather, road, and vehicular or pedestrian traffic conditions, as specified. Because this bill would expand the application of this provision from freeways to highways, it would expand the scope of an existing crime and would impose a 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 Local Program: yes

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

SECTION 1. Section 39719.2 of the Health and Safety Code is amended to read:

39719.2. (a) The California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program is hereby created, to be administered by the state board in conjunction with the State Energy Resources Conservation and Development Commission. The program, from moneys appropriated from the fund for the purposes of the program, shall fund development, demonstration, precommercial pilot, and early commercial deployment of zero- and near-zero-emission truck, bus, and off-road vehicle and equipment technologies. Priority shall be given to projects benefiting disadvantaged communities pursuant to the requirements of Sections 39711 and 39713.

(b) Projects eligible for funding pursuant to this section include, but are not limited to, the following:

(1) Technology development, demonstration, precommercial pilots, and early commercial deployments of zero- and near-zero-emission medium- and heavy-duty truck technology, including projects that help to facilitate clean goods movement corridors. Until December 31, 2021, no less than 20 percent of funding made available for purposes of this paragraph shall support early commercial deployment of existing zero- and near-zero-emission heavy-duty truck technology.

(2) Zero- and near-zero-emission bus technology development, demonstration, precommercial pilots, and early commercial deployments, including pilots of multiple vehicles at one site or region.

(3) Zero- and near-zero-emission off-road vehicle and equipment technology development, demonstration, precommercial pilots, and early commercial deployments, including vehicles and equipment in the port, agricultural, marine, construction, and rail sectors.

(4) Purchase incentives, which may include point-of-sale, for commercially available zero- and near-zero-emission truck, bus, and off-road vehicle and equipment technologies and fueling infrastructure to support early market deployments of alternative technologies and to increase manufacturer volumes and accelerate market acceptance.

(5) Projects that support greater commercial motor vehicle and equipment freight efficiency and greenhouse gas emissions reductions, including, but not limited to, advanced intelligent transportation systems, autonomous vehicles, grid integration and integrated storage solutions, charging management demonstration and analytics, and other freight information and operations technologies.

(c) The state board, in consultation with the State Energy Resources Conservation and Development Commission, shall develop guidance through the existing Air Quality Improvement Program funding plan process for the implementation of this section that is consistent with the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500)) and this chapter.

(d) The guidance developed pursuant to subdivision (c) shall do all of the following:

(1) Outline performance criteria and metrics for deployment incentives. The goal shall be to design a simple and predictable structure that provides incentives for truck, bus, and off-road vehicle and equipment technologies that provide significant greenhouse gas reduction and air quality benefits.

(2) (A) Ensure that program investments are coordinated with funding programs developed pursuant to the California Alternative and Renewable Fuel, Vehicle Technology, Clean Air, and Carbon Reduction Act of 2007 (Chapter 8.9 (commencing with Section 44270) of Part 5).

(B) The State Energy Resources Conservation and Development Commission shall advise the state board on how to allocate money for vehicle charging infrastructure consistent with the commission's investment plan strategies on charging infrastructure.

(3) Promote projects that assist the state in reaching its climate goals beyond 2030, consistent with Section 38566.

(4) Promote investments in medium- and heavy-duty trucking, including, but not limited to, vocational trucks, short-haul and long-haul trucks, buses, and off-road vehicles and equipment, including, but not limited to, port equipment, agricultural equipment, marine equipment, and rail equipment.

(5) Implement purchase incentives for eligible technologies to increase the use of the cleanest vehicles in disadvantaged communities.

(6) Allow for remanufactured and retrofitted vehicles to qualify for purchase incentives if those vehicles meet warranty and emissions requirements, as determined by the state board.

(7) Establish a competitive process for the allocation of moneys for projects funded pursuant to this section.

(8) Leverage, to the maximum extent feasible, federal or private funding.

(9) Ensure that the results of emissions reductions or benefits can be measured or quantified.

(10) Ensure that activities undertaken pursuant to this section complement, and do not interfere with, efforts to achieve and maintain federal and state ambient air quality standards and to reduce toxic air contaminants.

(e) In evaluating potential projects to be funded pursuant to this section, the state board shall give priority to projects that demonstrate one or more of the following characteristics:

(1) Benefit disadvantaged communities pursuant to Sections 39711 and 39713 or communities with a community emissions reduction program implemented pursuant to Section 44391.2.

(2) The ability to leverage additional public and private funding.

(3) The potential for cobenefits or multiple-benefit attributes.

(4) The potential for the project to be replicated.

(5) Regional benefit, with focus on collaboration between multiple entities.

(6) Support for technologies with broad market and emissions reduction potential.

(7) Support for projects addressing technology and market barriers not addressed by other programs.

(8) Support for enabling technologies that benefit multiple technology pathways.

(f) In implementing this section, the state board, in consultation with the State Energy Resources Conservation and Development Commission, shall create an annual framework and plan. The framework and plan shall be developed with public input and may use existing investment plan processes and workshops as well as existing state and third-party research and technology roadmaps. The framework and plan shall do all of the following:

(1) Articulate an overarching vision for technology development, demonstration, precommercial pilot, and early commercial deployments, with a focus on moving technologies through the commercialization process.

(2) Outline technology categories and performance criteria for technologies and applications that may be considered for funding pursuant to this section. This shall include technologies for medium- and heavy-duty trucking, including, but not limited to, vocational trucks, short-haul and long-haul trucks, buses, and off-road vehicles and equipment, including, but not limited to, port equipment, agricultural equipment, construction equipment, marine equipment, and rail equipment.

(3) Describe the roles of the relevant agencies and the process for coordination.

(g) For purposes of this section, "zero- and near-zero-emission" means vehicles, fuels, and related technologies that reduce greenhouse gas emissions and improve air quality when compared with conventional or fully commercialized alternatives, as defined by the state board in consultation with the State Energy Resources Conservation and Development Commission. "Zero- and near-zero-emission" may include, but is not limited to, zero-emission technology, enabling technologies that provide a pathway to emissions reductions, advanced or alternative fuel engines for long-haul trucks, and hybrid or alternative fuel technologies for trucks and off-road equipment.

(h) (1) In addition to the requirements of Section 44258.4, commencing with the funding plan for the 2019–20 fiscal year of the Air Quality Improvement Program (Article 3 (commencing with Section 44274) of Chapter 8.9 of Part 5), the state board shall include a three-year investment strategy that includes the immediate fiscal year and a forecast of estimated funding needs for the subsequent two fiscal years for zero- and near-zero-emission heavy-duty vehicles and equipment commensurate with meeting the goals of this chapter and the goals of the state.

(2) The three-year investment strategy shall do all of the following:

(A) Describe the role of public investments in supporting the demonstration and deployment of advanced technologies.

(B) Provide an assessment of available funding and the investment needed.

(C) Provide a description of the state board's portfolio of investments.

(3) The state board, in consultation with the State Energy Resources Conservation and Development Commission, shall include in the investment strategy information related to milestones achieved by the state's schoolbus incentive programs and the projected need for funding taking into consideration the state's schoolbus inventory, turnover, and useful life.

SEC. 2. Section 4853 of the Vehicle Code is amended to read:

4853. (a) The department may issue one or more stickers, tabs, or other suitable devices in lieu of the license plates provided for under this code. Except when the physical differences between the stickers, tabs, or devices and license plates by their nature render the provisions of this code inapplicable, all provisions of this code relating to license plates may apply to stickers, tabs, or devices.

(b) The department may establish a pilot program to evaluate the use of alternatives to the stickers, tabs, license plates, and registration cards authorized by this code, subject to all of the following requirements:

(1) The alternative products shall be approved by the Department of the California Highway Patrol.

(2) The pilot program shall be limited to no more than 0.5 percent of registered vehicles for the purpose of road testing and evaluation.

(3) The alternative products to be evaluated shall be provided at no cost to the state.

(4) Any pilot program established by the department pursuant to this subdivision shall be completed no later than January 1, 2023.

(5) Any pilot program established by the department pursuant to this subdivision shall be limited to vehicle owners who have voluntarily chosen to participate in the pilot program.

(c) In the conduct of any pilot program pursuant to this section, any data exchanged between the department and any electronic device or the provider of any electronic device shall be limited to those data necessary to display evidence of registration compliance. The department shall not receive or retain any information generated during the pilot program regarding the movement, location, or use of a vehicle participating in the pilot program.

(d) In the conduct of any pilot program pursuant to this section, the department may evaluate the inclusion of participants in the Business Partner Automation Program, pursuant to Section 1685.

(e) If the department conducts a pilot program authorized in subdivision (b), the department shall, no later than July 1, 2020, submit a report regarding the pilot program to the Legislature, in compliance with Section 9795 of the Government Code, to include, but not be limited to, all of the following:

(1) An evaluation of the cost-effectiveness of the alternatives used in the pilot program when compared to the department's current use of stickers, tabs, license plates, and registration cards.

(2) A review of all products evaluated in the pilot program and of the features of those products. The report shall note if the devices evaluated in the pilot program are available with the ability to transmit and retain information relating to the movement,

location, or use of a vehicle, and if a product contains that feature, the report shall also note if the product includes any security features to protect against unauthorized access to information.

(3) Recommendations for subsequent actions, if any, that should be taken with regard to alternatives evaluated in the pilot program.

SEC. 3. Section 21809 of the Vehicle Code is amended to read:

21809. (a) A person driving a vehicle on a highway approaching a stationary authorized emergency vehicle that is displaying emergency lights, a stationary tow truck that is displaying flashing amber warning lights, or a stationary marked Department of Transportation vehicle that is displaying flashing amber warning lights, shall approach with due caution and, before passing in a lane immediately adjacent to the authorized emergency vehicle, tow truck, or Department of Transportation vehicle, absent other direction by a peace officer, proceed to do one of the following:

(1) Make a lane change into an available lane not immediately adjacent to the authorized emergency vehicle, tow truck, or Department of Transportation vehicle, with due regard for safety and traffic conditions, if practicable and not prohibited by law.

(2) If the maneuver described in paragraph (1) would be unsafe or impracticable, slow to a reasonable and prudent speed that is safe for existing weather, road, and vehicular or pedestrian traffic conditions.

(b) A violation of subdivision (a) is an infraction, punishable by a fine of not more than fifty dollars (\$50).

(c) The requirements of subdivision (a) do not apply if the stationary authorized emergency vehicle that is displaying emergency lights, the stationary tow truck that is displaying flashing amber warning lights, or the stationary marked Department of Transportation vehicle that is displaying flashing amber warning lights is not adjacent to the highway or is separated from the highway by a protective physical barrier.

SEC. 4. 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.