

AMENDED IN ASSEMBLY FEBRUARY 3, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 71**

**Introduced by Assembly Member Cunneen**

December 7, 1998

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An act to add Sections 5007.5 and 21655.9 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

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

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, *in consultation with the Department of the California Highway Patrol*, 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 inherently low-emission vehicles (ILEVs), as defined in federal regulations, as specified, *regardless of vehicle occupancy or ownership, that display the special license plates described below.*

In addition, for the purpose of implementing these provisions, the bill would require the Department of Motor Vehicles to design and make available for issuance special license plates for ILEVs that clearly distinguishes them from

other vehicles. *The bill would require the department to include a summary of the provisions relating to the special license plates on each motor vehicle registration renewal notice or on a separate insert, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

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

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

8 (b) *Federal regulations to implement these federal*  
9 *Clean Air Act Amendments were adopted by the United*  
10 *States Environmental Protection Agency in 1993, and are*  
11 *set forth in Part 88 (commencing with Section 88.101-94)*  
12 *of Title 40 of the Code of Federal Regulations. These*  
13 *regulations direct states to exempt federally certified and*  
14 *labeled ILEVs in fleets from high-occupancy vehicle*  
15 *(HOV) restrictions for single-occupant vehicles (Sec.*  
16 *88.313-93, Title 40, C.F.R.). Five years later, California has*  
17 *not yet conformed to those federal regulations.*

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

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

30 (e) *The federal regulations provide a mechanism for*  
31 *California and other states to remove congested HOV*



1 lanes, or portions thereof, from having access by  
2 single-occupant ILEVs, thus guaranteeing that ILEVs  
3 cannot be a cause of congestion in HOV lanes.

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

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

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

18 SEC. 2. Section 5007.5 is added to the Vehicle Code,  
19 to read:

20 5007.5. (a) For the purposes of implementing  
21 Section 21655.9, the department, *in consultation with the*  
22 *Department of the California Highway Patrol*, shall  
23 design and make available for issuance, for a fee  
24 determined by the department to be sufficient to  
25 reimburse the department for actual costs incurred  
26 pursuant to this section, distinctive special license plates  
27 for inherently low-emission vehicles (ILEVs) in a  
28 manner that clearly distinguishes them from other  
29 vehicles.

30 ~~SEC. 2.—~~

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

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

38 21655.9. (a) Whenever the Department of  
39 Transportation authorizes or permits exclusive or  
40 preferential use of highway lanes *or highway access*



1 *ramps* for high-occupancy vehicles pursuant to Section  
2 21655.5, the use of those lanes *or ramps* shall also be  
3 extended to inherently low-emission vehicles (ILEVs), as  
4 defined in Part 88 (commencing with Section 88.101-94)  
5 of Title 40 of the Code of Federal Regulations, *regardless*  
6 *of vehicle occupancy or ownership, which display*  
7 *distinctive special license plates issued pursuant to*  
8 *Section 5007.5.*

9 *(b) No person shall drive an ILEV upon a*  
10 *high-occupancy vehicle lane pursuant to this section*  
11 *unless the special license plates issued pursuant to Section*  
12 *5007.5 are properly displayed on the vehicle.*

