

AMENDED IN ASSEMBLY JUNE 11, 2013

AMENDED IN SENATE MARCH 18, 2013

**SENATE BILL**

**No. 286**

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**Introduced by Senators Yee and Pavley**  
**(Coauthors: Senators Correa and Lieu)**  
(Coauthor: Assembly Member Ting)

February 14, 2013

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An act to amend Sections ~~5205.5 and~~ 21655.9 and 42001.6 of, and to amend and repeal Section 5205.5 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 286, as amended, Yee. Vehicles: high-occupancy vehicle lanes.

Existing law authorizes the Department of Transportation to designate certain lanes for the exclusive use of high-occupancy vehicles (HOVs), which lanes may also be used, until January 1, 2015, or until the Secretary of State receives a specified notice, by certain low-emission, hybrid, or alternative fuel 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. A violation of provisions relating to HOV lane use by vehicles with those identifiers is a crime.

This bill would extend the operation of those provisions to January 1, 2018, or until the Secretary of State receives that specified notice. The bill would ~~additionally~~ permit the department to issue a valid identifier to a vehicle that meets California's transitional zero emission vehicle (TZEV) standard. *The bill would also repeal duplicate provisions of law, delete obsolete provisions of law relating to hybrid vehicles, and make additional conforming changes.* By extending a crime that

otherwise would be repealed, the bill would impose a state-mandated local program.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.  
State-mandated local program: yes.

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

1     ~~SECTION 1. Section 5205.5 of the Vehicle Code, as added by~~  
2     ~~Section 1 of Chapter 37 of the Statutes of 2010, is amended to~~  
3     ~~read:~~

4     ~~5205.5. (a) For the purposes of implementing Section 21655.9,~~  
5     ~~the department shall make available for issuance, for a fee~~  
6     ~~determined by the department to be sufficient to reimburse the~~  
7     ~~department for the actual costs incurred pursuant to this section,~~  
8     ~~distinctive decals, labels, and other identifiers that clearly~~  
9     ~~distinguish the following vehicles from other vehicles:~~

10    ~~(1) A vehicle that meets California's super ultra-low emission~~  
11    ~~vehicle (SULEV) standard for exhaust emissions and the federal~~  
12    ~~inherently low-emission vehicle (ILEV) evaporative emission~~  
13    ~~standard, as defined in Part 88 (commencing with Section~~  
14    ~~88.101-94) of Title 40 of the Code of Federal Regulations:~~

15    ~~(2) A vehicle that was produced during the 2004 model-year or~~  
16    ~~earlier and meets California's ultra-low emission vehicle (ULEV)~~  
17    ~~standard for exhaust emissions and the federal ILEV standard:~~

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

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

26    ~~(1) The lane, or portion thereof, exceeds a level of service C,~~  
27    ~~as discussed in subdivision (b) of Section 65089 of the Government~~  
28    ~~Code:~~

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

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

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

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

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

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

33 ~~(h) This section shall become operative on January 1, 2011.~~

34 ~~(i) This section shall remain in effect only until January 1, 2018,~~  
35 ~~or only until the date the Secretary of State receives the notice~~  
36 ~~described in subdivision (g), whichever occurs first, and as of that~~  
37 ~~date is repealed.~~

1     ~~SEC. 2.~~

2     ~~SECTION 1.~~ Section 5205.5 of the Vehicle Code, as amended  
3 by Section 2 of Chapter 674 of the Statutes of 2012, is amended  
4 to read:

5     5205.5. (a) For purposes of implementing Section 21655.9,  
6 the department shall make available for issuance, for a fee  
7 determined by the department to be sufficient to reimburse the  
8 department for the actual costs incurred pursuant to this section,  
9 distinctive decals, labels, and other identifiers that clearly  
10 distinguish the following vehicles from other vehicles:

11     (1) A vehicle that meets California's super ultra-low emission  
12 vehicle (SULEV) standard for exhaust emissions and the federal  
13 inherently low-emission vehicle (ILEV) evaporative emission  
14 standard, as defined in Part 88 (commencing with Section  
15 88.101-94) of Title 40 of the Code of Federal Regulations.

16     (2) A vehicle that was produced during the 2004 model-year or  
17 earlier and meets California ultra-low emission vehicle (ULEV)  
18 standard for exhaust emissions and the federal ILEV standard.

19     ~~(3) A hybrid vehicle or an alternative fuel vehicle that meets~~  
20 ~~California's advanced technology partial zero-emission vehicle~~  
21 ~~(AT PZEV) standard for criteria pollutant emissions and has a 45~~  
22 ~~miles per gallon or greater fuel economy highway rating.~~

23     ~~(4) A hybrid vehicle that was produced during the 2004~~  
24 ~~model-year or earlier and has a 45 miles per gallon or greater fuel~~  
25 ~~economy highway rating, and meets California's ULEV, SULEV,~~  
26 ~~or partial zero-emission vehicle (PZEV) standards.~~

27     ~~(5)~~

28     (3) A vehicle that meets California's enhanced advanced  
29 technology partial zero-emission vehicle (enhanced AT PZEV)  
30 standard or transitional zero emission vehicle (TZEV) standard.

31     ~~(b) Neither an owner of a hybrid vehicle that meets the AT~~  
32 ~~PZEV standard, with the exception of a vehicle that meets the~~  
33 ~~federal ILEV standard, nor an owner of a hybrid vehicle described~~  
34 ~~in paragraph (4) of subdivision (a), is entitled to a decal, label, or~~  
35 ~~other identifier pursuant to this section unless the federal~~  
36 ~~government acts to approve the use of high-occupancy vehicle~~  
37 ~~(HOV) lanes by vehicles of the types identified in paragraph (3)~~  
38 ~~or (4) of subdivision (a), regardless of the number of occupants.~~

39     ~~(e)~~

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

5 ~~(d)~~

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

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

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

16 ~~(e)~~

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

21 ~~(f)~~

22 (e) (1) For purposes of subdivision (a), the Department of the  
23 California Highway Patrol and the department, in consultation  
24 with the Department of Transportation, shall design and specify  
25 the placement of the decal, label, or other identifier on the vehicle.  
26 Each decal, label, or other identifier issued for a vehicle shall  
27 display a unique number, which number shall be printed on, or  
28 affixed to, the vehicle registration.

29 (2) Decals, labels, or other identifiers designed pursuant to this  
30 subdivision for a vehicle described in paragraph~~(5)~~ (3) of  
31 subdivision (a) shall be distinguishable from the decals, labels, or  
32 other identifiers that are designed for vehicles described in  
33 paragraphs~~(1), (2), (3), and (4)~~ (1) and (2) of subdivision (a).

34 ~~(g) (1) (A) Except as provided in subparagraph (B), for~~  
35 ~~purposes of subdivision (a), the department shall issue no more~~  
36 ~~than 85,000 distinctive decals, labels, or other identifiers that~~  
37 ~~clearly distinguish the vehicles specified in paragraphs (3) and (4)~~  
38 ~~of subdivision (a).~~

39 ~~(B) The department may issue a decal, label, or other identifier~~  
40 ~~for a vehicle that satisfies all of the following conditions:~~

- 1 (i) ~~The vehicle is of a type identified in paragraph (3) or (4) of~~  
2 ~~subdivision (a):~~
- 3 (ii) ~~The owner of the vehicle is the owner of a vehicle for which~~  
4 ~~a decal, label, or identifier described in subparagraph (A) was~~  
5 ~~previously issued and that vehicle for which the decal, label, or~~  
6 ~~identifier was previously issued is determined by the department,~~  
7 ~~on the basis of satisfactory proof submitted by the owner to the~~  
8 ~~department, to be a nonrepairable vehicle or a total loss salvage~~  
9 ~~vehicle.~~
- 10 (iii) ~~The owner of the vehicle applied for a decal, label, or other~~  
11 ~~identifier pursuant to this subparagraph on or before March 31,~~  
12 ~~2009, or within six months of the date on which the vehicle for~~  
13 ~~which a decal, label, or identifier was previously issued is declared~~  
14 ~~to be a nonrepairable vehicle or a total loss salvage vehicle,~~  
15 ~~whichever date is later.~~
- 16 (2) ~~The department shall notify the Department of Transportation~~  
17 ~~immediately after the date on which the department has issued~~  
18 ~~50,000 decals, labels, and other identifiers under this section for~~  
19 ~~the vehicles described in paragraphs (3) and (4) of subdivision (a):~~
- 20 (3) ~~The Department of Transportation shall determine whether~~  
21 ~~significant HOV lane breakdown has occurred throughout the state,~~  
22 ~~in accordance with the following timeline:~~
- 23 (A) ~~For lanes that are nearing capacity, the Department of~~  
24 ~~Transportation shall make the determination not later than 90 days~~  
25 ~~after the date provided by the department under paragraph (2):~~
- 26 (B) ~~For lanes that are not nearing capacity, the Department of~~  
27 ~~Transportation shall make the determination not later than 180~~  
28 ~~days after the date provided by the department under paragraph~~  
29 ~~(2):~~
- 30 (4) ~~In making the determination that significant HOV lane~~  
31 ~~breakdown has occurred, the Department of Transportation shall~~  
32 ~~consider the following factors in the HOV lane:~~
- 33 (A) ~~Reduction in level of service.~~
- 34 (B) ~~Sustained stop-and-go conditions.~~
- 35 (C) ~~Slower than average speed than the adjacent mixed-flow~~  
36 ~~lanes.~~
- 37 (D) ~~Consistent increase in travel time.~~
- 38 (5) ~~After making the determinations pursuant to subparagraphs~~  
39 ~~(A) and (B) of paragraph (3), if the Department of Transportation~~  
40 ~~determines that significant HOV lane breakdown has occurred~~

1 throughout the state, the Department of Transportation shall  
2 immediately notify the department of that determination, and the  
3 department, on the date of receiving that notification, shall  
4 discontinue issuing the decals, labels, or other identifiers for the  
5 vehicles described in paragraphs (3) and (4) of subdivision (a).

6 (h)

7 (f) (1) Except as provided in paragraph (2), for purposes of  
8 paragraph ~~(5)~~ (3) of subdivision (a), the department shall issue no  
9 more than 40,000 distinctive decals, labels, or other identifiers that  
10 clearly distinguish a vehicle specified in paragraph ~~(5)~~ (3) of  
11 subdivision (a).

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

14 (A) The vehicle is of a type identified in paragraph ~~(5)~~ (3) of  
15 subdivision (a).

16 (B) The owner of the vehicle is the owner of a vehicle for which  
17 a decal, label, or other identifier described in paragraph (1) was  
18 previously issued and that vehicle for which the decal, label, or  
19 other identifier was previously issued is determined by the  
20 department, on the basis of satisfactory proof submitted by the  
21 owner to the department, to be a nonrepairable vehicle or a total  
22 loss salvage vehicle.

23 (C) The owner of the vehicle applied for a decal, label, or other  
24 identifier pursuant to this paragraph within six months of the date  
25 on which the vehicle for which a decal, label, or other identifier  
26 was previously issued is declared to be a nonrepairable vehicle or  
27 a total loss salvage vehicle.

28 (i)

29 (g) If the Metropolitan Transportation Commission, serving as  
30 the Bay Area Toll Authority, grants toll-free and reduced-rate  
31 passage on toll bridges under its jurisdiction to a vehicle pursuant  
32 to Section 30102.5 of the Streets and Highways Code, it shall also  
33 grant the same toll-free and reduced-rate passage to a vehicle  
34 displaying an identifier issued by the department pursuant to  
35 paragraph (1) or (2) of subdivision (a) ~~and to a vehicle displaying~~  
36 ~~a valid identifier issued by the department pursuant to paragraph~~  
37 ~~(3) or (4) of subdivision (a)~~ if the vehicle is registered to an address  
38 outside of the region identified in Section 66502 of the Government  
39 Code.

1 ~~(j) An owner of a vehicle specified in paragraph (3) or (4) of~~  
2 ~~subdivision (a) whose vehicle is registered to an address in the~~  
3 ~~region identified in Section 66502 of the Government Code and~~  
4 ~~who seeks a vehicle identifier under subdivision (a) in order to~~  
5 ~~have access to an HOV lane within the jurisdiction of the Bay Area~~  
6 ~~Toll Authority shall do both of the following:~~

7 ~~(1) Obtain and maintain an active account to operate within the~~  
8 ~~automatic vehicle identification system described in Section 27565~~  
9 ~~of the Streets and Highways Code and shall submit to the~~  
10 ~~department a form, approved by the department and issued by the~~  
11 ~~Bay Area Toll Authority, that contains the vehicle owner's name,~~  
12 ~~the license plate number and vehicle identification number of the~~  
13 ~~vehicle, the vehicle make and year model, and the automatic~~  
14 ~~vehicle identification system account number, as a condition to~~  
15 ~~obtaining a vehicle identifier pursuant to subdivision (a) that allows~~  
16 ~~for the use of that vehicle in HOV lanes regardless of the number~~  
17 ~~of occupants.~~

18 ~~(2) Be eligible for toll-free or reduced-rate passage on toll~~  
19 ~~bridges within the jurisdiction of the Bay Area Toll Authority only~~  
20 ~~if, at time of passage, the vehicle meets the passenger occupancy~~  
21 ~~rate requirement established for that toll-free or reduced-rate~~  
22 ~~passage.~~

23 ~~(k)~~  
24 ~~(h) (1) Notwithstanding Section 21655.9, and except as~~  
25 ~~provided in paragraph (2), a vehicle described in subdivision (a)~~  
26 ~~that displays a decal, label, or identifier issued pursuant to this~~  
27 ~~section shall be exempt from toll charges imposed on~~  
28 ~~single-occupant vehicles in high-occupancy toll lanes as described~~  
29 ~~in Section 149.7 of the Streets and Highways Code unless~~  
30 ~~prohibited by federal law.~~

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

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

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

3 ~~(t)~~

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

11 ~~(m)~~

12 (j) (1) This section shall remain in effect only until January 1,  
13 2018, or until the date the Secretary of State receives the notice  
14 described in subdivision ~~(t)~~; (i), whichever occurs first, and as of  
15 that date is repealed.

16 ~~(2) However, with respect to a vehicle described in paragraph~~  
17 ~~(3) or (4) of subdivision (a), this section shall be operative only~~  
18 ~~until July 1, 2011, or only until the date the Secretary of State~~  
19 ~~receives the notice described in subdivision (t), whichever occurs~~  
20 ~~first.~~

21 ~~(3)~~

22 (2) With respect to a vehicle described in paragraph ~~(5)~~ (3) of  
23 subdivision (a), this section shall become operative on January 1,  
24 2012, and shall be operative only until January 1, 2018, or until  
25 the date the Secretary of State receives the notice described in  
26 subdivision ~~(t)~~; (i), whichever occurs first.

27 *SEC. 2. Section 5205.5 of the Vehicle Code, as added by*  
28 *Section 1 of Chapter 37 of the Statutes of 2010, is repealed.*

29 ~~5205.5. (a) For the purposes of implementing Section 21655.9,~~  
30 ~~the department shall make available for issuance, for a fee~~  
31 ~~determined by the department to be sufficient to reimburse the~~  
32 ~~department for the actual costs incurred pursuant to this section,~~  
33 ~~distinctive decals, labels, and other identifiers that clearly~~  
34 ~~distinguish the following vehicles from other vehicles:~~

35 ~~(1) A vehicle that meets California's super ultra-low emission~~  
36 ~~vehicle (SULEV) standard for exhaust emissions and the federal~~  
37 ~~inherently low-emission vehicle (ILEV) evaporative emission~~  
38 ~~standard, as defined in Part 88 (commencing with Section~~  
39 ~~88.101-94) of Title 40 of the Code of Federal Regulations.~~

1 ~~(2) A vehicle that was produced during the 2004 model-year or~~  
2 ~~earlier and meets California's ultra-low emission vehicle (ULEV)~~  
3 ~~standard for exhaust emissions and the federal ILEV standard.~~

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

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

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

15 ~~(2) The operation or projected operation of the vehicles~~  
16 ~~described in subdivision (a) in these lanes, or portions thereof, will~~  
17 ~~significantly increase congestion.~~

18 ~~The finding also shall demonstrate the infeasibility of alleviating~~  
19 ~~the congestion by other means, including, but not limited to,~~  
20 ~~reducing the use of the lane by noneligible vehicles, or further~~  
21 ~~increasing vehicle occupancy.~~

22 ~~(d) The State Air Resources Board shall publish and maintain~~  
23 ~~a listing of all vehicles eligible for participation in the programs~~  
24 ~~described in this section. The board shall provide that listing to~~  
25 ~~the department.~~

26 ~~(e) For purposes of subdivision (a), the Department of the~~  
27 ~~California Highway Patrol and the department, in consultation~~  
28 ~~with the Department of Transportation, shall design and specify~~  
29 ~~the placement of the decal, label, or other identifier on the vehicle.~~  
30 ~~Each decal, label, or other identifier issued for a vehicle shall~~  
31 ~~display a unique number, and that number shall be printed on, or~~  
32 ~~affixed to, the vehicle registration.~~

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

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

8 ~~(h) This section shall become operative on January 1, 2011.~~

9 ~~(i) This section shall remain in effect only until January 1, 2015,~~  
10 ~~or only until the date the Secretary of State receives the notice~~  
11 ~~described in subdivision (g), whichever occurs first, and as of that~~  
12 ~~date is repealed.~~

13 SEC. 3. Section 21655.9 of the Vehicle Code is amended to  
14 read:

15 21655.9. (a) (1) Whenever the Department of Transportation  
16 or a local authority authorizes or permits exclusive or preferential  
17 use of highway lanes or highway access ramps for high-occupancy  
18 vehicles pursuant to Section 21655.5, the use of those lanes or  
19 ramps shall also be extended to vehicles that are issued distinctive  
20 decals, labels, or other identifiers pursuant to Section 5205.5  
21 regardless of vehicle occupancy or ownership.

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

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

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

33 (b) A person shall not drive a vehicle described in subdivision  
34 (a) of Section 5205.5 with a single occupant upon a high-occupancy  
35 vehicle lane pursuant to this section unless the decal, label, or other  
36 identifier issued pursuant to Section 5205.5 is properly displayed  
37 on the vehicle, and the vehicle registration described in Section  
38 5205.5 is with the vehicle.

39 (c) A person shall not operate or own a vehicle displaying a  
40 decal, label, or other identifier, as described in Section 5205.5, if

1 that decal, label, or identifier was not issued for that vehicle  
2 pursuant to Section 5205.5. A violation of this subdivision is a  
3 misdemeanor.

4 (d) If the provisions in Section 5205.5 authorizing the  
5 department to issue decals, labels, or other identifiers to hybrid  
6 and alternative fuel vehicles are repealed, vehicles displaying those  
7 decals, labels, or other identifiers shall not access high-occupancy  
8 vehicle lanes without meeting the occupancy requirements  
9 otherwise applicable to those lanes.

10 (e) (1) This section shall remain in effect only until January 1,  
11 2018, or until the date that the Secretary of State receives the notice  
12 described in subdivision ~~(t)~~ (i) of Section 5205.5, whichever occurs  
13 first, and as of that date is repealed.

14 ~~(2) However, with respect to a vehicle described in paragraph~~  
15 ~~(3) or (4) of subdivision (a) of Section 5205.5, this section shall~~  
16 ~~be operative only until July 1, 2011, or until the date the Secretary~~  
17 ~~of State receives the notice described in subdivision (t) of Section~~  
18 ~~5205.5, whichever occurs first.~~

19 ~~(3)~~

20 (2) With respect to a vehicle described in paragraph ~~(5)~~ (3) of  
21 subdivision (a) of Section 5205.5, this section shall become  
22 operative on January 1, 2012, and shall be operative only until  
23 January 1, 2018, or until the date the Secretary of State receives  
24 the notice described in subdivision ~~(t)~~ (i) of Section 5205.5,  
25 whichever occurs first.

26 *SEC. 4. Section 42001.6 of the Vehicle Code is amended to*  
27 *read:*

28 42001.6. Every person convicted of an infraction for a violation  
29 of Section 22511.1 is punishable by a fine of one hundred dollars  
30 (\$100).

31 No part of any fine imposed shall be suspended, except the court  
32 may suspend that portion of the fine above twenty-five dollars  
33 (\$25) for a violation of Section 22511.1 if the person convicted  
34 possessed at the time of the offense, but failed to display, a valid  
35 zero-emission vehicle decal identification issued pursuant to  
36 ~~subdivisions subdivision (a) and (b)~~ subdivision (a) of Section 5205.5. The fine  
37 may be paid in installments if the court determines that the  
38 defendant is unable to pay the entire amount in one payment.

1     ~~SEC. 4.~~

2     *SEC. 5.* No reimbursement is required by this act pursuant to  
3 Section 6 of Article XIII B of the California Constitution because  
4 the only costs that may be incurred by a local agency or school  
5 district will be incurred because this act creates a new crime or  
6 infraction, eliminates a crime or infraction, or changes the penalty  
7 for a crime or infraction, within the meaning of Section 17556 of  
8 the Government Code, or changes the definition of a crime within  
9 the meaning of Section 6 of Article XIII B of the California  
10 Constitution.

O