

A bill to be entitled

An act relating to the use of high-occupancy-vehicle lanes; amending s. 316.0741, F.S.; providing definitions; providing for the use of high-occupancy-vehicle lanes by a vehicle fueled by natural gas or biodiesel; providing for issuance of a decal authorizing such use by the Department of Highway Safety and Motor Vehicles; authorizing a fee for the decal; providing for distribution of funds from the sale of such decals to the Highway Safety Operating Trust Fund; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 316.0741, Florida Statutes, is amended to read:

316.0741 High-occupancy-vehicle ~~High-occupancy vehicle~~ lanes.--

(1) As used in this section, the term:

(a) "Biodiesel" has the same meaning as in s. 206.86.

(b) "Department" means the Department of Highway Safety and Motor Vehicles.

(c) "High-occupancy-vehicle ~~"High-occupancy vehicle lane"~~ or "HOV lane" means a lane of a public roadway designated for use by vehicles in which there is more than one occupant unless otherwise authorized by federal law.

(d) "Hybrid vehicle" means a motor vehicle:

1. That draws propulsion energy from onboard sources of stored energy which are both an internal combustion or heat

29 engine using combustible fuel and a rechargeable energy-storage  
 30 system; and

31 2. That, in the case of a passenger automobile or light  
 32 truck, has received a certificate of conformity under the Clean  
 33 Air Act, 42 U.S.C. ss. 7401 et seq., and meets or exceeds the  
 34 equivalent qualifying California standards for a low-emission  
 35 vehicle.

36 (2) The number of persons that must be in a vehicle to  
 37 qualify for legal use of the HOV lane and the hours during which  
 38 the lane will serve as an HOV lane, if it is not designated as  
 39 such on a full-time basis, must also be indicated on a traffic  
 40 control device.

41 (3) A vehicle may not be driven in an HOV lane if the  
 42 vehicle is occupied by fewer than the number of occupants  
 43 indicated by a traffic control device. A driver who violates  
 44 this section shall be cited for a moving violation, punishable  
 45 as provided in chapter 318.

46 (4) Notwithstanding any other provision of this section, a  
 47 vehicle meeting the following criteria ~~an inherently low-~~  
 48 ~~emission vehicle (ILEV) that is certified and labeled in~~  
 49 ~~accordance with federal regulations~~ may be driven in an HOV lane  
 50 at any time, regardless of its occupancy: ~~In addition,~~

51 (a) An inherently low-emission vehicle that is certified  
 52 and labeled in accordance with federal regulations.

53 (b) Upon the state's receipt of written notice from the  
 54 proper federal regulatory agency authorizing such use, a vehicle  
 55 ~~defined as a hybrid vehicle under this section may be driven in~~  
 56 ~~an HOV lane at any time, regardless of its occupancy.~~

57 |       (c) A vehicle that is fueled by natural gas or biodiesel.

58 |       (5) The department shall issue a decal and registration  
 59 | certificate, to be renewed annually, reflecting the HOV lane  
 60 | designation on such vehicles meeting the criteria in subsection  
 61 | (4) authorizing driving in an HOV lane at any time such use. The  
 62 | department may charge a fee for a decal, not to exceed the costs  
 63 | of designing, producing, and distributing each decal, or \$5,  
 64 | whichever is less. The proceeds from sale of the decals shall be  
 65 | deposited in the Highway Safety Operating Trust Fund.

66 |       ~~(5) As used in this section, the term "hybrid vehicle"~~  
 67 | ~~means a motor vehicle:~~

68 |       ~~(a) That draws propulsion energy from onboard sources of~~  
 69 | ~~stored energy which are both:~~

70 |           ~~1. An internal combustion or heat engine using combustible~~  
 71 | ~~fuel; and~~

72 |           ~~2. A rechargeable energy storage system; and~~

73 |       ~~(b) That, in the case of a passenger automobile or light~~  
 74 | ~~truck:~~

75 |           ~~1. Has received a certificate of conformity under the~~  
 76 | ~~Clean Air Act, 42 U.S.C. ss. 7401 et seq.; and~~

77 |           ~~2. Meets or exceeds the equivalent qualifying California~~  
 78 | ~~standards for a low emission vehicle.~~

79 |       (6) The department may adopt rules necessary to administer  
 80 | this section.

81 |       Section 2. This act shall take effect July 1, 2007.