

By Senator Geller

31-244-07

1                                   A bill to be entitled  
2           An act relating to the use of  
3           high-occupancy-vehicle lanes; amending s.  
4           316.0741, F.S.; providing definitions;  
5           providing for the use of high-occupancy-vehicle  
6           lanes by a vehicle fueled by natural gas or  
7           biodiesel; providing for issuance of a decal  
8           authorizing such use by the Department of  
9           Highway Safety and Motor Vehicles; providing  
10          for distribution of funds from the sale of such  
11          decals to the Highway Safety Operating Trust  
12          Fund; providing an effective date.

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

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

18           316.0741 High-occupancy-vehicle ~~High-occupancy-vehicle~~  
19 lanes.--

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

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

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

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

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

29           1. That draws propulsion energy from onboard sources  
30 of stored energy which are both an internal combustion or heat  
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1 engine using combustible fuel and a rechargeable  
2 energy-storage system; and

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

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

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

18 (4) Notwithstanding any other provision of this  
19 section, a vehicle meeting the following criteria ~~an~~  
20 ~~inherently low emission vehicle (ILEV) that is certified and~~  
21 ~~labeled in accordance with federal regulations~~ may be driven  
22 in an HOV lane at any time, regardless of its occupancy: ~~In~~  
23 ~~addition,~~

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

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

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1           (c) A vehicle that is fueled by natural gas or  
2 biodiesel.

3           (5) The department shall issue a decal and  
4 registration certificate, to be renewed annually, reflecting  
5 the HOV lane designation on ~~such~~ vehicles meeting the criteria  
6 in subsection (4) authorizing driving in an HOV lane at any  
7 time ~~such use~~. The department may charge a fee for a decal,  
8 not to exceed the costs of designing, producing, and  
9 distributing each decal, or \$5, whichever is less. The  
10 proceeds from sale of the decals shall be deposited in the  
11 Highway Safety Operating Trust Fund.

12           ~~(5) As used in this section, the term "hybrid vehicle"~~  
13 ~~means a motor vehicle:~~

14           ~~(a) That draws propulsion energy from onboard sources~~  
15 ~~of stored energy which are both:~~

16           1. ~~An internal combustion or heat engine using~~  
17 ~~combustible fuel; and~~

18           2. ~~A rechargeable energy storage system; and~~

19           ~~(b) That, in the case of a passenger automobile or~~  
20 ~~light truck:~~

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

23           2. ~~Meets or exceeds the equivalent qualifying~~  
24 ~~California standards for a low emission vehicle.~~

25           (6) The department may adopt rules necessary to  
26 administer this section.

27           Section 2. This act shall take effect July 1, 2007.  
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SENATE SUMMARY

Authorizes the use of high-occupancy-vehicle lanes by a vehicle fueled by natural gas or biodiesel. Defines the terms "biodiesel" and "hybrid vehicle." Provides for the Department of Highway Safety and Motor Vehicles to issue a decal authorizing such use. Provides for the distribution of funds from the sale of such decals to the Highway Safety Operating Trust Fund.