

By Senator Geller

31-02536-08

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1 A bill to be entitled
2 An act relating to the use of high-occupancy-vehicle
3 lanes; amending s. 316.0741, F.S.; revising definitions;
4 requiring certain vehicles driven in an HOV lane to comply
5 with specified fuel economy standards; providing that
6 eligibility of certain vehicles to operate in an HOV lane
7 shall be determined in accordance with United States
8 Environmental Protection Agency rule; authorizing the
9 Department of Highway Safety and Motor Vehicles to limit
10 or discontinue use of decals for vehicles authorized to
11 use HOV lanes; providing for continued toll-free use of
12 HOV lane facility when the facility is redesignated as
13 open tolling; providing an effective date.

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

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

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

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

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

26 (b) "Hybrid vehicle" means a motor vehicle:

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

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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) Except as provided in subsection (4), a vehicle may not
42 be driven in an HOV lane if the vehicle is occupied by fewer than
43 the number of occupants indicated by a traffic control device. A
44 driver who violates this section shall be cited for a moving
45 violation, punishable as provided in chapter 318.

46 (4) (a) Notwithstanding any other provision of this section,
47 an inherently low-emission vehicle (ILEV) that is certified and
48 labeled in accordance with federal regulations may be driven in
49 an HOV lane at any time, regardless of its occupancy. In
50 addition, upon the state's receipt of written notice from the
51 proper federal regulatory agency authorizing such use, a vehicle
52 defined as a hybrid vehicle under this section may be driven in
53 an HOV lane at any time, regardless of its occupancy.

54 (b) All eligible hybrid and all eligible other low-emission
55 and energy-efficient vehicles driven in an HOV lane must comply
56 with the minimum fuel economy standards in 23 U.S.C. s.
57 166(f) (3) (B).

58 (c) Upon its effective date, the eligibility of hybrid and

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59 other low-emission and energy-efficient vehicles for operation in
60 an HOV lane regardless of occupancy shall be determined in
61 accordance with the applicable final rule issued by the United
62 States Environmental Protection Agency pursuant to 23 U.S.C. s.
63 166(e).

64 (5) The department shall issue a decal and registration
65 certificate, to be renewed annually, reflecting the HOV lane
66 designation on ~~such~~ vehicles meeting the criteria in subsection
67 (4) authorizing driving in an HOV lane at any time ~~such use~~. The
68 department may charge a fee for a decal, not to exceed the costs
69 of designing, producing, and distributing each decal, or \$5,
70 whichever is less. The proceeds from sale of the decals shall be
71 deposited in the Highway Safety Operating Trust Fund. The
72 department may, for reasons of operation and management of HOV
73 facilities, limit or discontinue issuance of decals for the use
74 of HOV facilities by hybrid and low-emission and energy-efficient
75 vehicles regardless of occupancy if it has been determined by the
76 Department of Transportation that the facilities are degraded as
77 defined by 23 U.S.C. s. 166(d) (2).

78 (6) Any HOV lane facility that is redesignated as open
79 tolling lanes shall continue to allow vehicles that comply with
80 the minimum fuel economy standards under 23 U.S.C. s.
81 166(f) (3) (B) to use the lane without requiring payment of the
82 toll.

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

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

87 ~~1. An internal combustion or heat engine using combustible~~

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88 fuel; and
89 2. ~~A rechargeable energy storage system; and~~
90 (b) ~~That, in the case of a passenger automobile or light~~
91 ~~truck:~~
92 1. ~~Has received a certificate of conformity under the Clean~~
93 ~~Air Act, 42 U.S.C. ss. 7401 et seq.; and~~
94 2. ~~Meets or exceeds the equivalent qualifying California~~
95 ~~standards for a low-emission vehicle.~~
96 (7) ~~(6)~~ The department may adopt rules necessary to
97 administer this section.
98 Section 2. This act shall take effect July 1, 2008.