



464752

CHAMBER ACTION

Senate

House

.
.
.
.
.
.
.

Floor: 11/AD/3R
4/30/2008 10:44 AM

1 Senator Saunders moved the following amendment:

3 Senate Amendment (with title amendments)

4 Between line(s) 1869-1870

5 insert:

6 Section 28. Section 316.0741, Florida Statutes, is amended
7 to read:

8 316.0741 High-occupancy-vehicle ~~High-occupancy vehicle~~
9 lanes.--

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

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

15 (b) "Hybrid vehicle" means a motor vehicle that:

16 1. Draws propulsion energy from an onboard source of stored
17 energy comprised of both an internal combustion or heat engine

Bill No. CS/CS/CS/SB 1544, 1st Eng.



464752

18 using combustible fuel and a rechargeable energy-storage system;
19 and

20 2. In the case of a passenger automobile or light truck,
21 has received a certificate of conformity under the Clean Air Act,
22 42 U.S.C. ss. 7401 et seq., and meets or exceeds the equivalent
23 qualifying California standards for a low-emission vehicle.

24 (2) The number of persons who ~~that~~ must be in a vehicle to
25 qualify for legal use of the HOV lane and the hours during which
26 the lane will serve as an HOV lane, if it is not designated as
27 such on a full-time basis, must also be indicated on a traffic
28 control device.

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

34 (4) (a) Notwithstanding any other provision of this section,
35 an inherently low-emission vehicle (ILEV) that is certified and
36 labeled in accordance with federal regulations may be driven in
37 an HOV lane at any time, regardless of its occupancy. In
38 addition, upon the state's receipt of written notice from the
39 proper federal regulatory agency authorizing such use, a vehicle
40 defined as a hybrid vehicle under this section may be driven in
41 an HOV lane at any time, regardless of its occupancy.

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

45 (c) Upon its effective date, the eligibility of hybrid and
46 other low-emission and energy-efficient vehicles for operation in
47 an HOV lane regardless of occupancy shall be determined in

Bill No. CS/CS/CS/SB 1544, 1st Eng.



464752

48 accordance with the applicable final rule issued by the United
49 States Environmental Protection Agency pursuant to 23 U.S.C. s.
50 166(e).

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

65 (6) Vehicles having decals by virtue of compliance with the
66 minimum fuel economy standards in 23 U.S.C. s. 166(f) (3) (B) and
67 that are registered for use in high-occupancy-vehicle toll lanes
68 or express lanes in accordance with Department of Transportation
69 rule shall be allowed to use any HOV lane redesignated as a high-
70 occupancy-vehicle toll lane without requiring payment of the
71 toll.

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

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

76 ~~1. An internal combustion or heat engine using combustible~~
77 ~~fuel; and~~



464752

78 ~~2. A rechargeable energy storage system; and~~
 79 ~~(b) That, in the case of a passenger automobile or light~~
 80 ~~truck:~~

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

83 ~~2. Meets or exceeds the equivalent qualifying California~~
 84 ~~standards for a low-emission vehicle.~~

85 ~~(7)(6)~~ The department may adopt rules necessary to
 86 administer this section.

87
 88
 89

90 ===== T I T L E A M E N D M E N T =====

91 And the title is amended as follows:

92 On line(s) 145 after the semicolon ";"
 93 insert:

94 amending s. 316.0741, F.S.; defining "high-occupancy
 95 vehicle" and "hybrid vehicle"; providing that such
 96 vehicles driven in an HOV lane must comply with certain
 97 minimum fuel economy standards; exempting certain vehicles
 98 from paying highway tolls;