

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.

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

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

55 (b) All eligible hybrid and all eligible other low-
 56 emission and energy-efficient vehicles driven in an HOV lane

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57 must comply with the minimum fuel economy standards in 23 U.S.C.
58 s. 166(f)(3)(B).

59 (c) Upon its effective date, the eligibility of hybrid and
60 other low-emission and energy-efficient vehicles for operation
61 in an HOV lane regardless of occupancy shall be determined in
62 accordance with the applicable final rule issued by the United
63 States Environmental Protection Agency pursuant to 23 U.S.C. s.
64 166(e).

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

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

84 ~~(5) As used in this section, the term "hybrid vehicle"~~

85 ~~means a motor vehicle:~~

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

88 ~~1. An internal combustion or heat engine using combustible~~
 89 ~~fuel; and~~

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

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

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

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

97 ~~(7)(6)~~ The department may adopt rules necessary to
 98 administer this section.

99 Section 2. This act shall take effect July 1, 2008.