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REFERENCE TITLE: HOV lanes; hybrid vehicles

State of Arizona
Senate
Forty-seventh Legislature
First Regular Session
2005

SB 1290

Introduced by
Senators Mitchell: Brotherton, Garcia, Giffords, Hale, Rios, Soltero

AN ACT

AMENDING SECTION 28-737, ARIZONA REVISED STATUTES; AMENDING SECTION 28-737, ARIZONA REVISED STATUTES, AS AMENDED BY THIS ACT; AMENDING SECTION 28-2416, ARIZONA REVISED STATUTES; AMENDING SECTION 28-2416, ARIZONA REVISED STATUTES, AS AMENDED BY THIS ACT; REPEALING LAWS 2001, CHAPTER 168, SECTION 3; RELATING TO HIGH OCCUPANCY VEHICLE LANES; PROVIDING FOR CONDITIONAL ENACTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-737, Arizona Revised Statutes, is amended to
3 read:

4 28-737. High occupancy vehicle lanes; civil penalty; definition

5 A. Except as provided in section 28-2416 and subsections B and C of
6 this section, a person shall not drive a vehicle carrying fewer than two
7 persons, including the driver, in a high occupancy vehicle lane at any time
8 the use of the high occupancy vehicle lane is restricted to vehicles carrying
9 two or more persons, including the driver.

10 B. ~~If the department receives approval from the federal government~~
11 ~~allowing the use of high occupancy vehicle lanes by hybrid vehicles,~~ A person
12 may drive a hybrid vehicle with alternative fuel vehicle special plates, or
13 an alternative fuel vehicle sticker, and a hybrid vehicle sticker issued
14 pursuant to section 28-2416 in high occupancy vehicle lanes at any time,
15 regardless of occupancy level, without penalty.

16 C. During the performance of a tow truck operator's duties, a tow
17 truck operator may drive a tow truck in a high occupancy vehicle lane,
18 regardless of occupancy level, without penalty.

19 D. A person who violates subsection A of this section is subject to a
20 civil penalty of two hundred dollars.

21 E. Notwithstanding section 28-1554, one hundred dollars of each civil
22 penalty collected pursuant to subsection D of this section shall be deposited
23 in the state general fund.

24 F. For the purposes of this section, "hybrid vehicle" means a
25 factory-manufactured vehicle that satisfies all of the following:

26 1. Combines two or more power train technologies to produce a vehicle
27 with significantly lower fuel consumption than the average of its class.

28 2. Exhibits the storage of kinetic energy by use of regenerative
29 braking and batteries or capacitors, and the stored energy is used to assist
30 or provide full acceleration of the vehicle.

31 3. Allows a portion of the energy to be supplied from an internal
32 combustion engine or fuel cell for vehicle acceleration and to store
33 electrical energy on board.

34 4. Obtains all energy required to operate from storage fuel tanks
35 placed on board the vehicle.

36 5. Has been approved by the United States environmental protection
37 agency as meeting, at a minimum, the United States environmental protection
38 agency ultralow emission vehicle standard pursuant to 40 Code of Federal
39 Regulations section 88.104-94.

40 Sec. 2. Section 28-737, Arizona Revised Statutes, as amended by
41 section 1 of this act, is amended to read:

42 28-737. High occupancy vehicle lanes; civil penalty; definition

43 A. Except as provided in section 28-2416 and subsections B and C of
44 this section, a person shall not drive a vehicle carrying fewer than two
45 persons, including the driver, in a high occupancy vehicle lane at any time

1 the use of the high occupancy vehicle lane is restricted to vehicles carrying
2 two or more persons, including the driver.

3 B. IF THE DEPARTMENT RECEIVES APPROVAL FROM THE FEDERAL GOVERNMENT
4 ALLOWING THE USE OF HIGH OCCUPANCY VEHICLE LANES BY HYBRID VEHICLES, a person
5 may drive a hybrid vehicle with alternative fuel vehicle special plates, or
6 an alternative fuel vehicle sticker, and a hybrid vehicle sticker issued
7 pursuant to section 28-2416 in high occupancy vehicle lanes at any time,
8 regardless of occupancy level, without penalty.

9 C. During the performance of a tow truck operator's duties, a tow
10 truck operator may drive a tow truck in a high occupancy vehicle lane,
11 regardless of occupancy level, without penalty.

12 D. A person who violates subsection A of this section is subject to a
13 civil penalty of two hundred dollars.

14 E. Notwithstanding section 28-1554, one hundred dollars of each civil
15 penalty collected pursuant to subsection D of this section shall be deposited
16 in the state general fund.

17 F. For the purposes of this section, "hybrid vehicle" means a
18 factory-manufactured vehicle that satisfies all of the following:

19 1. Combines two or more power train technologies to produce a vehicle
20 with significantly lower fuel consumption than the average of its class.

21 2. Exhibits the storage of kinetic energy by use of regenerative
22 braking and batteries or capacitors, and the stored energy is used to assist
23 or provide full acceleration of the vehicle.

24 3. Allows a portion of the energy to be supplied from an internal
25 combustion engine or fuel cell for vehicle acceleration and to store
26 electrical energy on board.

27 4. Obtains all energy required to operate from storage fuel tanks
28 placed on board the vehicle.

29 5. Has been approved by the United States environmental protection
30 agency as meeting, at a minimum, the United States environmental protection
31 agency ultralow emission vehicle standard pursuant to 40 Code of Federal
32 Regulations section 88.104-94.

33 Sec. 3. Section 28-2416, Arizona Revised Statutes, is amended to read:
34 28-2416. Alternative fuel vehicle special plates; stickers; use
35 of high occupancy vehicle lanes; definitions

36 A. Beginning on April 1, 1997, a person who owns a motor vehicle that
37 has either been converted or manufactured to use an alternative fuel and the
38 alternative fuel was subject to the use fuel tax imposed pursuant to chapter
39 16 of this title before April 1, 1997 shall apply for alternative fuel
40 vehicle special plates pursuant to this section.

41 B. A person who owns a motor vehicle that is a hybrid vehicle may
42 apply for alternative fuel vehicle special plates pursuant to this
43 section. The department shall issue alternative fuel vehicle special plates,
44 or an alternative fuel vehicle sticker as provided in subsection E of this
45 section, and a hybrid vehicle sticker to a person who satisfies the
46 requirements prescribed in subsection C of this section. The hybrid vehicle

1 sticker shall be designed by the department and shall be placed on the motor
2 vehicle as prescribed by the department.

3 C. The department shall issue alternative fuel vehicle special plates,
4 or an alternative fuel vehicle sticker as provided in subsection E of this
5 section, to a person who satisfies all of the following:

6 1. Owns a motor vehicle that is powered by an alternative fuel or that
7 is a hybrid vehicle.

8 2. Provides proof as follows:

9 (a) For an original equipment manufactured alternative fuel vehicle or
10 hybrid vehicle, the dealer who sells the motor vehicle shall provide to the
11 department of transportation and the owner of the motor vehicle a certificate
12 indicating:

13 (i) That the motor vehicle is powered by an alternative fuel or is a
14 hybrid vehicle.

15 (ii) The emission classification of the motor vehicle as low,
16 inherently low, ultralow or zero.

17 (b) For a converted motor vehicle or a motor vehicle that is assembled
18 by the owner, the department of environmental quality or an agent of the
19 department of environmental quality shall provide a certificate to the
20 department of transportation and the owner of the motor vehicle indicating
21 that the motor vehicle is powered by an alternative fuel or is a hybrid
22 vehicle.

23 3. Pays an eight dollar special plate ~~administrative~~ ADMINISTRATION
24 fee, except that vehicles that are registered pursuant to section 28-2511 are
25 exempt from that fee. The department shall deposit, pursuant to sections
26 35-146 and 35-147, all special plate ~~administrative~~ ADMINISTRATION fees in
27 the state highway fund established by section 28-6991.

28 D. The color and design of the alternative fuel vehicle special plates
29 are subject to the approval of the department of commerce energy office. The
30 director may allow a request for alternative fuel vehicle special plates to
31 be combined with a request for personalized special plates. If the director
32 allows such a combination, the request shall be in a form prescribed by the
33 director and is subject to the fees for the personalized special plates in
34 addition to the fees required for alternative fuel vehicle special
35 plates. Alternative fuel vehicle special plates are not transferable, except
36 that if the director allows alternative fuel vehicle special plates to be
37 personalized a person who is issued personalized alternative fuel vehicle
38 special plates may transfer those plates to another alternative fuel vehicle
39 for which the person is the registered owner or lessee.

40 E. If a motor vehicle qualifies pursuant to this section and any other
41 special plates are issued pursuant to article 7, 8 or 13 of this chapter or
42 section 28-2514 for the motor vehicle, the department may issue an
43 alternative fuel vehicle sticker to the person who owns the motor
44 vehicle. The alternative fuel vehicle sticker shall be diamond-shaped, shall
45 indicate the type of alternative fuel used by the vehicle and shall be placed
46 on the motor vehicle as prescribed by the department.

1 F. ~~Except as provided in section 28-737, subsection B,~~ A person may
2 drive a motor vehicle with alternative fuel vehicle special plates or an
3 alternative fuel vehicle sticker in high occupancy vehicle lanes at any time,
4 regardless of occupancy level, without penalty.

5 G. A person shall not drive a motor vehicle in a high occupancy
6 vehicle lane with an alternative fuel vehicle sticker if the motor vehicle is
7 not an alternative fuel vehicle or a hybrid vehicle for which an alternative
8 fuel vehicle sticker and a hybrid vehicle sticker have been issued pursuant
9 to this section. A person who violates this subsection is subject to a civil
10 penalty of three hundred fifty dollars. Notwithstanding section 28-1554, the
11 civil penalty collected pursuant to this subsection shall be deposited in the
12 state general fund.

13 H. The department shall mark high occupancy vehicle lane signs to
14 indicate that those lanes may be used by alternative fuel vehicles regardless
15 of the number of occupants. The design of the sign shall be the same as the
16 design of the alternative fuel vehicle special plate, and the sign shall be
17 at least as large as the high occupancy vehicle lane sign. These high
18 occupancy vehicle lane signs are official traffic control devices. On
19 highway exit signs the department shall also indicate access to alternative
20 fuel vehicle fueling stations that are open to the public.

21 I. If the department publishes maps of the state highway system that
22 are distributed to the general public, the department shall indicate on those
23 maps the approximate location of alternative fuel delivery facilities that
24 are open to the public.

25 J. For the purposes of this section:

26 1. "Alternative fuel" has the same meaning prescribed in section
27 1-215.

28 2. "Hybrid vehicle" has the same meaning prescribed in section 28-737.
29 Sec. 4. Section 28-2416, Arizona Revised Statutes, as amended by
30 section 3 of this act, is amended to read:

31 28-2416. Alternative fuel vehicle special plates; stickers; use
32 of high occupancy vehicle lanes; definitions

33 A. Beginning on April 1, 1997, a person who owns a motor vehicle that
34 has either been converted or manufactured to use an alternative fuel and the
35 alternative fuel was subject to the use fuel tax imposed pursuant to chapter
36 16 of this title before April 1, 1997 shall apply for alternative fuel
37 vehicle special plates pursuant to this section.

38 B. A person who owns a motor vehicle that is a hybrid vehicle may
39 apply for alternative fuel vehicle special plates pursuant to this
40 section. The department shall issue alternative fuel vehicle special plates,
41 or an alternative fuel vehicle sticker as provided in subsection E of this
42 section, and a hybrid vehicle sticker to a person who satisfies the
43 requirements prescribed in subsection C of this section. The hybrid vehicle
44 sticker shall be designed by the department and shall be placed on the motor
45 vehicle as prescribed by the department.

1 C. The department shall issue alternative fuel vehicle special plates,
2 or an alternative fuel vehicle sticker as provided in subsection E of this
3 section, to a person who satisfies all of the following:

4 1. Owns a motor vehicle that is powered by an alternative fuel or that
5 is a hybrid vehicle.

6 2. Provides proof as follows:

7 (a) For an original equipment manufactured alternative fuel vehicle or
8 hybrid vehicle, the dealer who sells the motor vehicle shall provide to the
9 department of transportation and the owner of the motor vehicle a certificate
10 indicating:

11 (i) That the motor vehicle is powered by an alternative fuel or is a
12 hybrid vehicle.

13 (ii) The emission classification of the motor vehicle as low,
14 inherently low, ultralow or zero.

15 (b) For a converted motor vehicle or a motor vehicle that is assembled
16 by the owner, the department of environmental quality or an agent of the
17 department of environmental quality shall provide a certificate to the
18 department of transportation and the owner of the motor vehicle indicating
19 that the motor vehicle is powered by an alternative fuel or is a hybrid
20 vehicle.

21 3. Pays an eight dollar special plate administration fee, except that
22 vehicles that are registered pursuant to section 28-2511 are exempt from that
23 fee. The department shall deposit, pursuant to sections 35-146 and 35-147,
24 all special plate administration fees in the state highway fund established
25 by section 28-6991.

26 D. The color and design of the alternative fuel vehicle special plates
27 are subject to the approval of the department of commerce energy office. The
28 director may allow a request for alternative fuel vehicle special plates to
29 be combined with a request for personalized special plates. If the director
30 allows such a combination, the request shall be in a form prescribed by the
31 director and is subject to the fees for the personalized special plates in
32 addition to the fees required for alternative fuel vehicle special
33 plates. Alternative fuel vehicle special plates are not transferable, except
34 that if the director allows alternative fuel vehicle special plates to be
35 personalized a person who is issued personalized alternative fuel vehicle
36 special plates may transfer those plates to another alternative fuel vehicle
37 for which the person is the registered owner or lessee.

38 E. If a motor vehicle qualifies pursuant to this section and any other
39 special plates are issued pursuant to article 7, 8 or 13 of this chapter or
40 section 28-2514 for the motor vehicle, the department may issue an
41 alternative fuel vehicle sticker to the person who owns the motor
42 vehicle. The alternative fuel vehicle sticker shall be diamond-shaped, shall
43 indicate the type of alternative fuel used by the vehicle and shall be placed
44 on the motor vehicle as prescribed by the department.

45 F. EXCEPT AS PROVIDED IN SECTION 28-737, SUBSECTION B, a person may
46 drive a motor vehicle with alternative fuel vehicle special plates or an

1 alternative fuel vehicle sticker in high occupancy vehicle lanes at any time,
2 regardless of occupancy level, without penalty.

3 G. A person shall not drive a motor vehicle in a high occupancy
4 vehicle lane with an alternative fuel vehicle sticker if the motor vehicle is
5 not an alternative fuel vehicle or a hybrid vehicle for which an alternative
6 fuel vehicle sticker and a hybrid vehicle sticker have been issued pursuant
7 to this section. A person who violates this subsection is subject to a civil
8 penalty of three hundred fifty dollars. Notwithstanding section 28-1554, the
9 civil penalty collected pursuant to this subsection shall be deposited in the
10 state general fund.

11 H. The department shall mark high occupancy vehicle lane signs to
12 indicate that those lanes may be used by alternative fuel vehicles regardless
13 of the number of occupants. The design of the sign shall be the same as the
14 design of the alternative fuel vehicle special plate, and the sign shall be
15 at least as large as the high occupancy vehicle lane sign. These high
16 occupancy vehicle lane signs are official traffic control devices. On
17 highway exit signs the department shall also indicate access to alternative
18 fuel vehicle fueling stations that are open to the public.

19 I. If the department publishes maps of the state highway system that
20 are distributed to the general public, the department shall indicate on those
21 maps the approximate location of alternative fuel delivery facilities that
22 are open to the public.

23 J. For the purposes of this section:

24 1. "Alternative fuel" has the same meaning prescribed in section
25 1-215.

26 2. "Hybrid vehicle" has the same meaning prescribed in section 28-737.

27 Sec. 5. Repeal

28 Laws 2001, chapter 168, section 3 is repealed.

29 Sec. 6. Conditional enactment

30 Section 28-737, Arizona Revised Statutes, as amended by section 2 of
31 this act, and section 28-2416, Arizona Revised Statutes, as amended by
32 section 4 of this act, are effective only if the federal government imposes
33 sanctions on this state as a result of this act on or before December 31,
34 2010. The director of the department of transportation shall immediately
35 notify in writing the director of the Arizona legislative council on the date
36 on which the condition is met or if the condition is not met.