

CLEAN FUEL VEHICLE DECAL

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Julie Fisher

Senate Sponsor: _____

LONG TITLE

Committee Note:

The Transportation Interim Committee recommended this bill.

General Description:

This bill amends provisions relating to a clean fuel vehicle decal.

Highlighted Provisions:

This bill:

- ▶ requires the Motor Vehicle Division to issue a clean fuel vehicle decal to certain applicants who satisfy certain requirements;
- ▶ requires an applicant for a clean fuel vehicle decal to pay a clean fuel vehicle decal fee;
- ▶ authorizes the Motor Vehicle Division to establish a clean fuel vehicle decal fee and provides for the use of the funds generated by the fee;
- ▶ provides that a vehicle with a clean fuel vehicle decal may travel in lanes designated for the use of high occupancy vehicles regardless of the number of occupants;
- ▶ prohibits a person from placing a clean fuel vehicle decal on a vehicle other than the vehicle specified in the application for the clean fuel vehicle plate permit and the clean fuel vehicle decal;
- ▶ requires a person operating a motor vehicle that has been issued a clean fuel vehicle decal to have in the person's immediate possession the clean fuel vehicle plate permit issued by the Department of Transportation for the motor vehicle the person



28 is operating and display it upon demand of a peace officer; and

29 ▶ makes technical changes.

30 **Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 This bill takes effect on October 1, 2011.

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **41-6a-702**, as last amended by Laws of Utah 2010, Chapter 81

37 **63J-1-602.2**, as enacted by Laws of Utah 2010, Chapter 265 and last amended by

38 Coordination Clause, Laws of Utah 2010, Chapter 265

39 ENACTS:

40 **41-1a-423**, Utah Code Annotated 1953



42 *Be it enacted by the Legislature of the state of Utah:*

43 Section 1. Section **41-1a-423** is enacted to read:

44 **41-1a-423. Clean fuel vehicle decal.**

45 (1) In lieu of a clean fuel special group license plate issued under Section 41-1a-418
46 and subject to the requirements of this section, the division shall issue a clean fuel vehicle
47 decal to an owner of a vehicle powered by clean fuel that meets the standards established by the
48 Department of Transportation in rules authorized under Subsection 41-6a-702(5)(b).

49 (2) The division may only issue a clean fuel vehicle decal to an applicant who:

50 (a) qualifies for a clean fuel vehicle decal under Subsection (1);

51 (b) has been issued a clean fuel vehicle plate permit by the Department of

52 Transportation; and

53 (c) has been issued:

54 (i) an honor special group license plate authorized under Section 41-1a-418; or

55 (ii) a veteran special group license plate authorized under Section 41-1a-422.

56 (3) The division shall establish the clean fuel vehicle decal design in consultation with
57 the Department of Transportation and the Utah Highway Patrol.

58 (4) (a) An applicant for a clean fuel vehicle decal shall pay a clean fuel vehicle decal

59 fee established by the division in accordance with Section 63J-1-504.

60 (b) Funds generated by the clean fuel vehicle decal fee may be used by the commission
61 to cover the costs incurred in issuing clean fuel vehicle decals under this section.

62 (c) In accordance with Section 63J-1-602.2, all funds available to the commission for
63 the issuance of clean fuel vehicle decals are nonlapsing.

64 (5) (a) An owner of a vehicle may not place a clean fuel vehicle decal on a vehicle
65 other than the vehicle specified in the application for the clean fuel vehicle plate permit and the
66 clean fuel vehicle decal.

67 (b) A person operating a motor vehicle that has been issued a clean fuel vehicle decal
68 shall:

69 (i) have in the person's immediate possession the clean fuel vehicle plate permit issued
70 by the Department of Transportation for the motor vehicle the person is operating; and

71 (ii) display the permit upon demand of a peace officer.

72 Section 2. Section **41-6a-702** is amended to read:

73 **41-6a-702. Left lane restrictions -- Exceptions -- Other lane restrictions --**
74 **Penalties.**

75 (1) As used in this section and Section 41-6a-704, "general purpose lane" means a
76 highway lane open to vehicular traffic but does not include a designated:

77 (a) high occupancy vehicle (HOV) lane; or

78 (b) auxiliary lane that begins as a freeway on-ramp and ends as part of the next freeway
79 off-ramp.

80 (2) On a freeway or section of a freeway which has three or more general purpose lanes
81 in the same direction, a person may not operate a vehicle in the left most general purpose lane
82 if the person's:

83 (a) vehicle is drawing a trailer or semitrailer regardless of size; or

84 (b) vehicle or combination of vehicles has a gross vehicle weight of 12,001 or more
85 pounds.

86 (3) Subsection (2) does not apply to a person operating a vehicle who is:

87 (a) preparing to turn left or taking a different highway split or an exit on the left;

88 (b) responding to emergency conditions;

89 (c) avoiding actual or potential traffic moving onto the highway from an acceleration or

90 merging lane; or

91 (d) following direction signs that direct use of a designated lane.

92 (4) (a) A highway authority may designate a specific lane or lanes of travel for any type
93 of vehicle on a highway or portion of a highway under its jurisdiction for the:

94 (i) safety of the public;

95 (ii) efficient maintenance of a highway; or

96 (iii) use of high occupancy vehicles.

97 (b) The lane designation under Subsection (4)(a) is effective when appropriate signs
98 giving notice are erected on the highway or portion of the highway.

99 (c) If a highway authority establishes an HOV lane, the highway authority shall
100 annually report to the Transportation Interim Committee no later than November 30 of each
101 year regarding:

102 (i) the types of vehicles that may access the lane;

103 (ii) where, when, and how a vehicle may access the lane;

104 (iii) how a tax, fee, or charge is assessed for a vehicle carrying less than the number of
105 persons specified for the lane;

106 (iv) the usage of the HOV lane as compared to the usage of the general purpose lanes
107 along the same stretch of highway; and

108 (v) the compliance issues, safety risks, and impacts of the lane parameters described
109 under Subsections (4)(c)(i), (ii), and (iii).

110 (5) (a) Subject to Subsection (5)(b), the lane designation under Subsection (4)(a) shall
111 allow a vehicle with clean fuel special group license plates issued in accordance with Section
112 41-1a-418 or a clean fuel vehicle decal issued in accordance with Section 41-1a-423 to travel in
113 lanes designated for the use of high occupancy vehicles regardless of the number of occupants
114 to the extent authorized or permitted by federal law or federal regulation.

115 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
116 Department of Transportation may make rules to allow a vehicle with clean fuel special group
117 license plates issued in accordance with Section 41-1a-418 or a clean fuel vehicle decal issued
118 in accordance with Section 41-1a-423 to travel in lanes designated for the use of high
119 occupancy vehicles regardless of the number of occupants to the extent authorized or permitted
120 by federal law or federal regulation.

121 (6) A person who operates a vehicle in violation of Subsection (2) or in violation of the
122 restrictions made under Subsection (4) is guilty of a class C misdemeanor.

123 Section 3. Section **63J-1-602.2** is amended to read:

124 **63J-1-602.2. List of nonlapsing funds and accounts -- Title 31 through Title 45.**

125 (1) Appropriations from the Technology Development Restricted Account created in
126 Section 31A-3-104.

127 (2) Appropriations from the Criminal Background Check Restricted Account created in
128 Section 31A-3-105.

129 (3) Appropriations from the Captive Insurance Restricted Account created in Section
130 31A-3-304, except to the extent that Section 31A-3-304 makes the money received under that
131 section free revenue.

132 (4) Appropriations from the Title Licensee Enforcement Restricted Account created in
133 Section 31A-23a-415.

134 (5) The fund for operating the state's Federal Health Care Tax Credit Program, as
135 provided in Section 31A-38-104.

136 (6) The Special Administrative Expense Account created in Section 35A-4-506.

137 (7) Funding for a new program or agency that is designated as nonlapsing under
138 Section 36-24-101.

139 (8) The Oil and Gas Conservation Account created in Section 40-6-14.5.

140 (9) The Off-Highway Access and Education Restricted Account created in Section
141 41-22-19.5.

142 (10) Funds available to the Tax Commission for the issuance of clean fuel vehicle
143 decals under Section 41-1a-423.

144 Section 4. **Effective date.**

145 This bill takes effect on October 1, 2011.

Legislative Review Note
as of 11-17-10 2:24 PM

Office of Legislative Research and General Counsel

FISCAL NOTE

H.B. 24, 2011 General Session

SHORT TITLE: Clean Fuel Vehicle Decal

SPONSOR: Fisher, Julie

STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.