

State of Arizona
Senate
Forty-fifth Legislature
First Regular Session
2001

CHAPTER 168

SENATE BILL 1429

AN ACT

AMENDING SECTIONS 28-737 AND 28-2416, ARIZONA REVISED STATUTES; RELATING TO
HYBRID VEHICLES.

(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; fund;
5 definition

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

11 B. IF THE DEPARTMENT RECEIVES APPROVAL FROM THE FEDERAL GOVERNMENT
12 ALLOWING THE USE OF HIGH OCCUPANCY VEHICLE LANES BY HYBRID VEHICLES, A PERSON
13 MAY DRIVE A HYBRID VEHICLE WITH ALTERNATIVE FUEL VEHICLE SPECIAL PLATES, OR
14 AN ALTERNATIVE FUEL VEHICLE STICKER, AND A HYBRID VEHICLE STICKER ISSUED
15 PURSUANT TO SECTION 28-2416 IN HIGH OCCUPANCY VEHICLE LANES AT ANY TIME,
16 REGARDLESS OF OCCUPANCY LEVEL, WITHOUT PENALTY.

17 ~~B.~~ C. A person who violates subsection A of this section is subject
18 to a civil penalty of three hundred fifty dollars.

19 ~~C.~~ D. The law enforcement alternative fuel vehicle fund is
20 established. The director of the department of public safety shall administer
21 the fund. Subject to legislative appropriation, the department of public
22 safety shall use monies in the fund to pay the incremental cost as defined
23 in section 43-1086 associated with the purchase of law enforcement
24 alternative fuel vehicles. Monies in the fund are exempt from the provisions
25 of section 35-190 relating to lapsing of appropriations.

26 ~~D.~~ E. Notwithstanding section 28-1554, the civil penalties collected
27 pursuant to subsection ~~B~~ C of this section shall be deposited as follows:

28 1. Two hundred fifty dollars in the law enforcement alternative fuel
29 vehicle fund.

30 2. One hundred dollars in the Arizona clean air fund established by
31 section 41-1516 to provide grants to a regional planning agency in a county
32 with a population of more than one million two hundred thousand persons for
33 conversion of diesel fleets in the county to use alternative fuels or for
34 acquisition of alternative fuel vehicles to replace diesel fleets in the
35 county.

36 F. FOR THE PURPOSES OF THIS SECTION, "HYBRID VEHICLE" MEANS A
37 FACTORY-MANUFACTURED VEHICLE THAT SATISFIES ALL OF THE FOLLOWING:

38 1. COMBINES TWO OR MORE POWER TRAIN TECHNOLOGIES TO PRODUCE A VEHICLE
39 WITH SIGNIFICANTLY LOWER FUEL CONSUMPTION THAN THE AVERAGE OF ITS CLASS.

40 2. EXHIBITS THE STORAGE OF KINETIC ENERGY BY USE OF REGENERATIVE
41 BRAKING AND BATTERIES OR CAPACITORS, AND THE STORED ENERGY IS USED TO ASSIST
42 OR PROVIDE FULL ACCELERATION OF THE VEHICLE.

43 3. ALLOWS A PORTION OF THE ENERGY TO BE SUPPLIED FROM AN INTERNAL
44 COMBUSTION ENGINE OR FUEL CELL FOR VEHICLE ACCELERATION AND TO STORE
45 ELECTRICAL ENERGY ON BOARD.

1 4. OBTAINS ALL ENERGY REQUIRED TO OPERATE FROM STORAGE FUEL TANKS
2 PLACED ONBOARD THE VEHICLE.

3 5. HAS BEEN APPROVED BY THE UNITED STATES ENVIRONMENTAL PROTECTION
4 AGENCY AS MEETING, AT A MINIMUM, THE UNITED STATES ENVIRONMENTAL PROTECTION
5 AGENCY ULTRALOW EMISSION VEHICLE STANDARD PURSUANT TO 40 CODE OF FEDERAL
6 REGULATIONS SECTION 88.104-94.

7 Sec. 2. Section 28-2416, Arizona Revised Statutes, is amended to read:
8 28-2416. Alternative fuel vehicle special plates; stickers; use
9 of high occupancy vehicle lanes; definitions

10 A. Beginning on April 1, 1997, a person who owns a motor vehicle that
11 has either been converted or manufactured to use an alternative fuel and the
12 alternative fuel was subject to the use fuel tax imposed pursuant to chapter
13 16, article 2 of this title before April 1, 1997 shall apply for alternative
14 fuel vehicle special plates pursuant to this section.

15 B. A PERSON WHO OWNS A MOTOR VEHICLE THAT IS A HYBRID VEHICLE MAY
16 APPLY FOR ALTERNATIVE FUEL VEHICLE SPECIAL PLATES PURSUANT TO THIS
17 SECTION. THE DEPARTMENT SHALL ISSUE ALTERNATIVE FUEL VEHICLE SPECIAL PLATES,
18 OR AN ALTERNATIVE FUEL VEHICLE STICKER AS PROVIDED IN SUBSECTION E OF THIS
19 SECTION, AND A HYBRID VEHICLE STICKER TO A PERSON WHO SATISFIES THE
20 REQUIREMENTS PRESCRIBED IN SUBSECTION C OF THIS SECTION. THE HYBRID VEHICLE
21 STICKER SHALL BE DESIGNED BY THE DEPARTMENT AND SHALL BE PLACED ON THE MOTOR
22 VEHICLE AS PRESCRIBED BY THE DEPARTMENT.

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

26 1. Owns a motor vehicle that is powered by an alternative fuel OR THAT
27 IS A HYBRID VEHICLE.

28 2. Provides proof as follows:

29 (a) For an original equipment manufactured alternative fuel vehicle
30 OR HYBRID VEHICLE, the dealer who sells the motor vehicle shall provide to
31 the department of transportation and the owner of the motor vehicle a
32 certificate indicating:

33 (i) That the motor vehicle is powered by an alternative fuel OR IS A
34 HYBRID VEHICLE.

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

37 (b) For a converted motor vehicle or a motor vehicle that is assembled
38 by the owner, the department of environmental quality or an agent of the
39 department of environmental quality shall provide a certificate to the
40 department of transportation and the owner of the motor vehicle indicating
41 that the motor vehicle is powered by an alternative fuel OR IS A HYBRID
42 VEHICLE.

43 3. Pays an eight dollar special plate administrative fee, except that
44 vehicles that are registered pursuant to section 28-2511 are exempt from that
45 fee. The department shall deposit, pursuant to sections 35-146 and 35-147,

1 all special plate administrative fees in the state highway fund established
2 by section 28-6991.

3 ~~C.~~ D. The color and design of the alternative fuel vehicle special
4 plates are subject to the approval of the department of commerce energy
5 office. The director may allow a request for alternative fuel vehicle
6 special plates to be combined with a request for personalized special plates.
7 If the director allows such a combination, the request shall be in a form
8 prescribed by the director and is subject to the fees for the personalized
9 special plates in addition to the fees required for alternative fuel vehicle
10 special plates. Alternative fuel vehicle special plates are not transferable,
11 except that if the director allows alternative fuel vehicle special plates
12 to be personalized a person who is issued personalized alternative fuel
13 vehicle special plates may transfer those plates to another alternative fuel
14 vehicle for which the person is the registered owner or lessee.

15 ~~D.~~ E. If a motor vehicle qualifies pursuant to this section and any
16 other special plates are issued pursuant to article 7, 8 or 13 of this
17 chapter or section 28-2514 for the motor vehicle, the department may issue
18 an alternative fuel vehicle sticker to the person who owns the motor vehicle.
19 The ALTERNATIVE FUEL VEHICLE sticker shall be diamond-shaped, shall indicate
20 the type of alternative fuel used by the vehicle and shall be placed on the
21 motor vehicle as prescribed by the department.

22 ~~E.~~ F. EXCEPT AS PROVIDED IN SECTION 28-737, SUBSECTION B, a person
23 may drive a motor vehicle with alternative fuel vehicle special plates or an
24 alternative fuel vehicle sticker in high occupancy vehicle lanes at any time,
25 regardless of occupancy level, without penalty.

26 ~~F.~~ G. A person shall not drive a motor vehicle in a high occupancy
27 vehicle lane with an alternative fuel vehicle sticker if the motor vehicle
28 is not an alternative fuel vehicle OR A HYBRID VEHICLE FOR WHICH AN
29 ALTERNATIVE FUEL VEHICLE STICKER AND A HYBRID VEHICLE STICKER HAVE BEEN
30 ISSUED PURSUANT TO THIS SECTION. A person who violates this subsection is
31 subject to a civil penalty of three hundred fifty dollars. Notwithstanding
32 section 28-1554, the civil penalty collected pursuant to this subsection
33 shall be deposited in the Arizona clean air fund established by section
34 41-1516 to provide grants to a regional planning agency in a county with a
35 population of more than one million two hundred thousand persons for
36 conversion of diesel fleets in the county to use alternative fuels or for
37 acquisition of alternative fuel vehicles to replace diesel fleets in the
38 county.

39 ~~G.~~ H. The department shall mark high occupancy vehicle lane signs to
40 indicate that those lanes may be used by alternative fuel vehicles regardless
41 of the number of occupants. The design of the sign shall be the same as the
42 design of the alternative fuel vehicle special plate, and the sign shall be
43 at least as large as the high occupancy vehicle lane sign. These high
44 occupancy vehicle lane signs are official traffic control devices. On

1 highway exit signs the department shall also indicate access to alternative
2 fuel vehicle fueling stations that are open to the public.

3 H. I. The costs of the high occupancy vehicle lane sign markings
4 required by this section shall be paid from the monies in the Arizona clean
5 air fund established by section 41-1516.

6 I. J. If the department publishes maps of the state highway system
7 that are distributed to the general public, the department shall indicate on
8 those maps the approximate location of alternative fuel delivery facilities
9 that are open to the public.

10 J. K. For the purposes of this section: —

11 1. "Alternative fuel" has the same meaning prescribed in section
12 1-215.

13 2. "HYBRID VEHICLE" HAS THE SAME MEANING PRESCRIBED IN SECTION 28-737.

14 Sec. 3. Request for approval

15 Before December 31, 2001, the director of the department of
16 transportation shall request authorization from the federal highway
17 administration for use of the high occupancy vehicle lanes by hybrid
18 vehicles. The director of the department of transportation shall consult
19 with the director of the department of environmental quality and the United
20 States environmental protection agency in making this request.

APPROVED BY THE GOVERNOR APRIL 20, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 20, 2001.

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 17, 2001,

by the following vote: 24 Ayes,

5 Nays, 1 Not Voting

Ronald Arant
President of the Senate
Norma Lowe
Asst. Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

17 day of April, 2001,

at 2:00 o'clock P M.

Sandra Kay
Secretary to the Governor

APPROVED THIS 20 day of

April, 2001,

at 9:05 o'clock a M.

Janice Lee Hull
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 20 day of April, 2001,

at 12:55 o'clock P M.

Kelsey Bayless
Secretary of State

S.B. 1429