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HOUSE BILL NO. 2403

Offered January 18, 2017

A *BILL to amend and reenact §§ 33.2-502 and 46.2-749.3 of the Code of Virginia, relating to vehicles bearing clean special fuel license plates; use of HOT lanes.*

Patrons—Greason, Anderson, Bulova, Hugo, Marshall, R.G. and Webert

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 33.2-502 and 46.2-749.3 of the Code of Virginia are amended and reenacted as follows:

§ 33.2-502. Designation of HOT lanes.

The Board may designate one or more lanes of any highway, including lanes that may previously have been designated HOV lanes under § 33.2-501, in the Interstate System, primary state highway system, or National Highway System, or any portion thereof, as HOT lanes. In making HOT lanes designations, the Board shall also specify the high-occupancy requirement and conditions for use of such HOT lanes or may authorize the Commissioner of Highways to make such determination consistent with the terms of a comprehensive agreement executed pursuant to § 33.2-1808. The high-occupancy requirement for a HOT lanes facility constructed or operated as a result of the Public-Private Transportation Act (§ 33.2-1800 et seq.) shall not be less than three. *Prior to January 1, 2020, no designation of HOT lanes on Interstates 66 and 395 inside the Capital Beltway shall apply to the use of such lanes by vehicles bearing clean special fuel license plates issued pursuant to § 46.2-749.3, provided that such segments of interstate have not been classified as degraded under federal law.*

§ 46.2-749.3. Special license plates for clean special fuel vehicles.

A. The owner of any motor vehicle, except a motorcycle, that may utilize clean special fuel may purchase special license plates indicating the motor vehicle utilizes clean special fuels. Upon receipt of an application, the Commissioner shall issue special license plates to the owners of such vehicles.

As used in this section, "clean special fuel" means any product or energy source used to propel a highway vehicle, the use of which, compared to conventional gasoline or reformulated gasoline, results in lower emissions of oxides of nitrogen, volatile organic compounds, carbon monoxide or particulates or any combination thereof. The term includes compressed natural gas, liquefied natural gas, liquefied petroleum gas, hydrogen, hythane (a combination of compressed natural gas and hydrogen), and electricity.

On and after July 1, 2006, license plates provided for in this section shall be issued with a new design distinctively different from the design of license plates issued to owners of vehicles that qualify for license plates under this section whose applications are received by the Department prior to July 1, 2006, hereinafter referred to as "the FY 2007 design." The distinctively different design shall be developed by the Department in consultation with the Department of State Police.

On and after July 1, 2011, license plates provided for in this section shall be issued with a new design distinctively different from the design of license plates issued to owners of vehicles that qualify for license plates under this section whose applications are received by the Department prior to July 1, 2011 (hereinafter referred to as the FY 2012 design). The distinctively different design shall be developed by the Department in consultation with the Department of State Police. Thereafter, only "the FY 2012 design" plate shall be issued to owners of vehicles that qualify for license plates under this section.

1. For the purposes of subdivision A 6 of § 33.2-501 and § 33.2-502, on HOV lanes and HOT lanes serving the I-95/395 corridor, only vehicles registered with and displaying special license plates issued under this section prior to July 1, 2006, shall be treated as vehicles displaying special license plates issued under this section.

2. For the purposes of subdivision A 6 of § 33.2-501 and 33.2-502, on HOV lanes and HOT lanes serving the Interstate Route 66 corridor, only vehicles registered with and displaying special license plates issued under this section prior to July 1, 2011, shall be treated as vehicles displaying special license plates issued under this section.

3. The Commissioner of Highways shall provide annually to the Chairmen of the Senate and House of Delegates Committees on Transportation traffic volumes on the HOV facilities that result in a degraded condition as identified in SAFETEA-LU or other applicable federal law and reported to the Federal Highway Administration. This report shall be used by the Chairmen of their respective committees to recommend further restriction on use of HOV facilities by clean special fuel vehicles.

4. The Commissioner of the Department of Motor Vehicles, in consultation with the Motor Vehicle

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59 Dealer Board, shall develop procedures to ensure that all potential purchasers of clean special fuel
60 vehicles receive adequate notice of the benefits, risks and timelines required for the issuance of clean
61 special fuel vehicle license plates.

62 B. With the exception of plates issued to government-use vehicles, the annual fee for plates issued
63 pursuant to this section shall be \$25 in addition to the prescribed fee for state license plates. For each
64 such \$25 fee collected in excess of 1,000 registrations pursuant to this section, \$15 shall be paid to the
65 State Treasury and credited to a special nonreverting fund known as the HOV Enforcement Fund,
66 established within the Department of Accounts, for use by the Virginia State Police for enhanced HOV
67 enforcement. The fee for plates issued pursuant to this section to government-use vehicles shall be as
68 prescribed in subsection A of § 46.2-750.