

109TH CONGRESS
1ST SESSION

H. R. 444

To amend title 23, United States Code, relating to the use of high occupancy vehicle lanes by hybrid vehicles.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 1, 2005

Mr. ISSA (for himself, Mr. SHERMAN, Mr. COX, Mr. PLATTS, Mr. DREIER, Mrs. JO ANN DAVIS of Virginia, Mr. McDERMOTT, Ms. HARMAN, Mr. BERMAN, Ms. WATSON, Mr. GEORGE MILLER of California, Mr. CALVERT, Mr. BAIRD, and Mr. SCHIFF) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 23, United States Code, relating to the use of high occupancy vehicle lanes by hybrid vehicles.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Hybrid Vehicle HOV
5 Access Act”.

6 **SEC. 2. HYBRID VEHICLE EXCEPTION.**

7 Section 102(a) of title 23, United States Code, is
8 amended by adding at the end the following:

1 “(3) EXCEPTION FOR LOW-EMISSION HYBRID
2 VEHICLES.—Notwithstanding paragraph (1), a State
3 may permit a vehicle with fewer than 2 occupants to
4 operate in high occupancy vehicle lanes if—

5 “(A) such vehicle is a hybrid vehicle; and

6 “(B) the State establishes, after the date
7 of enactment of this paragraph, requirements
8 for identifying vehicles that are hybrid vehicles
9 and labeling such vehicles as hybrid vehicles.

10 “(4) HYBRID VEHICLE DEFINED.—For pur-
11 poses of this subsection, the term ‘hybrid vehicle’
12 means a motor vehicle (as such term is defined in
13 section 164(a))—

14 “(A) which draws propulsion energy from
15 onboard sources of stored energy which are
16 both—

17 “(i) an internal combustion or heat
18 engine using combustible fuel; and

19 “(ii) a rechargeable energy storage
20 system;

21 “(B) which, in the case of a passenger
22 automobile or light truck—

23 “(i) for 2002 and later model vehicles,
24 has received a certificate of conformity
25 under the Clean Air Act (42 U.S.C. 7401

1 et seq.) and meets or exceeds the equiva-
2 lent qualifying California low emission ve-
3 hicle standard under section 243(e)(2) of
4 the Clean Air Act (42 U.S.C. 7583(c)(2))
5 for that make and model year; and

6 “(ii) for 2004 and later model vehi-
7 cles, has received a certificate that such ve-
8 hicle meets or exceeds the Bin 5 Tier II
9 emission level established in regulations
10 prescribed by the Administrator of the En-
11 vironmental Protection Agency under sec-
12 tion 202(i) of the Clean Air Act (42 U.S.C.
13 7521(i)) or as meeting a California Air Re-
14 sources Board emission standard that is at
15 least as stringent for that make and model
16 year vehicle, and meets any additional En-
17 vironmental Protection Agency or Cali-
18 fornia Air Resources Board emissions cat-
19 egory or other requirements identified by
20 the Agency or the Board, as the case may
21 be;

22 “(C)(i) which has been certified by the Ad-
23 ministrator of the Environmental Protection
24 Agency to have a 45-mile-per-gallon or greater
25 fuel economy highway rating; or

1 “(ii) which meets any additional require-
2 ments, restrictions, or conditions that the State
3 establishes before, on, or after the date of en-
4 actment of this paragraph; and
5 “(D) which is made by a manufacturer.”.

6 **SEC. 3. TERMINATION.**

7 Effective December 31, 2010, paragraphs (3) and (4)
8 of section 102(a) of title 23, United States, are repealed.

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