

**PUBLIC CHAPTER NO. 1121**

**SENATE BILL NO. 2716**

**By Norris, Berke, Marrero**

**Substituted for: House Bill No. 2794**

**By Harwell, Jim Cobb, Maggart, Hill, Ford, Miller, Gilmore, Pruitt, Hardaway, Lynn, DuBois, Armstrong, Shaw, Bone, Kevin Brooks, Coleman, Moore, Lundberg, Favors, Windle, Sontany, Hensley, McDonald, Dunn, Todd, Brown, McCormick, Hackworth, Sargent**

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 8, Part 1, relative to fuel efficient vehicles.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-8-188(a), is amended by adding the following language as new, appropriately designated subdivisions:

( ) "Inherently low-emission vehicle" or "ILEV" means:

(A) A light-duty vehicle or light-duty truck, regardless of whether such vehicle or truck is part of a motor vehicle fleet, with a gross vehicle weight of twenty-six thousand pounds (26,000 lbs.) or less that has been certified by the federal Environmental Protection Agency as conforming to the ILEV guidelines, procedures, and standards as published in 40 CFR sec. 88.311.93, as amended from time to time; and

(B) A heavy-duty vehicle powered by an engine that has been certified as set forth in subdivision (A) above;

( ) "Low-emission and energy-efficient vehicle" or "LEEEV" means a motor vehicle that has been certified by the federal Environmental Protection Agency as conforming to the low-emission and energy-efficient vehicle guidelines, procedures and standards as published in the Federal Register at 72 FR 29102-01 (May 24, 2007), as amended from time to time;

SECTION 2. Tennessee Code Annotated, Section 55-8-188(c), is amended by deleting the subsection in its entirety and by substituting instead the following language:

(c)(1) Except as provided in subdivision (c)(2), operation of a vehicle other than a high occupancy vehicle in an HOV lane is an offense. Drivers of emergency vehicles shall be exempt from this provision.

(2)(A) Except as otherwise provided in subdivision (c)(2)(D) below, a motor vehicle with a gross vehicle weight of twenty-six thousand pounds (26,000 lbs.) or less that is either an inherently low-

emission vehicle or a low-emission and energy-efficient vehicle may be operated in an HOV lane without regard to the number of persons in the vehicle and without payment of a special toll or fee. The exemptions relating to ILEVs and LEEEVs shall apply only if such exemptions do not affect the receipt of federal funds and do not violate any federal laws or regulations.

(B) No person shall operate a vehicle upon a high occupancy vehicle lane pursuant to this subdivision (c)(2) unless the vehicle is identified by means of a sticker or decal. Such sticker or decal shall be approved jointly by the Tennessee Departments of Revenue and Transportation, in consultation with the Department of Safety. The Department of Revenue shall provide such sticker or decal to owners of qualified motor vehicles upon proper documentation, as established by rule.

(C) The Department of Transportation shall provide information via official traffic control devices to indicate that ILEVs and LEEEVs may be operated upon HOV lanes pursuant to this subsection. Such information may, but need not, be added to existing printed signs, but as existing printed signs related to high occupancy vehicle lane use are replaced or new ones are erected, such information shall be added. In addition, whenever existing electronic signs are capable of being reprogrammed to carry such information, such signs shall be so reprogrammed.

(D)(i) The Department of Transportation shall, in connection with their periodic level-of-service evaluation of HOV lanes, perform a level-of-service evaluation of the use of HOV lanes by ILEVs and LEEEVs. If the use of HOV lanes by ILEVs or LEEEVs is determined to cause a significant decrease in the level of service for other bona fide users of such lanes, then the Department of Transportation may restrict or eliminate use of such lanes by ILEVs or LEEEVs.

(ii) If the United States Secretary of Transportation makes a formal determination that, by giving effect to this subdivision (c)(2) on a particular highway or lane, the State of Tennessee would disqualify itself from receiving federal highway funds the state would otherwise qualify to receive or would be required to refund federal transportation grant funds it has already received, then this subdivision (c)(2) shall not be effective as to such highway or lane.

SECTION 3. The Commissioners of Revenue and Transportation are authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 4. For purposes of rulemaking, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2009, the public welfare requiring it.

**PASSED: May 20, 2008**

  
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RON RAMSEY  
SPEAKER OF THE SENATE

  
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JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

**APPROVED this 13th day of June 2008**

  
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PHIL BREDESEN, GOVERNOR