

HIGH OCCUPANCY VEHICLE LANE AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill modifies provisions relating to the eligibility of a clean fuel vehicle to operate in a high occupancy vehicle lane.

Highlighted Provisions:

This bill:

- ▶ authorizes the Department of Transportation to limit the number of clean fuel vehicle decals issued to eligible applicant's to meet the department's goals for operational management of the high occupancy vehicle lanes and comply with federal law or federal regulations;
- ▶ provides that a vehicle is only eligible for a clean fuel vehicle permit and a clean fuel vehicle decal if the vehicle is registered in the state of Utah; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-702, as last amended by Laws of Utah 2011, Chapter 394

72-6-121, as enacted by Laws of Utah 2011, Chapter 394

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

Section 1. Section **41-6a-702** is amended to read:

41-6a-702. Left lane restrictions -- Exceptions -- Other lane restrictions --

Penalties.

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

- 33 (a) high occupancy vehicle (HOV) lane; or
34 (b) auxiliary lane that begins as a freeway on-ramp and ends as part of the next freeway
35 off-ramp.
- 36 (2) On a freeway or section of a freeway which has three or more general purpose lanes
37 in the same direction, a person may not operate a vehicle in the left most general purpose lane
38 if the person's:
- 39 (a) vehicle is drawing a trailer or semitrailer regardless of size; or
40 (b) vehicle or combination of vehicles has a gross vehicle weight of 12,001 or more
41 pounds.
- 42 (3) Subsection (2) does not apply to a person operating a vehicle who is:
- 43 (a) preparing to turn left or taking a different highway split or an exit on the left;
44 (b) responding to emergency conditions;
45 (c) avoiding actual or potential traffic moving onto the highway from an acceleration or
46 merging lane; or
47 (d) following direction signs that direct use of a designated lane.
- 48 (4) (a) A highway authority may designate a specific lane or lanes of travel for any type
49 of vehicle on a highway or portion of a highway under its jurisdiction for the:
- 50 (i) safety of the public;
51 (ii) efficient maintenance of a highway; or
52 (iii) use of high occupancy vehicles.
- 53 (b) The lane designation under Subsection (4)(a) is effective when appropriate signs
54 giving notice are erected on the highway or portion of the highway.
- 55 (c) If a highway authority establishes an HOV lane, the highway authority shall
56 annually report to the Transportation Interim Committee no later than November 30 of each
57 year regarding:
- 58 (i) the types of vehicles that may access the lane;
59 (ii) where, when, and how a vehicle may access the lane;
60 (iii) how a tax, fee, or charge is assessed for a vehicle carrying less than the number of
61 persons specified for the lane;
62 (iv) the usage of the HOV lane as compared to the usage of the general purpose lanes
63 along the same stretch of highway; and

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

66 ~~[(5)(a)(i) Subject to Subsection (5)(b) and until June 30, 2011, the lane designation~~
67 ~~under Subsection (4)(a)(iii) shall allow a vehicle with clean fuel special group license plates~~
68 ~~issued in accordance with Section 41-1a-418 to travel in lanes designated for the use of high~~
69 ~~occupancy vehicles regardless of the number of occupants to the extent authorized or permitted~~
70 ~~by federal law or federal regulation.]~~

71 ~~[(ii) (5)(a)~~ Subject to Subsection (5)(b) and beginning on July 1, 2011, the lane
72 designation under Subsection (4)(a)(iii) shall allow a vehicle with a clean fuel vehicle decal
73 issued in accordance with Section 72-6-121 to travel in lanes designated for the use of high
74 occupancy vehicles regardless of the number of occupants ~~[to the extent authorized or]~~ as
75 permitted by federal law or federal regulation.

76 (b) (i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
77 the Department of Transportation may make rules to allow a vehicle with a clean fuel vehicle
78 decal to travel in lanes designated for the use of high occupancy vehicles regardless of the
79 number of occupants ~~[to the extent authorized or]~~ as permitted by federal law or federal
80 regulation.

81 (ii) The rules made under Subsection (5)(b)(i) may limit the number of clean fuel
82 vehicle decals issued in accordance with Section 72-6-121 to meet the Department of
83 Transportation's goals for operational management of the lane designated under Subsection
84 (4)(a)(iii).

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

87 Section 2. Section **72-6-121** is amended to read:

88 **72-6-121. Clean fuel vehicle decal.**

89 (1) Beginning on July 1, 2011, and subject to the requirements of this section, the
90 department shall issue a clean fuel vehicle decal permit and a clean fuel vehicle decal to an
91 applicant if:

92 (a) the applicant is an owner of a vehicle;

93 (i) powered by clean fuel that meets the standards established by the department in
94 rules authorized under Subsection 41-6a-702(5)(b); and

95 (ii) that is registered in the state of Utah;
96 (b) the applicant remits an application and all fees required under this section[-]; and
97 (c) the department has clean vehicle decals available subject to the limits established
98 by the department in accordance with Subsection 41-6a-702(5)(b).

99 (2) The department shall establish the clean fuel vehicle decal design in consultation
100 with the Utah Highway Patrol.

101 (3) (a) An applicant for a clean fuel vehicle decal shall pay a clean fuel vehicle decal
102 fee established by the department in accordance with Section 63J-1-504.

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

105 (4) (a) The department shall issue a clean fuel vehicle decal permit and a clean fuel
106 vehicle decal to a person who has been issued a clean fuel special group license plate prior to
107 July 1, 2011.

108 (b) A person who applies to the department to receive a clean fuel vehicle decal permit
109 and a clean fuel vehicle decal under Subsection (4)(a) is not subject to the fee imposed under
110 Subsection (3).

111 (5) (a) An owner of a vehicle may not place a clean fuel vehicle decal on a vehicle
112 other than the vehicle specified in the application for the clean fuel vehicle decal permit and the
113 clean fuel vehicle decal.

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

116 (i) have in the person's immediate possession the clean fuel vehicle decal permit issued
117 by the department for the motor vehicle the person is operating; and

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

119 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
120 department shall make rules to administer the clean fuel vehicle decal program authorized in
121 this section.