

**RESTRICTIONS ON HIGH OCCUPANCY  
VEHICLE LANE**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Karen W. Morgan**

House Sponsor: Bradley M. Daw

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**LONG TITLE**

**General Description:**

This bill modifies the Traffic Code by amending provisions relating to a high occupancy vehicle lane.

**Highlighted Provisions:**

This bill:

- ▶ provides that a designated HOV lane shall be open for general vehicle use regardless of the number of occupants except during the peak hours of:
  - 6 a.m. to 9 a.m.; and
  - 4 p.m. to 7 p.m.;
- ▶ requires the Department of Transportation to allow for continuous permitted access into and out of all HOV lanes by marking the lanes with a single dotted normal white line; and
- ▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:



28 **41-6a-702**, as last amended by Laws of Utah 2008, Chapter 382



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

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

32 **41-6a-702. Left lane restrictions -- Exceptions -- Other lane restrictions --**

33 **Penalties.**

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

- 36 (a) high occupancy vehicle (HOV) lane; or
- 37 (b) auxiliary lane that begins as a freeway on-ramp and ends as part of the next freeway  
38 off-ramp.

39 (2) On a freeway or section of a freeway which has three or more general purpose lanes  
40 in the same direction, a person may not operate a vehicle in the left most general purpose lane  
41 if the person's:

- 42 (a) vehicle is drawing a trailer or semitrailer regardless of size; or
- 43 (b) vehicle or combination of vehicles has a gross vehicle weight of 12,001 or more  
44 pounds.

45 (3) Subsection (2) does not apply to a person operating a vehicle who is:

- 46 (a) preparing to turn left or taking a different highway split or an exit on the left;
- 47 (b) responding to emergency conditions;
- 48 (c) avoiding actual or potential traffic moving onto the highway from an acceleration or  
49 merging lane; or
- 50 (d) following direction signs that direct use of a designated lane.

51 (4) (a) A highway authority may designate a specific lane or lanes of travel for any type  
52 of vehicle on a highway or portion of a highway under its jurisdiction for the:

- 53 (i) safety of the public;
- 54 (ii) efficient maintenance of a highway; or
- 55 (iii) use of high occupancy vehicles.

56 (b) The lane designation under Subsection (4)(a) is effective when appropriate signs  
57 giving notice are erected on the highway or portion of the highway.

58 (c) Notwithstanding the provisions of Subsection (4)(a)(iii), if a highway authority

59 designates an HOV lane, the lane shall be open for general vehicle use regardless of the  
60 number of occupants except during the peak hours of:

61 (i) 6 a.m. to 9 a.m.; and

62 (ii) 4 p.m. to 7 p.m.

63 (d) The department shall allow for continuous permitted access into and out of all  
64 HOV lanes by marking the lanes with a single dotted normal white line.

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

69 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
70 Department of Transportation may make rules to allow a vehicle with clean fuel special group  
71 license plates issued in accordance with Section 41-1a-418 to travel in lanes designated for the  
72 use of high occupancy vehicles regardless of the number of occupants to the extent authorized  
73 or permitted by federal law or federal regulation.

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

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**Legislative Review Note**

as of 1-5-10 3:45 PM

**Office of Legislative Research and General Counsel**

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**S.B. 38 - Restrictions on High Occupancy Vehicle Lane**

**Fiscal Note**

2010 General Session  
State of Utah

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**State Impact**

Enactment of this bill will require a one-time appropriation from the Transportation Fund of \$9,301,100 in FY 2010 to the Department of Transportation. This includes \$1,079,600 for the cost of restriping the HOV lane to allow continuous access. It is estimated to also cost \$8,221,500 to terminate the existing contracts that UDOT has issued to construct the variable rate toll facilities for limited access tolling.

	<u>FY 2010</u> <u>Approp.</u>	<u>FY 2011</u> <u>Approp.</u>	<u>FY 2012</u> <u>Approp.</u>	<u>FY 2010</u> <u>Revenue</u>	<u>FY 2011</u> <u>Revenue</u>	<u>FY 2012</u> <u>Revenue</u>
Transportation Fund, One-time	\$9,301,100	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$9,301,100</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.