

1 **HIGH OCCUPANCY VEHICLE LANE AMENDMENTS**

2 2013 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Stephen G. Handy**

5 Senate Sponsor: J. Stuart Adams

7 **LONG TITLE**

8 **Committee Note:**

9 The Transportation Interim Committee recommended this bill.

10 **General Description:**

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

13 **Highlighted Provisions:**

14 This bill:

14a ~~H~~→ ▶ provides that the Department of Transportation may issue a certain number of clean
14b fuel vehicle decals; ←~~H~~

15 ▶ authorizes the Department of Transportation to ~~H~~→ [limit] make rules to increase ←~~H~~
15a the number of clean fuel

16 vehicle decals issued to eligible applicants ~~H~~→ [to] if the increased issuance allows the

16a Department of Transportation to continue to ←~~H~~ meet ~~H~~→ [the department's] its ←~~H~~ goals for
17 operational management of the high occupancy vehicle lanes and comply with
18 federal law or federal regulations;

19 ▶ provides that a vehicle is only eligible for a clean fuel vehicle permit and a clean
20 fuel vehicle decal if the vehicle is registered in the state of Utah; and

21 ▶ makes technical changes.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 AMENDS:



28 **41-6a-702**, as last amended by Laws of Utah 2011, Chapter 394

29 **72-6-121**, as enacted by Laws of Utah 2011, Chapter 394



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

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

33 **41-6a-702. Left lane restrictions -- Exceptions -- Other lane restrictions --**

34 **Penalties.**

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

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

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

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

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

- 47 (a) preparing to turn left or taking a different highway split or an exit on the left;
- 48 (b) responding to emergency conditions;
- 49 (c) avoiding actual or potential traffic moving onto the highway from an acceleration or
50 merging lane; or

51 (d) following direction signs that direct use of a designated lane.

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

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

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

59 (c) If a highway authority establishes an HOV lane, the highway authority shall
 60 annually report to the Transportation Interim Committee no later than November 30 of each
 61 year regarding:

- 62 (i) the types of vehicles that may access the lane;
- 63 (ii) where, when, and how a vehicle may access the lane;
- 64 (iii) how a tax, fee, or charge is assessed for a vehicle carrying less than the number of
 65 persons specified for the lane;
- 66 (iv) the usage of the HOV lane as compared to the usage of the general purpose lanes
 67 along the same stretch of highway; and
- 68 (v) the compliance issues, safety risks, and impacts of the lane parameters described
 69 under Subsections (4)(c)(i), (ii), and (iii).

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

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

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

85 (ii) ~~H~~→ **Except as provided in Subsection (5)(b)(iii), the Department of Transportation**
 85a **may not issue more than 6,000 clean fuel vehicle decals under Section 72-6-121.**

85b (iii) ~~H~~→ **The ~~H~~→ Department of Transportation may, through ~~H~~→ rules made under**
 85c **Subsection (5)(b)(i) ~~H~~→ [may limit] , increase ~~H~~→ the number of clean fuel**
 86 **vehicle decals issued in accordance with Section 72-6-121 ~~H~~→ beyond the minimum described in**
 86a **Subsection (5)(b)(ii) if the increased issuance will allow the Department of Transportation to**
 86b **continue ~~H~~→ to meet ~~H~~→ [the Department of**
 87 **Transportation's] its ~~H~~→ goals for operational management of the lane designated under Subsection**
 88 **(4)(a)(iii).**

89 (6) A person who operates a vehicle in violation of Subsection (2) or in violation of the

90 restrictions made under Subsection (4) is guilty of a class C misdemeanor.

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

92 **72-6-121. Clean fuel vehicle decal.**

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

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

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

99 (ii) that is registered in the state of Utah;

100 (b) the applicant remits an application and all fees required under this section[-]; and

101 (c) the department has clean ~~H~~ [-] fuel ~~H~~ vehicle decals available subject to the limits

101a established

102 by the department in accordance with Subsection 41-6a-702(5)(b).

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

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

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

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

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

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

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

120 (i) have in the person's immediate possession the clean fuel vehicle decal permit issued

121 by the department for the motor vehicle the person is operating; and

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

123 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

124 department shall make rules to administer the clean fuel vehicle decal program authorized in

125 this section.

Legislative Review Note

as of 10-22-12 6:52 AM

Office of Legislative Research and General Counsel