

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

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7 **LONG TITLE**

8 **General Description:**

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

11 **Highlighted Provisions:**

12                   This bill:

13                   ▶ provides that the Department of Transportation may issue a certain number of clean  
14 fuel vehicle decals;

15                   ▶ authorizes the Department of Transportation to make rules to increase the number  
16 of clean fuel vehicle decals issued to eligible applicants if the increased issuance  
17 allows the Department of Transportation to continue to meet its goals for  
18 operational management of the high occupancy vehicle lanes and comply with  
19 federal law or federal regulations;

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

22                   ▶ makes technical changes.

23 **Money Appropriated in this Bill:**

24                   None

25 **Other Special Clauses:**

26                   None

27 **Utah Code Sections Affected:**

28 AMENDS:

29                   **41-6a-702**, as last amended by Laws of Utah 2011, Chapter 394

30 72-6-121, as enacted by Laws of Utah 2011, Chapter 394



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

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

34 **41-6a-702. Left lane restrictions -- Exceptions -- Other lane restrictions --**  
35 **Penalties.**

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

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

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

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

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

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

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

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

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

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

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

63 (i) the types of vehicles that may access the lane;

64 (ii) where, when, and how a vehicle may access the lane;

65 (iii) how a tax, fee, or charge is assessed for a vehicle carrying less than the number of  
66 persons specified for the lane;

67 (iv) the usage of the HOV lane as compared to the usage of the general purpose lanes  
68 along the same stretch of highway; and

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

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

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

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

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

88           (iii) The Department of Transportation may, through rules made under Subsection  
89 (5)(b)(i), increase the number of clean fuel vehicle decals issued in accordance with Section  
90 72-6-121 beyond the minimum described in Subsection (5)(b)(ii) if the increased issuance will  
91 allow the Department of Transportation to continue to meet its goals for operational  
92 management of the lane designated under Subsection (4)(a)(iii).

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

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

96           **72-6-121. Clean fuel vehicle decal.**

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

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

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

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

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

105           (c) the department has clean fuel vehicle decals available subject to the limits  
106 established by the department in accordance with Subsection 41-6a-702(5)(b).

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

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

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

113           (4) (a) The department shall issue a clean fuel vehicle decal permit and a clean fuel

114 vehicle decal to a person who has been issued a clean fuel special group license plate prior to  
115 July 1, 2011.

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

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

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

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

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

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