

**Senator Curtis S. Bramble** proposes the following substitute bill:

**AMENDMENTS TO TRANSPORTATION**

**PROVISIONS**

2006 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: John Dougall**

Senate Sponsor: Curtis S. Bramble

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**LONG TITLE**

**General Description:**

This bill modifies the Motor Vehicles Code and State Affairs in General Code by amending provisions relating to transportation.

**Highlighted Provisions:**

This bill:

- ▶ provides that a high occupancy vehicle lane designation may, rather than shall, allow a vehicle with clean fuel special group license plates to travel in lanes designated for the use of high occupancy vehicles regardless of the number of occupants;
- ▶ authorizes the Transportation Commission, rather than the Department of Transportation, to make rules to allow a vehicle with clean fuel special group license plates to travel in lanes designated for the use of high occupancy vehicles regardless of the number of occupants;
- ▶ requires a toll violation surcharge to be paid on all toll violations;
- ▶ provides that the amount of a toll violation surcharge is \$25;
- ▶ provides procedures for a court of record and a court not of record to collect a toll violation surcharge; and



26           ▶ requires the state treasurer to deposit the toll violation surcharge in the Tollway  
27 Restricted Account.

28 **Monies Appropriated in this Bill:**

29           None

30 **Other Special Clauses:**

31           This bill takes effect July 1, 2006.

32           This bill coordinates with S.B. 80 by changing terminology.

33 **Utah Code Sections Affected:**

34 AMENDS:

35           **41-6a-702**, as renumbered and amended by Chapter 2 and last amended by Chapter  
36 108, Laws of Utah 2005

37 ENACTS:

38           **63-63d-101**, Utah Code Annotated 1953

39           **63-63d-102**, Utah Code Annotated 1953



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

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

43           **41-6a-702. Left lane restrictions -- Exceptions -- Other lane restrictions --**

44 **Penalties.**

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

47           (a) high occupancy vehicle (HOV) lane; or

48           (b) auxiliary lane that begins as a freeway on-ramp and ends as part of the next freeway  
49 off-ramp.

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

53           (a) vehicle is drawing a trailer or semitrailer regardless of size; or

54           (b) vehicle or combination of vehicles has a gross vehicle weight of 12,001 or more  
55 pounds.

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

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

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

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

- 64 (i) safety of the public;
- 65 (ii) efficient maintenance of a highway; or
- 66 (iii) use of high occupancy vehicles.

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

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

74 (b) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
75 [~~Department of~~] Transportation Commission may make rules to allow a vehicle with clean fuel  
76 special group license plates issued in accordance with Section 41-1a-418 to travel in lanes  
77 designated for the use of high occupancy vehicles regardless of the number of occupants to the  
78 extent authorized or permitted by federal law or federal regulation.

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

81 Section 2. Section **63-63d-101** is enacted to read:

82 **CHAPTER 63d. TOLL VIOLATION SURCHARGE**

83 **63-63d-101. Title.**

84 This chapter is known as the "Toll Violation Surcharge."

85 Section 3. Section **63-63d-102** is enacted to read:

86 **63-63d-102. Toll violation surcharge.**

87 (1) In addition to any fine, penalty, forfeiture, or other surcharge, a toll violation

88 surcharge shall be paid on all criminal fines, penalties, and forfeitures imposed by a court for  
89 an offense described in Subsection (2).

90 (2) The toll violation surcharge is \$25 upon conviction of a violation of Section  
91 41-6a-716.

92 (3) The toll violation surcharge may not be imposed upon penalties assessed by the  
93 juvenile court as part of the nonjudicial adjustment of a case under Section 78-3a-502.

94 (4) The toll violation surcharge does not include amounts assessed or collected  
95 separately by juvenile courts for the Juvenile Restitution Account, which is independent of this  
96 chapter and does not affect the imposition or collection of the toll violation surcharge.

97 (5) The toll violation surcharge under this section shall be imposed in addition to the  
98 fine charged for a criminal offense, and no reduction may be made in the fine charged due to  
99 the toll violation surcharge imposition.

100 (6) (a) The amount of the toll violation surcharge imposed under this section by courts  
101 of record shall be collected after the surcharge under Section 63-63a-1, but before any fine, and  
102 deposited with the state treasurer.

103 (b) (i) The amount of a toll violation surcharge and the amount of criminal fines,  
104 penalties, and forfeitures imposed under this section by a court not of record shall be collected  
105 concurrently.

106 (ii) The local governmental collecting entity shall remit the toll violation surcharge to  
107 the state treasurer.

108 (7) The state treasurer shall deposit the collected toll violation surcharge in the Tollway  
109 Restricted Account created in Section 72-2-120.

110 **Section 4. Effective date.**

111 This bill takes effect July 1, 2006.

112 **Section 5. Coordinating H.B. 457 with S.B. 80 -- Changing terminology.**

113 If this H.B. 457 and S.B. 80, Public-Private Partnerships for Tollway Facilities, both  
114 pass, it is the intent of the Legislature that the Office of Legislative Research and General  
115 Counsel, in preparing the Utah Code database for publication, change the language in  
116 Subsection 63-63d-102(7) from "Tollway Restricted Account" to "Tollway Restricted Special  
117 Revenue Fund".