

1 **RESTRICTIONS ON HIGH OCCUPANCY**
2 **VEHICLE LANE**

3 2010 GENERAL SESSION
4 STATE OF UTAH

5 **Chief Sponsor: Karen W. Morgan**

6 House Sponsor: Bradley M. Daw

8 **LONG TITLE**

9 **General Description:**

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

12 **Highlighted Provisions:**

13 This bill:

14 **§→** [~~→~~ ~~provides that a designated HOV lane shall be open for general vehicle use~~
15 ~~regardless of the number of occupants except Monday through Friday during the peak~~
16a ~~hours of:~~

16 ~~• 6 a.m. to 9 a.m.; and~~

17 ~~• 4 p.m. to 7 p.m.;]~~

18 [~~→~~ ~~requires the Department of Transportation to allow for continuous permitted access~~
19 ~~into and out of all HOV lanes by marking the lanes with a single [dotted normal]~~
20 ~~white line; and]~~

20a **► provides that if a highway authority establishes an HOV lane, the highway authority shall**
20b **annually report to the Transportation Interim Committee no later than November 30 of each**
20c **year regarding:**

- 20d • **the types of vehicles that may access the lane;**
- 20e • **where, when, and how a vehicle may access the lane;**
- 20f • **how a tax, fee, or charge is assessed for a vehicle carrying less than the number of**
20g **persons specified for the lane;** ←**§**



20h **§→** • the usage of the HOV lane as compared to the usage of the general purpose lanes
20i along the same stretch of highway; and

20j • the compliance issues, safety risks, and impacts of certain lane parameters. ←**§**

21 ▶ makes technical changes.

22 **Monies 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 2008, Chapter 382

29

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 Monday through Friday 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)] [(c) 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.]~~
64a (c) If a highway authority establishes an HOV lane, the highway authority shall
64b annually report to the Transportation Interim Committee no later than November 30 of
64c each year regarding:
64d (i) the types of vehicles that may access the lane;
64e (ii) where, when, and how a vehicle may access the lane;
64f (iii) how a tax, fee, or charge is assessed for a vehicle carrying less than the number of
64g persons specified for the lane;
64h (iv) the usage of the HOV lane as compared to the usage of the general purpose lanes
64i along the same stretch of highway; and
64j (v) the compliance issues, safety risks, and impacts of the lane parameters described
64k under Subsection (4)(c)(i), (ii), and (iii). ←§
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.

Legislative Review Note
as of 1-5-10 3:45 PM

Office of Legislative Research and General Counsel

Senate 2nd Reading Amendments 2-17-2010 rd/sch

Senate 2nd Reading Amendments 2-2-2010 rd/sch

- 3 - Senate Committee Amendments 1-27-2010 rd/sch

S.B. 38 - Restrictions on High Occupancy Vehicle Lane - As Amended

Fiscal Note

2010 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

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.
