

**Representative Candice B. Pierucci** proposes the following substitute bill:

**TRAFFIC ENFORCEMENT AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jerry W. Stevenson**

House Sponsor: Brett Garner

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**LONG TITLE**

**General Description:**

This bill amends provisions related to high occupancy vehicle lanes on a highway to consider a vehicle with a pregnant individual as containing two occupants for purposes of high occupancy vehicle lane purposes.

**Highlighted Provisions:**

This bill:

- ▶ amends provisions related to high occupancy vehicle lanes on a highway to count a pregnant individual as two occupants for purposes of high occupancy vehicle lane purposes; and
- ▶ enacts an affirmative defense provision that allows a pregnant individual to provide evidence of pregnancy as cause for citation dismissal.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**41-6a-702**, as last amended by Laws of Utah 2020, Chapter 74



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

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

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

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

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

(2) On a freeway or section of a freeway which has three or more general purpose lanes in the same direction, a person may not operate a vehicle in the left most general purpose lane if the person's vehicle or combination of vehicles has a gross vehicle weight rating of 18,001 or more pounds.

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

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

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

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

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

(c) For purposes of determining the occupancy of a vehicle for use of a high occupancy vehicle lane, when a pregnant individual is driving with no other individuals in the vehicle, the vehicle is considered to have at least two occupants.

(5) (a) Subject to Subsection (5)(b), the lane designation under Subsection (4)(a)(iii)

57 shall allow a vehicle with a clean fuel vehicle decal issued in accordance with Section 72-6-121  
58 to travel in lanes designated for the use of high occupancy vehicles regardless of the number of  
59 occupants as permitted by federal law or federal regulation.

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

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

66 (iii) The Department of Transportation may, through rules made under Subsection  
67 (5)(b)(i), increase the number of clean fuel vehicle decals issued in accordance with Section  
68 72-6-121 beyond the minimum described in Subsection (5)(b)(ii) if the increased issuance will  
69 allow the Department of Transportation to continue to meet its goals for operational  
70 management of the lane designated under Subsection (4)(a)(iii).

71 (6) A public transportation vehicle may operate in a lane designated under Subsection  
72 (4)(a)(iii) regardless of the number of occupants as permitted by federal law and regulation.

73 (7) (a) [~~A~~] Subject to Subsection (7)(b), a person who operates a vehicle in violation of  
74 Subsection (2) or in violation of the restrictions made under Subsection (4) is guilty of an  
75 infraction.

76 (b) An individual who is pregnant at the time of citation for violation of high  
77 occupancy vehicle lane minimum occupancy, may establish an affirmative defense to dismiss  
78 the citation by providing medical documentation signed by the individual's physician in which  
79 the physician attests that the individual was pregnant on the date of the citation.